

SIMON FRASER UNIVERSITY

3M 115/68

MEMORANDUM

Paper S-133

The Registrar
The Secretary of Senate
Subject: Senate Agenda Request

From: Kenji Okuda
Faculty of Arts
Date: April 26, 1968

I wish to bring before Senate allegations of non-professional conduct in the Faculty of Arts.

The grounds for this request are:

1. Senate, on April 8, decided that such matters were the proper business of Senate.
2. Allegations were brought to the attention of the Academic Affairs Committee of the Faculty Association. These allegations were reported out of the Committee only to the Faculty Association Executive.
3. The recommendations made to the President by the Academic Affairs Committee of the Faculty Association were not acted upon.

I do not wish to circulate the allegations since they have not been investigated and affect individuals.

I request that this item be placed on the agenda for the May 1 meeting of Senate for discussion.



KO:e

A document has been circulated within the university regarding faculty appointments. He the undersigned wish to state here that the essential principles of this document are as follows:

• We fear that the university is taking political considerations into account in making academic appointments. We are deeply perturbed by this and also at some of the procedures which have been adopted by the relevant university committees in regard to the appointment of Professor Frank and other candidates who have been recommended for appointment in the P.S.A. Department.

In particular we think that when a candidate applies for a position at SFU, if the University wishes to make inquiries about him from other people other than his referees, his prior permission should be obtained. The fact that such inquiries are frequently made in university circles does not, in our view, make them legitimate. Candidates would then be in a position to evaluate the kinds of questions which are being asked about them and in the light of these can then arrive at an assessment of SFU as an institution.

We consider that Professor Frank's contribution to the intellectual life of SFU would be so substantial that we would strongly support any efforts to make his talents and advice available to faculty and students.

Signed,

J. B. Kinsch
 David C. Kinsch
 J. B. Kinsch
 William G. Kinsch
 Mark & Niece
 Jerry Kinsch
 David B. Kinsch

The following, although not available for signature, are known to be in sympathy with this statement.

Harold Webb

John Lyman.

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S. J. G. J. J. J.

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May 1st, 1968.

REPORT OF THE SENATE AD HOC COMMITTEE.

INTRODUCTION: At its meeting on April 1st, 1968 Senate appointed R.J. Baker, S. Foulds, E.M. Gibson, S.K. Lower and R.J.C. Harper as an Ad Hoc Committee (hereafter referred to as our Committee) with the following terms of reference:

1. Were allegations of non-professional conduct actually made?
2. If allegations were made, by whom, and against whom were they made?
3. If allegations were made, are they true or false?

PROCEDURE:

1. The Hearings, on the instructions of Senate, shall be closed.
2. The Committee shall have a legal advisor.
3. All persons who wish to present evidence shall have the right to be represented by Counsel.
4. All persons against whom charges are laid shall have the right to all information relating to these charges.
5. All persons involved in the allegations shall have the right to be present when anything is said against them, and they shall have the right to cross-examination.
6. Hearsay evidence shall be deemed inadmissible.
7. A verbatim record of the hearings shall be kept, and this, together with the minutes of the Hearings shall be the property of Senate.

In accordance with the foregoing we requested Sholto Hebenton to provide us with legal advice.

Believing that the questions presented should be resolved as quickly as possible and given the fact that certain persons involved would be leaving the campus at the end of the semester we set Saturday, April 20th. 1968, as a date for hearing evidence. We invited to the meeting the members of the University Committee on Dr. A.G. Frank and also persons whose names appeared on Attachment #1 of the transcript of the Senate Sub-Committee Hearing #1.

SUMMARY OF HEARING:

The Meeting of April 20th. was attended by some of the people whose names appeared on Attachment #1, the members of the Senate Sub-Committee and some of the members of the University Committee. Each group brought a legal advisor. At the outset of the hearing one of our members, Mr. Simon Foulds, withdrew from the proceedings. His reasons are set out in his letter which appears at pages 3 and 4 of the transcript. Subsequently, Mr. Simons, legal advisor to persons associated with Attachments #1 and #2, took the procedural objection that with the absence of Mr. Foulds, the Committee was not properly constituted. Mr. Giles, representing members of the University Committee on A.G. Frank argued

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Prof. Conduet

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that the objection had been taken too late; that Mr. Simons waited until Mr. Foulds left the hearings and could not be recalled before making his objection.

Mr. Simons then submitted a letter (see page 6 of the transcription) stating that its signatories identified themselves as persons who have complained about faculty appointment procedures and refused to proceed because of the election procedure and composition of our Committee.

Mr. Giles stated that his clients wanted to proceed. He urged that in the absence of any clear specification and proof of the allegations that his clients be presumed innocent.

The meeting was adjourned and our Committee considered its position. We then stated that we rejected the objections on the grounds that we considered them to be irrelevant, and in any case not completely true. Firstly, one of Mr. Simons' clients (Mr. Gerry Sperling) nominated two of the Senators who subsequently served on the Committee and secondly as to the charge of bias in the Committee Mr. Foulds had withdrawn from it and Professor Harper had disassociated himself with the item on academic environment in PSA. We explained that we wished to proceed with the hearings but that we were unable to do so without co-operation of all parties because we had no power to compel anyone to testify. We also cautioned Mr. Simons' clients that insofar as the allegations that appear to have been made have not been substantiated that the members of the University Committee concerned in these proceedings cannot be considered to be other than innocent.

We invited further comment from those present. Mr. Simons confirmed the refusal of his clients to proceed. Mr. Giles confirmed that his clients were willing to proceed. We adjourned the Meeting; there was no point in asking the University Committee to present its position because no case had been presented for them to answer. We expressed our regret that we were unable to carry out the full investigation entrusted to us.

CONCLUSIONS:

We report the persons whose names appear on Attachments #1 and #2 have been provided with the opportunity to set out and prove their case. They have not done so. The persons accused of non-professional conduct were prepared and willing to meet whatever case might be presented against them.

However, at the request of Mr. Simons, we further report that his clients have proposed that the matter be investigated in accordance with the procedures set out at pages 10 and 11 of the accompanying transcript.

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Prof. G. G. G.

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CONCERNING THE SPECIFIC TERMS OF REFERENCE THE COMMITTEE CAN ANSWER THE FOLLOWING QUESTIONS.

1. In answer to our first question, namely, "Were allegations of non-professional conduct actually made?" We find, (see documents) that they have.
2. In partial answer to our second question, "If allegations were made, by whom, and against whom were they made?" The answer is that allegations were made against at least one university committee, namely that set up to process the recommendation for Dr. A.G. Frank's appointment. However, the refusal of those persons whose names appear on Attachment #1 and #2 and who attended the hearing, to co-operate with the committee forestalled the attempts to determine who made the allegations.
3. In answer to question #3. "If allegations were made, are they true or false?" We report that to date the allegations made against the University Committee remain unfounded and unsupported by any evidence.

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April 20th, 1968.

Prof Conduct

Professor R.J. Baker
Professor E.M. Gibson
Professor S.K. Lower
Professor R.J.C. Harper
Mr. J. Simon Foulds

Dear Sirs:

We have received notice of a hearing to be held by an Ad Hoc Committee formed to investigate allegations of non-professional conduct by University Committees in considering Faculty appointments, and have been invited to attend this hearing on April 20th, 1968.

For a number of reasons, we find it inappropriate and inadvisable that we should take part in this hearing. These reasons are as follows.

A. We are unable to accept this committee as an appropriate hearing body to decide whether or not non-professional conduct has been present among university authorities concerned with Faculty appointments. Our reasons are: -

(1) Members of the university who have been involved in the faculty appointments' procedures about which we have complained voted to elect members of this committee. We had neither vote nor say in its membership;

(2) Two members of the committee (Professor Harper and Mr. Foulds) have associated themselves with the second item on the Senate agenda of April 1st: "To examine the quality of the academic environment in certain courses in the P.S.A. Department." We wrote at the time that we could "only regard this as an attempt at retaliation." Now that we have seen the charges brought forward in the discussion of this item, and have received a demand from President McTaggart-Cowan that they be investigated, we are still more

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Prof. Cramer

appalled. These charges seem to us not simply retaliation, but an attempt to smear our whole department. Because two members of this committee were connected with these charges, we cannot accept this committee as an appropriate hearing body.

Yours sincerely,

K.G. Aberle
K.G. Aberle

per K.G.A.
J. Aldritt

per K.G.A.
M. Briemberg

per K.G.A.
F.B. Collinge

per K.G.A.
J. Katz

General B. Sperling
G.B. Sperling

per K.G.A.
M. Nicolaus

N. S. Popkin
N. Popkin

per K.G.A.
D.C. Potter

per K.G.A.
M. Robin

G.B. Rush
G.B. Rush

P. Wheeldon
P. Wheeldon

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Prof. Foulds

Dr. R.J.C. Harper,
Chairman,
AD Hoc Committee of Senate

April 20th 1968

Dear Sir,

I respect the confidence which Senate has expressed in me in electing me to serve on the Ad Hoc Committee to investigate allegations, contained in recent documents, of non-professional conduct by University Committees in considering Faculty appointments.

However, I request that I be allowed to withdraw from the deliberations of this committee specifically on the principle that a man has the right to be heard by his peers.

If the members of the committee wish to discuss this matter I will absent myself from the Chamber whilst they do so. If not, I shall withdraw myself from this meeting.

Yours truly

J. Simon Foulds

J. Simon Foulds.