

Appendix X

**Dr Tom Ryan's Open Letter to
the University Council, 9 August 2000**

*The University of Waikato / Te Whare Wānanga o Waikato
Open Letter from Dr Tom Ryan to Council
To be Tabled at Meeting of 09.08.00*

Dear Fellow Councillors

Over recent months the reputation of the University of Waikato has been badly damaged by negative publicity, in both the national and international media, regarding the so-called 'Kupka affair'. And the bad news is obviously going to continue: a television documentary is currently under consideration, articles in reputable European journals are already in press, and the matter will feature at a UNESCO-convened conference on Holocaust-denial to be held in Paris later this year. Meanwhile, the threat of legal claims by one or more parties to this dispute remains real, and it appears likely that the German authorities will soon initiate formal proceedings against Kupka for "incitement to hatred and violence against minority groups" – and perhaps other things as well.

Such public exposures can only result in a continued loss of credibility, students, and income by our University. That, in the final analysis, is why Council must take urgent and decisive action to impose some form of control on this debacle. Since the matter first came to Council in April this year, University management has encouraged Council to steer clear of it, with claims that proper procedures and processes have been followed, that it will soon dissipate, and similar. But such a desired outcome has clearly not eventuated, and present indications are that matters will get worse before they get better. Thus, Council would be ignoring its most basic responsibilities if it were to avoid confronting this issue today.

My own review of the literature and correspondence generated by critics of University management's role indicates that their main complaints are as follows:

- That Kupka lacked the undergraduate academic results usually deemed prerequisite for entry into a masters programme at Waikato or at any other reputable university;
- That Kupka's academic work at masters level was not subject to the scrutiny of neutral examiners, and as such did not qualify him for entry into a doctoral programme;
- That the first formal complaints by a concerned academic staff member about Kupka's proposed doctoral candidacy were forwarded to University authorities as early May 1998;
- That Kupka's doctoral research proposal was not subject to proper Ethics Committee scrutiny prior to its original acceptance by the Higher Degrees Committee;
- That no good reason has yet been provided for the decision to allow Kupka to write his thesis in German, rather than in English as is usual with such research projects;
- That formal complaints to University officials that Kupka's web-writings are racist, anti-Semitic, and Holocaust-denying were dealt with inadequately and insensitively;
- That other communications regarding the Kupka case from concerned academic staff to University administrators and chairs of relevant committees were ignored or personalised;
- That recent attempts by high-level University committees to consider Kupka's research proposal failed to address, in particular, the valid concerns of the Jewish community;
- That public comments by University representatives have cast unwarranted aspersions on staff and community groups who have questioned its management of the Kupka case.

It is not my intention to suggest which, if any, of these allegations are valid. Rather, my concern is to try to draw some consistent pattern out of the clamour that surrounds Kupka, and to communicate that pattern to Council. What is definitely clear is the fact that the Kupka affair is not about a single issue - it is instead a tangled mass of claims and counterclaims that threaten to entangle and multiply even more in the immediate future. Nor can it be reduced to, and nor has it ever really been, an issue of 'freedom of speech'. At base it is about academic and moral standards, particularly as they are manifest in the operations of a modern, liberal, bi-cultural New Zealand university.

This is another reason why Council must move with determination to limit the damage to the University from an increasingly chaotic and conflictual situation. Council must appreciate that it is already caught in this morass, even though it might be tempted to regard it as a 'management matter'. But also, as some critics of our University's existing stance on this matter have already noted, the *Education Amendment Act 1990 (180, d)* requires Council "to ensure that the institution is managed in accordance with its charter", while in turn the charter requires the University and - ultimately - its Council...

- "to provide a university education of international quality and standard"
- "to sustain and further develop a safe and healthy campus environment which reflects social, cultural and spiritual values appropriate to this University"
- "to create and sustain an institutional environment in which... people are understood, appreciated and consulted... and which is characterised overall by... freedom in the exchange of ideas and information"
- "to work towards the enhancement of a learning environment which is characterised by... consultation with students and staff on academic, cultural, social and other issues"
- "to establish and maintain effective public relations... by informing communities within and outside the University of its functions and activities"
- "to ensure that all research carried out by the University is conducted in accordance with appropriate ethical considerations"
- "to maintain and develop effective patterns of management... by identifying and overcoming weaknesses and malfunctions"
- "to continue to develop as a 'good employer' through... the fair and proper treatment of employees in all aspects of their employment".

We are all aware that, in response to public outrage over a Holocaust-denying thesis written by one of its masters students, the Council of the University of Canterbury recently appointed an independent enquiry to investigate that issue. Since then, calls for the establishment by our own Council of a similar enquiry into the Kupka affair have become louder and increasingly emphatic. Those issuing such calls include Mr Rajen Prasad, Race Relations Conciliator; Mr David Zwartz, President of the New Zealand Jewish Council; academic staff of the German departments at Auckland, Massey, Victoria, and Canterbury universities; the Hamilton Interreligious Consultative Group; the Waikato Jewish Association; the Board of Studies of the University of Waikato Law School; a group of professors and senior lecturers from our Faculty of Arts and Social Sciences; and the Student Union of the University of Waikato.

The possibility of some form of independent enquiry was also raised by the Chancellor, Mrs Caroline Bennett, at the June meeting of this Council. Of course, such a review would be consistent with recent moves by the University of Waikato towards greater transparency and accountability in all its operations. Indeed, the Vice-Chancellor and his senior management team deserve commendation for the many changes in this direction that they have already introduced in the financial and general administration of this institution. But, as many staff and students have noted, the same principles of transparency and accountability should now be extended to areas like graduate/postgraduate study and research - beginning with a rigorous enquiry into the Kupka case. Particularly given that the New Zealand Universities Academic Audit team is due to visit this institution later this month for its triennial review, and that its focus this time is graduate/postgraduate study and research, for this Council to not urgently initiate such an investigation could be misinterpreted as tempting intervention from outside over which this Council will have absolutely no control.

Finally, it is my personal view that only by establishing such an independent enquiry can the foundations be laid for a meaningful reconciliation between the Jewish community and the University of Waikato. It is a tragedy that the genuine warmth and mutual respect that formerly characterised our relationship has been so badly damaged over recent months. Council can no longer avoid its responsibilities in this respect; it must do everything possible to reverse the situation. As an individual member of Council, I can only say "I'm sorry" to the members of the Jewish community present here today, and to all others, Jew and Gentile, who have been offended or injured by the unfolding of this unpleasantness. But, deep down, I also know that saying "sorry", on this day and in these circumstances, is not enough. Only an appropriate action by Council can begin this particular healing.

Accordingly, fellow Councillors, I would like now to move, and urge you to support, the following resolution:

That the Chancellor, in consultation with Council, shall establish a committee of enquiry, comprised of appropriately qualified persons with no direct links to the University of Waikato, which shall investigate the circumstances surrounding the enrolment and supervision of Mr Hans-Joachim Kupka in the masters and doctoral degree programmes of this University, and the propriety of his receiving permission from this University to conduct research on the use of the German language in New Zealand, and the adequacy of the management by University administrators of complaints and inquiries about Mr Kupka's activities, and such policy and procedural changes as may seem to be warranted through the above investigations, with the report to be submitted by late November 2000.

Respectfully,

Tom Ryan