

## Chapter 6

# David Rindos versus the University of Western Australia: analogies to the Orr case

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Case 1. Sydney Orr joined the University of Tasmania as professor of philosophy in 1952. He was dismissed from his post in 1956.

Case 2. David Rindos joined the University of Western Australia as senior lecturer in archaeology in 1989. He was denied tenure in 1993.

These are the bare bones of two dramatic cases involving Australian academia. Each was a momentous battle between a university administration and an individual academic, with supporters on each side. Each reflected and helped shape relationships between academics and administrations. Each involved an international dimension.

My aim here is to describe briefly the Rindos-UWA case, then compare it to the Orr-Tasmania case and finally to draw lessons for relations between university administrations and academic staff. First, though, it is useful to outline contrasting perspectives on each case.

### **Contrasting perspectives**

To even begin describing a case is to adopt a perspective. There are no neutral perspectives. Furthermore, in cases that arouse passions and where there are entrenched positions, even a superficial appearance of neutrality is hard to achieve. Every comment — or failure to

make a comment — signifies an orientation. This account is no different.

Even to talk about a “case” is to make an assumption. What should the case be called? By convention, we have the “Orr case” and the “Rindos case,” but perhaps they are better labelled the “case of Orr versus the University of Tasmania” and the “Rindos-UWA case.”

To highlight the polarisation of perspectives, it is useful to outline each case in two versions. Version A is a description along the lines preferred by backers of the university administration, whereas version B is a description more along the lines preferred by supporters of Orr or Rindos.

Case 1A. Orr was a bad choice as professor of philosophy, having a poor research record and dubious teaching methods. More seriously, he abused his position by engaging in an affair with a female student. His dismissal was both just and carried out according to proper procedures.

Case 1B. Orr was a prominent figure in the agitation by university staff that led to a royal commission. The attack on Orr was a diversionary tactic that drew attention away from deficiencies in the administration. Whatever his flaws, Orr was a scapegoat.

Version A focuses on Orr and his deficiencies, whereas version B focuses on the administration and its deficiencies. Other chapters in this book give much more detail about the case.<sup>1</sup>

Case 2A. Rindos had a satisfactory teaching and administrative performance but a low research output. For the latter reason he did not deserve tenure. Proper procedures were followed throughout the tenure review process.

Case 2B. Rindos reported on improper behaviour in the Archaeology Department. For this he was victimised. His performance was far more than adequate for obtaining tenure. The university’s procedures discriminated against Rindos.

As in the Orr case, version A focuses on Rindos and his deficiencies, whereas version B focuses on the administration and its deficiencies. It is now appropriate to give more detail on this case.

### **The Rindos-UWA case**

David Rindos, an archaeologist, had a PhD from Cornell University and had held a number of short-term positions in the US. His book on the origins of agriculture, published in 1984, was hailed as a major innovative contribution to the field.<sup>2</sup> He was recruited to UWA, where he began work in the middle of 1989.

Located in Perth, UWA is one of the top-ranked universities in Australia. Its Archaeology Department was small but significant because it was the centrepiece of archaeology in Western Australia, a state that encompasses one third of the Australian continent and is remote from major population centres elsewhere in Australia.<sup>3</sup>

The head of the department, Professor Sandra Bowdler, took study leave, and Rindos was acting head in 1990. During this time post-graduate students told him about serious problems in the department. The most significant allegations were that the head of department entered into sexual relationships with students and that interactions in the department were characterised by favouritism and nastiness. It was alleged that those on the inside track were given advantages over others, whereas those who had fallen out of favour were discriminated against and humiliated verbally. Favouritism was linked to both sexual relationships and positions taken on archaeological issues. In the words of two academics who reviewed the department,

it was alleged that a number of graduate and undergraduate students had had sexual relations with a member of staff and that this had been followed by favoured treatment of some (in terms of grants and jobs) and apparent victimisation of others (including public ridicule and denial of fair opportunity). It was alleged that an environment had been fostered in which cynicism and ridicule were used to promote certain theoretical approaches and denigrate others and that this stultified free academic exchange, damaged academic reputations and integrity and ultimately severely retarded academic growth, particularly of some promising postgraduate students.<sup>4</sup>

These problems predated Rindos' arrival and indeed had existed from the time the department was formed, according to a retired former member, Associate Professor Sylvia Hallam.

The issue of sexual relations between staff and students is hot enough on its own,<sup>5</sup> but allegations reported by Rindos added an extra

dimension: they were all between women. However, Rindos could not easily be accused of homophobia given that he was openly gay.

During 1990, Rindos reported the allegations he had heard to university officials. Additionally, three students complained to the deputy vice-chancellor. This led to an internal review into the Archaeology Department. The review recommended that there be a formally constituted inquiry into the allegations. However, the report of the review was never formally released — though it was widely available — and the allegations were never fully investigated.

After Bowdler returned to Perth, Rindos came under attack from a number of quarters. He was accused of various things, including sexual harassment, plagiarism and “pornography mongering,” though in each case either charges were dropped or no evidence provided. For his own benefit, Rindos was moved to the Geography Department. Then, following the review, the Archaeology Department was abolished and its staff moved to Anthropology, while Rindos was moved out of any department at all. He was given an office in a nearby building.<sup>6</sup>

Rindos’ position was tenurable. The administration delayed the decision and extended his probation. Rindos’ tenure review committee looked at university service, teaching and research. It decided to set aside university service. It judged his teaching performance satisfactory. However, it judged his research output unsatisfactory.

The issue of publication output is worth some scrutiny. The committee acknowledged that Dr Rindos in the 3.5 years since June 1989 had published two refereed journal articles, one co-authored book chapter and three book reviews. It judged this inadequate for granting tenure.

Rindos and his supporters pointed out that his record prior to joining UWA was considered very good, based on a relatively small number of outstanding contributions. Yet the committee decided to ignore anything done before employment at UWA. Although it is common for tenure committees to give special attention to performance during the probation period, it is unorthodox to ignore prior performance altogether. Given that it typically takes a year or two for a research project to result in a completed paper plus often a year or more for papers submitted to scholarly journals to be accepted for publication, it was unrealistic for the committee to expect research undertaken solely at UWA to have resulted in substantial numbers of published or even accepted papers. So it should have looked at work in progress, such as drafts of papers and books. Yet Rindos’ work in

progress seems to have been discounted. Thus, by using a narrow snapshot of research performance, Rindos' record was reduced from outstanding to ordinary.

In order to assess a decision to award or deny tenure, it is sensible to look at tenure decisions for other academics. For employment in Australian academia, the primary point of quality control is in appointment to a tenurable position. It is well known that tenure itself is awarded in nearly all cases. A rule of thumb is that tenure is usually granted unless the academic has negligible research output, quite poor teaching and also lacks support from colleagues and, most importantly, the head of department. It has been stated that Rindos was the first academic denied tenure in the history of UWA.<sup>7</sup>

Rindos seems to have been judged by a much higher standard than usual. A senior figure at UWA stated that a senior lecturer coming up for tenure could be expected on average to be producing five publications per year.<sup>8</sup> This is totally unrealistic. Probably no more than one out of ten senior lecturers maintains this rate of output.<sup>9</sup>

A study of self-reported research productivity by Australian academics in the period 1985-1989 found that "An average of more than one article a year is enough to place an academic in one of the older universities in the upper half of the distribution of producers."<sup>10</sup> In a study of 17,000 US academics, average scholarly productivity for natural sciences was 1.05 articles and 0.07 books per year (that is, each 100 scientists produced 105 articles and 7 books per year), 0.91 articles and 0.17 books for social sciences, and 0.52 articles and 0.13 books for humanities.<sup>11</sup>

To assess a scholar's publication rate, it is necessary to average over a sufficient number of years. Either Rindos' 1989 publications should have been included or his unsubmitted and not-yet-accepted manuscripts should have been sent to independent referees for assessment (and judged at their current level of preparation, rather than compared to published papers). It seems that the committee took an exceedingly narrow view of what research work counted for the purposes of Dr Rindos' tenure.

Many scholars consider the impact of publication as important as the quantity. Impact is especially important when publication numbers are low. Rindos submitted evidence that his citation rate was far higher than his peers at UWA, indeed higher than that of all the other UWA archaeologists combined. It would be a legitimate exercise to compare Rindos' publication rate and citation rate with others in his field, both at UWA and other comparable universities. If he had been

in the bottom 10 percent by each measure, then the tenure denial might have been plausible. If he was in the top half by either measure, then it should be considered anomalous.<sup>12</sup> In practice, it seems that Rindos' record over an artificially narrow period was compared to a high arbitrary absolute standard rather than being realistically compared to peers.

As noted above, the tenure review committee focussed on Rindos' research output and mostly set aside university service and teaching. Rindos claimed to have outstanding evaluations from many of the students he taught. However, this could not be fully verified because student evaluations of his teaching held by the Archaeology Department were unaccountably lost.

Finally, the committee judged Rindos' performance as if he were a normal academic working in normal conditions. The reality is that he was under heavy attack for much of the period. This includes allegations of sexual harassment and plagiarism, transfer to a different department and then out of any department, removal of some of his teaching against his wishes, the need to produce documentation for the Archaeology Department review and his own case (voluminous in both cases) and, perhaps most significantly, hostile attitudes from colleagues, in particular his head of department. Employees who suffer ostracism, harassment or other forms of victimisation commonly have a greatly reduced work output.<sup>13</sup> Yet the tenure review committee did not deal with the effect of a hostile working environment.

The Vice-Chancellor, Fay Gale, accepted the tenure review committee's decision. There are conflicting reports about the factors considered by the VC. A UWA media release dated 29 June 1993 states

Taking into account the academic judgment of the Tenure Review Committee, the likely future of the programme and all aspects of Dr Rindos' work performance while on probation, including Dr Rindos' difficulties in working in a team with academic colleagues, Professor Gale made a proper decision that tenure should not be granted.<sup>14</sup>

In contrast, a memo from the VC to UWA staff dated 30 June 1993 states that

The secondary issues in this case, such as personal relationships between staff and students, which have diverted the focus of attention from the quality consideration, are of course matters of serious

concern. These are matters on which absolute confidentiality has to be maintained. They have been and will continue to be resolved through established University procedures. They were not, however, taken into account in determining that tenure should not be granted to Dr Rindos.<sup>15</sup>

The most significant thing about this case, though, is the way that the focus was turned from improper behaviour in the Archaeology Department to Rindos' performance. It became the Rindos case rather than the archaeology case. Rindos defended himself from attacks, naturally enough, but this had the effect of focussing attention on himself.

Rindos mounted a powerful campaign for tenure and, after tenure was denied, he appealed against the decision. Most academics in his position would have given up and left under the pressure. Rindos stayed and fought. This is the primary reason why the case became such a prominent one. Many other academics have been treated unfairly in various ways, but few have fought so tenaciously and effectively.

The story of Rindos' campaign can only be told briefly here. He began by collecting all available documents — though, as indicated, UWA<sup>16</sup> inexplicably lost some crucial ones. For his tenure application, he compiled a massive compendium of information. Without thoroughly and persuasively documenting one's case, it is very difficult to build support and maintain a campaign.

Rindos used the formal channels that were available to him. He wrote letters to university officials, went through the tenure review process, took his case to the federal Industrial Relations Commission and then to the WA Industrial Relations Commission. UWA opposed this application, saying that Rindos should appeal to the University Visitor, an archaic and seldom-used appeal procedure.<sup>17</sup> However, the experience of whistleblowers is that formal channels seldom provide any help.<sup>18</sup> To have a chance of success, it is almost always vital to mobilise support. Rindos did this brilliantly.

He built up a support network, and this was crucial to the successes that he achieved. It was in the early days of electronic mail when he began sending out long personal messages to interested people in different parts of the world. He also sent copies of news stories and letters about the case. As the email network grew and became more formalised, it provided a superb method of building support and obtaining feedback.

Rindos solicited statements of support from a number of leading archaeologists from around the world. His request for support then snowballed as others heard about the case. Eventually some 30 Australian and overseas archaeologists sent glowing statements about Rindos' research to UWA. Some critics dismissed this outpouring of support because Rindos himself had solicited it. Even so, not all that many senior lecturers would be able to garner such accolades, solicited or otherwise, from world leaders in their disciplines, and, of those who could, few would have the slightest difficulty in having their research highly endorsed for the purpose of obtaining tenure.

Rindos used the media quite effectively. Perth has two main newspapers, the *West Australian*, which is published daily except Sundays, and the *Sunday Times*. He built up contacts in the *Sunday Times*, which ran stories on the case, often favourable to Rindos, for several years. The *West Australian* did not give as much attention to the story. Then, in one week in March 1996, the *West Australian* ran major spreads each day for a week.<sup>19</sup> The articles, by Michael Day, were mostly supportive of UWA and extremely critical of Rindos. Since UWA has made few public statements presenting its view, the series in the *West Australian* probably provides the best single account of the case against Rindos.

Perth is one of the most isolated cities in the world, and local media coverage can be parochial. Therefore, it was significant when the national press took up the story. There were regular stories in *Campus Review* (a national weekly) and the *Australian* (a national daily with a weekly supplement on higher education). When Rindos took another step using formal channels — such as appealing against the tenure decision — he used these events to gain media coverage. The formal channels themselves did not give him much satisfaction, but by tying them to an ongoing saga, he was able to build support and apply pressure on UWA.

Hugh Jarvis, a PhD student at the State University of New York at Buffalo, became concerned about the Rindos case. He decided to set up a website with documents about the case, including copies of many media stories. This grew and grew and before long became the major repository of information about the case.<sup>20</sup> It was a powerful support for Rindos because it could be accessed anywhere in the world. The UWA threatened several Australian media organisations with defamation suits simply for publishing the address of the web site, as well as threatening the State University of New York.<sup>21</sup>

“Because of intense media speculation about the Rindos archaeology affair,” in February 1996 UWA set up an internal inquiry. It found some flaws in university procedures but supported the VC’s action.<sup>22</sup> By this time Rindos had given up on UWA and was seeking support among politicians. This effort culminated in 1996 in the WA Parliamentary inquiry into UWA, with the powers of a royal commission. The inquiry, reporting in December 1997, was highly critical of UWA in a number of respects. Among its conclusions and recommendations were the following:

It is concluded that Dr Rindos did not have adequate and fair opportunities to present his case [for tenure] and has not, in all the circumstances, been afforded common law procedural fairness, due to the University administration’s apparent reliance on material not disclosed to Dr Rindos.

The Committee finds that the procedures adopted by the University to review and determine the tenure of Dr Rindos and his subsequent appeals were ad hoc, and overall, did not adhere sufficiently to the common law rules of procedural fairness given that all relevant information was not disclosed to Dr Rindos for his assessment and rebuttal.<sup>23</sup>

Rindos did not live to read the parliamentary report. He died on 9 December 1996 of a massive heart attack. He was 49. He was a smoker and an intense person, but many people believe that a contributing factor to his death was the more than five years of unremitting stress in pursuing his case. On more than one occasion, his doctor had insisted that he take a total break from his case because of its effects on his health.

### **The Orr-Tasmania and Rindos-UWA cases: similarities**

There are quite a number of similarities between the Orr-Tasmania and Rindos-UWA cases. These two cases are compared in this chapter precisely because they have things in common, so not too much weight can be placed on the fact that similarities exist. Nevertheless, this list may be useful in thinking about salient features of the cases.

- Orr and Rindos were both men. This is not surprising, since in Orr’s time nearly all academics were men and even in the 1990s the majority of academics were men. It does raise the question of whether female academics are as likely as men to mount a major

challenge to a university administration and receive a significant degree of outside support.

- Orr and Rindos were both outsiders. Orr came to the University of Tasmania from Ireland, after some years in Melbourne; Rindos came to UWA from the US. If outsiders come with a different set of values and expectations and have few ties or commitments to the local power structure, this may facilitate challenges to the local establishment.
- For both Orr and Rindos, their disciplinary fields were peripheral to the main issues in their cases. Orr's case did not involve philosophical issues; in Rindos' case, archaeological issues were a sideshow at least so far as the public side of the case was concerned.<sup>24</sup>
- Orr and Rindos each blew the whistle on problems with their universities. In each case, the problems were at a level above them. Orr joined a challenge to the university administration whereas Rindos reported problems that involved the professor and head of his own department.
- Orr and Rindos each had unconventional lifestyles. Orr had been involved in a *menage à trois*,<sup>25</sup> and was noted for his unconventional teaching methods involving open discussion of topics uncommon in the 1950s. Rindos was openly gay and an extrovert. Their conspicuous behaviours may have made them easier targets for attack. It could also be said that neither Orr nor Rindos was a saint. Their flaws in character and peculiarities in performance opened opportunities for attack. To be fair, though, there are very few academics who cannot be criticised for some shortcoming or other.
- Orr and Rindos each suffered in their careers. Orr was dismissed; Rindos was denied tenure. From the point of view of critics, these actions were only just; from the point of view of supporters, the actions were reprisals for their outspokenness.
- For both Orr and Rindos, their primary opponents were their own university administrations. In Orr's case, the main outsider in the attack was Reginald Kemp, father of the student Suzanne Kemp with whom Orr was alleged to have had sexual relations. In Rindos' case, a primary adversary was Sandra Bowdler, his department head, a professor of sufficient standing to place her in the senior ranks in the university.
- Orr and Rindos each were in "peripheral states" — Tasmania and Western Australia, respectively — where provincial factors played

a large role. In relatively isolated academic systems, university administrations and local governments alike may be able to take actions more easily, without as much interference from other universities or governments.

- Orr and Rindos each were subject to extreme levels of malicious rumour-mongering and overt slander. Orr was accused of plagiarism; Rindos was accused of plagiarism, sexual harassment, sexual misconduct and professional incompetence.<sup>26</sup>
- The Orr and Rindos cases each involved issues of sex between staff and students, though in different ways, as discussed later.
- In both the Orr and Rindos cases, attention was diverted away from the original challenge and placed on the individual. The University of Tasmania's charges and dismissal of Orr diverted attention from the university administration's shortcomings, which had been the focus of academic discontent and the royal commission. Orr and his supporters subsequently focussed on the dismissal and related events, further removing attention from the original problems with the administration. UWA's denial of tenure to Rindos diverted attention from the university administration's failure to investigate allegations about behaviour in the Archaeology Department. Rindos and his supporters subsequently focussed on the denial of tenure, further removing attention from the Archaeology Department.

While the focus on the individual — Orr and Rindos — had a diversionary effect, in both cases there were concerted efforts to retain attention on the initial issue. At the University of Tasmania, this was reflected in the struggle for new tenure provisions, while concerns about staff-student relationships in the Archaeology Department became subsumed, from about 1992 onwards, in a raised consciousness nationwide about the abuse of trust and conflict of interest in campus sexual relationships.

- The cases of Orr and Rindos each raised issues of university governance. In the Orr case, the primary issue was whether an academic is an employee who can be dismissed at the whim of the employer, in the model of the master-servant relationship. In the Rindos case, the primary issue was the accountability of the university administration for internal decision making, in particular whether scrutiny by parliament is proper.
- Orr and Rindos each died relatively young, Orr at 51 and Rindos at 49.

### **The Orr-Tasmania and Rindos-UWA cases: differences**

- Orr was heterosexual whereas Rindos was gay.
- Orr's primary antagonists were men; Rindos' primary antagonists — Archaeology Department head Sandra Bowdler and VC Fay Gale — were women. It can be argued, on the one hand, that Rindos had an advantage compared to Orr in being a man challenging women in power and, on the other hand, that in an age of so-called political correctness Rindos was at a disadvantage in confronting a female quasi-establishment.
- Orr was dismissed, whereas Rindos failed to gain tenure. It is much more difficult to dismiss an academic from a tenured position than to deny tenure in the first place. Hence it was easier to muster support for Orr from tenured and tenurable academics.
- Orr had published little and was not a noted scholar. In contrast, Rindos had a significant international reputation in his field. (Once Rindos came under attack, his research output dropped, though he continued to develop and pursue new ideas.) Rindos' reputation was crucial in mobilising support. In the case of a tenure denial, it would be very difficult to gain outside support with only a mediocre research record, though many academics with such records are routinely granted tenure.
- Rindos had a broad and determined strategy involving international support, inquiries, media and parliament. Rindos largely set the direction of his campaign — though he did not feel that he had that much control over events. In contrast, Orr's supporters played a larger role in shaping the strategy behind his campaign. This strategy was probably not as sophisticated as Rindos', but was impressive for an earlier era of university affairs.
- Each case involved a government-sponsored investigation into the university, but these investigations related to the cases of Orr and Rindos in quite different ways. In Orr's case, his participation in the royal commission was a precursor to the administration's attack on him. In Rindos' case, it was his campaign and organising efforts, which turned his case into a wider issue about university accountability, that led to a parliamentary inquiry into university decision making.
- Orr was accused of having sexual relations with one of his students. Rindos reported complaints by students of staff involvement in sexual relations and favouritism. Thus, though each case involved the sensitive issue of staff-student sex, the issue played a

completely different role in each case. In Orr's case, it was the centrepiece of the administration's attack and received widespread attention. In Rindos' case, it never received as much attention as the problems Rindos himself encountered.

- Between the Orr-Tasmania case in the 1950s and the Rindos-UWA case in the 1990s, there were enormous changes in social attitudes and in universities. Between them was the rise of the women's movement and the coining of the label "sexual harassment", a massive expansion in universities, a tremendous rise in expectations of university staff (for example, in research output and administrative accountability) and enormously enhanced roles of university administrations. The two cases arose out of different eras of academic life and it is amazing that they have so many similarities.

## Conclusions

Prominent cases such as those involving Sydney Orr and David Rindos are, by their nature, far from typical, yet at the same time they help to define academic relationships. There are many possible lessons to be learnt from these cases. Here are a few.

It is extremely difficult for an academic to succeed in a struggle with a university administration. The administration controls enormous resources, including money, personnel, the legitimacy of being a public educational institution and the time to wear down even the most persistent critics. Administrative personnel come and go, but the administration remains. To have a chance of success, an academic needs to build a wide base of support, preferably both inside and outside the university. Even then, the personal cost to the individual is enormous.

One of the primary victims of the struggle is the reputation of the university. The University of Tasmania was defined by the Orr case for decades afterwards. Similarly, for many outsiders, UWA is known primarily for its treatment of Rindos.

The Orr and Rindos cases demonstrate how a struggle between an administration and an individual can serve as a potent diversion from the original issues. In the Orr case the original issue was conditions at the University of Tasmania; in the Rindos case the original issue was allegations of abuse of trust and conflict of interest related to staff-student sex. Whether diversion from these original issues was a good

thing depends on one's point of view. For those who speak out and then come under personal attack for doing so, it remains a challenge to keep attention on the original issue.

### Acknowledgements

I thank Neville Bruce, Richard Davis and Jo Kamminga for helpful comments on earlier drafts.

Sandra Bowdler, in an email to me of 12 June 1998 in response to a draft of this paper, said that it "perpetuates many errors of fact" but did not specify any of the alleged errors.

### Notes

1. See also W. H. C. Eddy, *Orr* (Brisbane: Jacaranda Press, 1961) [version B]; John Polya and Robert Solomon, *Dreyfus in Australia* (Australia: The authors, 1996) [version B]; Cassandra Pybus, *Gross Moral Turpitude: The Orr Case Reconsidered* (Melbourne: William Heinemann Australia, 1993) [version A].

2. David Rindos, *The Origins of Agriculture: An Evolutionary Perspective* (New York: Academic Press, 1984).

3. The Centre for Prehistory was created in 1983 with the appointment of Sandra Bowdler as foundation professor. The Centre became the Archaeology Department in 1989. For convenience in this chapter, "Archaeology Department" is used to refer to either the Centre or the Department.

4. Kate Legge, "The vanishing," *Weekend Australian*, 28-29 October 1995, Review pp. 1-2, quoting a confidential letter by professors Neville Bruce and Bernard Moulden to the UWA administration. Legge's article is an excellent treatment of the entire affair.

5. Carol Bacchi, "Sex on campus — where does 'consent' end and harassment begin?," *Australian Universities' Review*, Vol. 35, No. 1, 1992, pp. 31-36; Billie Wright Dziech and Linda Weiner, *The Lecherous Professor: Sexual Harassment on Campus* (Boston: Beacon Press, 1984); Louise F. Fitzgerald, Lauren M. Weitzman, Yael Gold and Mimi Ormerod, "Academic harassment: sex and denial in scholarly garb," *Psychology of Women Quarterly*, Vol. 12, 1988, pp. 329-340; Michele A. Paludi (ed.), *Ivory Power: Sexual Harassment on Campus* (Albany: State University of New York Press, 1990); Peter Rutter, *Sex in the Forbidden Zone: When Men in Power — Therapists, Doctors, Clergy, Teachers, and Others — Betray Women's Trust* (London: Unwin Paperbacks, 1990).

6 Rindos described his new office as being in the campus radio station with no administrative support. UWA, in contrast, says Rindos had been

provided with “a standard academic room in the new building only a short distance from the departmental office” and that this was in no way inadequate (Linda Key, University Solicitor, University of Western Australia, letter to Brian Martin, 22 January 1999). I thank Linda Key for providing this information.

7. See Kate Legge, “Rindos files return to haunt UWA,” *Australian*, 21 February 1996, p. 27. On the other hand, some academics with a very poor record may be told confidentially that their tenure will not be approved, giving them an opportunity to withdraw gracefully.

8. Alan Robson (Deputy Vice-Chancellor, UWA), public evidence, Standing Committee on Government Agencies, transcript of evidence taken at Perth, 31 May 1996, p. 68. Robson stated that these figures were only compiled after Rindos had been denied tenure. See also Ross Storey, “Academics defend Rindos denial,” *Australian*, 5 June 1996, p. 34, which quotes Robson as saying that tenured academics at Rindos’ rank produced, on average, 15 publications in three years.

9. Perhaps some of the discrepancy here is due to Robson not weighting publications according to the number of authors. To compare individual publication rates, it is conventional to divide each publication counted by the number of authors. If a paper has just one author, it counts 1; if there are five co-authors, then the paper would count 1/5 or 0.2 for each co-author. Most scholars with very long lists of publications are collaborators in teams; weighting their publications by the number of authors reduces the count considerably. In this context, it is important to note that most of Rindos’ publications were sole-authored, while some were with one co-author.

10. Paul Ramsden, “Describing and explaining research productivity,” *Higher Education*, Vol. 28, 1994, pp. 207-226, at p. 218.

11. Richard A. Wanner, Lionel S. Lewis and David I. Gregorio, “Research productivity in academia: a comparative study of the sciences, social sciences and humanities,” *Sociology of Education*, Vol. 54, October 1981, pp. 238-253.

12. I made a number of these points in a submission to the WA parliamentary committee investigating the case.

13. A study of the effect of aggressive managerial behaviours found that lowered performance was by far the most commonly reported response. Carol Elbing and Alvar Elbing, *Militant Managers: How to Spot ... How to Work with ... How to Manage ... Your Highly Aggressive Boss* (Burr Ridge, IL: Irwin Professional Publishing, 1994), p. 64.

14. University of Western Australia, “The case of Dr David Rindos — a UWA perspective,” media release, 29 June 1993.

15. Fay Gale, “A memorandum from the Vice-Chancellor,” University of Western Australia, 30 June 1993.

16. When I write of ‘UWA’ doing something, this is a shorthand for UWA top managers or bureaucrats.

17. At the same time, UWA's Vice-Chancellor, Fay Gale, joined a recommendation to abolish the position of the Visitor in WA. See Mark Nevill, letter, *Campus Review*, 16-22 March 1995, p. 24.

18. William De Maria and Cyrelle Jan, "Behold the shut-eyed sentry! Whistleblower perspectives on government failure to correct wrongdoing," *Crime, Law & Social Change*, Vol. 24, 1996, pp. 151-166; Brian Martin, *The Whistleblower's Handbook: How to Be an Effective Resister* (Charlbury, UK: Jon Carpenter, 1999), pp. 47-54.

19. Michael Day, "The Rindos affair," *West Australian*, 9 March 1996, pp. 4-5; 11 March 1996, pp. 6-7; 12 March 1996, p. 6; 13 March 1996, p. 9; 14 March 1996, p. 11; 15 March 1996, p. 10. For comment on the *West Australian* series, see Joe Poprzeczny, "Rindos says attack a hatchet job," *Sunday Times*, 17 March 1996, p. 31; Rob Bennett, "In for the dig," *Sunday Times*, 17 March 1996, p. 47.

20. See <http://www.acsu.buffalo.edu/~hjarvis/rindos.html>.

21. None of these threats was acted upon. I also received a defamation threat on this matter. For details see Brian Martin, "Defamation havens," *First Monday: Peer-Reviewed Journal on the Internet*, Vol. 5, No. 3, March 2000 ([http://firstmonday.org/issues/issue5\\_3/martin/index.html](http://firstmonday.org/issues/issue5_3/martin/index.html)).

22. Ross Storey, "Rindos probe finds past inadequacies," *Australian*, 15 January 1997, p. 30.

23. Standing Committee on Public Administration, Legislative Council, Western Australia, *Fourth Report on Its Inquiry into the Events Surrounding the Denial of Tenure to the Late Dr David Rindos by the University of Western Australia* (Perth: December 1997), p. 57.

24. One dispute involving Rindos concerned use of archaeological expertise in issues involving mining companies and Aboriginal rights. This issue received far less attention than the denial of tenure.

25. However, this relationship was not generally known until 1956.

26. The latter two charges, made by Gil Hardwick on an Internet discussion group, led Rindos to sue for defamation. In what may have been the first successful suit for Internet defamation, he was awarded \$40,000 which, however, he was never able to collect. For Hardwick's view on the matter, see "Statement on the 'Rindos affair'," <http://users.highway1.com.au/~gruagach/Rindos.htm>.