

Appendix Q

**Professor Middleton's confidential memorandum
of 1 May 2000 to members of the
Postgraduate Studies Committee**

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The
**University
of Waikato**
Te Whare Wānanga
o Waikato

CONFIDENTIAL PART B AGENDA ITEM

This memo is for PGSC members and the Vice Chancellor's Office only.

TO: POSTGRADUATE STUDIES COMMITTEE

FROM: SUE MIDDLETON

DATE: MAY 1, 2000

This memo addresses two issues concerning the Kupka PhD saga:

1. The chronology of events from November 1999 to the end of April 2000 from the point of view of the PGSC Executive.
2. An analysis of the degree of accuracy of the documents circulated by community organisations and university staff around PGSC members, University Council and the mass media.

1. CHRONOLOGY OF EVENTS:

December 1999:

Late in November 1999 I received a phone call or an e-mail (I forget which) from Professor Dov Bing asking how he could get access to a PhD student's research proposal. I asked him if he was the supervisor and he said he was not. I asked if he was the COD and he said he was not. I asked if the student was already enrolled and Dov informed me that he or she was. I informed him that once a proposal came to the PGSC it became a Part B agenda item and was therefore confidential to those immediately concerned with this student. However, who had access to proposals within a School or a department was a matter of School or department policy. The way to inquire about a proposal was to approach the COD or the School's PGSC representative. The matter was somewhat mysterious to me since Dov did not tell me who the student was, why he was concerned with this student, or what issues concerned him. I informed Dov that any concerns over a

student in his own School or department should be addressed to the FASS representative on the PGSC.

Some weeks later – after the final PGSC meeting for the year and a day or so before I left for a conference overseas - I received a package from Dov in the internal mail. It consisted of some Internet postings by Mr Kupka, some submissions from prominent Jewish academics to the effect that these Internet postings were anti-Semitic, and a covering letter that basically demanded that we unenrol this student. You have recently all received copies of this original package (plus some more recent letters from Dov and others). I read this material carefully and took it to the final 1999 meeting of the PGSC Executive Actions group.

Because nothing on the enclosed Internet postings identified Mr Kupka with the university (it was a private web site), the Executive referred the package to the Vice Chancellor's office for investigation as a possible disciplinary matter. From there it went to the Mediator, the Race Relations Conciliator, and the Human Rights Commission.

In the final week of the 1999 academic year, Dov contacted me by phone. He explained what his concerns were. His reasoning was:

- That the internet postings showed that the student was anti-Semitic and had neo-Nazi sympathies
- that the research topic on the history of the German language in NZ could not be studied without contacting the Jewish Community, many of whom were Holocaust survivors or their direct descendants, and all of whom would be deeply disturbed by contact with anyone with the attitudes the submissions alleged Mr Kupka to have.
- That there was therefore a question of cultural safety to address.

I informed Dov on the phone of the following:

- that I took this matter very seriously, believed that it should be investigated, and that steps had been taken by the University to do so.
- that questions of cultural safety were addressed by ethics committees; that the PGSC did not have the mandate to address questions of ethics and methodology in depth and that these were handled by expert groups within Schools and, if problematic, by the University Ethics Committee.
- that the question of the Internet postings had been referred to the VC's Office and that he should address any further inquiries about these to Jeremy Callaghan.
- that Professor Michael Selby was Chair of the PGSC and that correspondence to the PGSC was more appropriately sent to the Chair than the Deputy Chair.

January - March 2000:

Consideration of a student's continuing enrolment in a PhD is contingent on: adequate and appropriate supervision; the development of an appropriate methodology; satisfying the university's ethics requirements; carrying out the research in a scholarly manner; writing a document in a format that meets the requirements for a PhD and that satisfies a panel of examiners. Termination of enrolment can come about only when a student fails to meet any of these requirements, when the university is unable to continue to resource a student because of staffing issues, or on disciplinary grounds. The PGSC executive had sent the documents forward to be checked against the disciplinary regulations. Early in

the year 2000, the Race Relations Office and the Human Rights Commission both ruled in favour of the student's rights to express his personal political views.

The matter was not placed on the PGSC agenda for the March 10 meeting because at that time the matter rested with the VC's Office and, furthermore, the PGSC had not received any expressions of concern from the supervisors, the COD or the PGSC representative. The matter was being dealt with by the appropriate groups. We could act only on the basis of progress reports, requests for changes of supervisors, or expressions of concern over the project itself, which would come in the usual way via the FASS PGSC representative. The research had not reached the field work stage because it was still being modified in the light of comments from the FASS Ethics Committee over questions of methodology.

At the PGSC meeting of March 10, Bill Bolstad raised this matter in the open forum section at the end of our meeting. I responded with an oral report on the events described above. The Committee requested a full report from Mary Foster, the FASS representative for our next meeting.

April 2000.

On April 11 the story broke in *Nexus* in an article full of inaccuracies. These inaccuracies result from the fact that the article is based on the same package of materials that was circulated by Dov Bing to all PGSC members and members of the University Council on or around the same day as the *Nexus* article appeared. I sent an e-mail round the PGSC members cautioning that the materials contained a large number of distortions and inaccuracies and that it was unwise to discuss this matter on e-mail.

During March and April, some of those charged with ensuring that due process is followed have been subjected to harassment and threats and have had to seek support of various kinds. I am prepared to speak only for myself, to whom the damage has been comparatively very minor. You will note that, despite my requests to Dov that his correspondence and queries be directed to the Chair (the usual convention), correspondence on this matter continued to be addressed to me - with the result that inaccuracies and distortions of the facts have been attributed to me and circulated to the University Council and the media. My name has therefore been published in *Nexus* (April 11) and circulated round Council.

The Vice Chancellor's Memorandum (dated April 10) to the Council and to the PGSC resulted from an urgent request from myself and others targeted that he do some immediate damage control since the Council was meeting the next day. I regarded this package as defamatory to myself, to Anna Green, chair of the FASS Ethics Committee, to the Mediator Bethea Weir and some of the others named in it. Because of the resulting publicity in the newspapers, on TV, and on commercial radio talkback, the safety of people named and their families have been endangered. The work of key personnel - supervisors, committee members and chairs - has been carried out under great duress and the integrity of the academic processes compromised.

Chairing School and University-wide committees is difficult at the best of times. However, if Chairs and members of such committees do not feel supported by senior management few will be prepared to take on such positions. This case has resulted in key staff and their families being subjected to bullying. Such tactics - subverting the academic and ethical processes that govern academic research - can only backfire and

create a plethora of grievance claims from those whose work and reputations are affected. It is particularly distressing when the perpetrators of such tactics are ones own academic colleagues.

2. INACCURACIES IN THE MATERIALS CIRCULATED.

1. The Memo of April 4

This memo is addressed to all members of the PGSC. On the letterhead the memo is said to be from the Waikato/BOP Jewish Association and a Waikato University Jewish Student. Some of those named on the letterhead are, I understand, employed within the university in comparatively junior positions. One senior member of the academic staff, Professor Dov Bing, is also one of signatories, but his name does not appear on the letterhead. Professor Bing has a long involvement in, and one would assume a knowledge of, this campus's academic, administrative, and professional structures and protocols. However, despite the input of such a senior academic, this memo repeats the inaccuracies of the group's earlier and concurrent submissions - all of which were enclosed with the memorandum. The inaccuracies are as follows:

- The memo is addressed to the Postgraduate Research Committee (PGRC). The correct terminology is the Postgraduate Studies Committee (PGSC). This may seem a minor semantic slip. However, it is a slip that carries with it major implications. The PGSC is not a 'research committee.' It does not oversee a student's actual 'research' – this is the job of the supervisors and the School. Professor Bing seems unaware that there is a structure and a handbook which would have corrected his misunderstandings of our processes and systems.
- The PGSC Executive is accused of 'with-holding correspondence' from the Committee. We have never accepted submissions from the general public about individual students.
- Mr Kupka's thesis is not "about the Holocaust survivors": The submissions make a case that the study of the history of the German language requires contact with holocaust survivors. This is the issue currently being addressed by the supervisors and the Ethics Committee.
- The student was not "enrolled by our committee", but under the old Higher Degrees Committee system when Professor Douglas Bridges was the Chair. At this time the full HDC considered all proposals. Since academic records are always attached to applications, the entire HDC had seen the academic records of this student.
- Concerns about the assessment of a masters project in the German Department, for a degree awarded some years ago, do not concern the PGSC.
- The PGSC has not 'been procrastinating' but in fact the matter was immediately (within hours of it being raised) referred to the Vice Chancellor's office as a matter of urgency.

Letter addressed to Professor Middleton, April 2:

- This letter should have been addressed to the Chair. Why target the Deputy Chair and circulate her name round the Council and to the media?
- Para 2: The phrase “falls through the cracks procedurally” is extracted from a personal e-mail I sent to Dov Bing in response to a phone message from him (copy attached). Note that my comment has, in this letter of Dov’s, been attributed to “the FASS Human Ethics Committee; the University’s Ethics Committee and The Postgraduate Research Committee” (this error is repeated by *Nexus*).
- The statement (para 2) about the reactions of the Deputy VC are inaccurate
- Para 3: I checked this somewhat bizarre account with Bethea Weir and it is all untrue. She was somewhat surprised that she was assumed to have the power to instruct the PGRC (sic) to table the letter.
- “Professor Bing was informed by members of the PGRC” ... This means that a member (or members) of the PGSC are alleged to have discussed items from the confidential part of our agenda with Dov Bing. If this is true, this means that our Part B agenda is no longer confidential and has been seen to be so by the Council and the media.
- The FASS Ethics Committee was already attempting to deal with this project, albeit under great duress because of harassment of members.
- Page 2, para 1: ‘the PGRC were not informed about the concerns...’ It was the HDC, which accepted (as was the practice of the time) a brief proposal at enrolment. This, as with all students, was always on the understanding that the relevant ethical approval process would be followed when the time was right – normally some months into the project.
- Final two paras on page 2: The question of the student’s academic records at undergraduate and masters levels is a clear violation of the student’s privacy. This, note, has been circulated to the media. The full HDC, and the supervisors, read the records since they were attached to the proposal to enrol.
- Page 3 para 2: The second supervisor was a signatory to the application to enrol, which always includes a student’s record.
- Page 3 para 4: The Executive has not approved any changes of supervisors. Professor Knuferman and Dr Ray Harlow remain supervisors and no requests for changes in this arrangement have been received by the Committee.
- Paragraph A, page 3: again, there is no PGRC; the Executive has not handled the enrolment, or any requests for a change in supervision. It did not consider the original package of Internet postings on a private web site to be appropriate matters for the agenda. The Human Rights Commission and the Race Relations Office didn’t either.
- Paragraph B: The PGSC is being requested to reassess the student’s masters work. This is plainly out of order.
- Paragraph C: The experts’ reports were considered by the Race Relations and Human Rights Offices.

Letter addressed to FASS Human Ethics Committee, November 29.

- Page 1: ‘The then Postgraduate Research Committee’ was the Higher Degrees Committee. The student was considered late in 1997 and enrolled early in 1998.
- Page 2 Para 1: ‘Professor Bing was refused access to this proposal by... Professor Middleton’. This is true for reasons explained above. Professor Bing’s ‘ethnic background’ does not give him access to a student’s records as he claims.
- Page 2 Para 1: “The library ... always has the synopses available for all Doctoral proposals”. This is a blatant lie. Proposals have NEVER been made available in the library. “It seems that somebody has gone to considerable length to withhold Mr Kupka’s doctoral proposal.” This ‘conspiracy theory’ was, as a result of this letter being forwarded to the media, printed in *Nexus* and elsewhere.
- Page 2 Para 2: Reservations were not submitted to the Ethics Committee at the time of enrolment – normally Ethics proposals are addressed some months into a project – after a literature search and before any field work takes place.
- The remainder of this letter addresses Mr Kupka’s project specifically. The letter raises serious issues. All of these matters are being addressed by the FASS Ethics Committee.

Nexus, April 11.

- Editorial (page 2). “Kupka has been cleared by all on-campus ethics committees who have been asked to investigate him.” His ethics proposal is only now being considered in FASS because it received it comparatively recently.
- Page 7, blue column. “Unusually Kupka’s thesis proposal was not available in the library at that time.” This repeats the inaccurate information in the letter of November 29 above.
- Page 10. Note the quote from Dov’s letter of April 2 appropriating my e-mailed comment (a personal opinion) that the matter “falls through the cracks procedurally”. In *Nexus* this has become: “the FASS Human Ethics Committee; the University’s Ethics Committee and The Postgraduate Research Committee have all argued that the matter which we raise falls between the cracks procedurally” then (page 11) it becomes “one complaint by unnamed staff members is that the Kupka case ‘falls between the cracks.’” Because this is a quote from an e-mail I sent, and is identified as such by Dov Bing in the covering memo of April 4 (sent to Council, media and PGSC members) it could be inferred that I was this ‘unnamed staff member.’ I am not. It is obvious who the ‘unnamed staff members’ are, since *Nexus* is basing its articles on the same package of information circulated to Council, PGSC and the media.
- Page 11. “Nexus Publications Ltd will not under any circumstances reveal the identity of any confidential informants, contributors or sources.” Anyone in receipt of this bundle of materials knows who they are. The main instigator, Professor Bing, has gone overseas on study leave, leaving his largely junior colleagues to take the consequences.

- Page 11: “All facts are one hundred per cent verified by numerous other, qualified sources.” They may be ‘verified’ but they are not accurate.
- Page 11: “The unnamed source is in danger of censure or serious threat if their identity was to be made known.” It is actually the ‘named’ people who bear responsibility for administering university processes who are endangered by these tactics.