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## **Academic Freedom and Tenure Committee**

# **Report on the Simon Fraser University Dispute**

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## Report on the Simon Fraser University Dispute

*This is the revised and updated report on the Simon Fraser University dispute. It was submitted to the C.A.U.T. Council at the November 1969 meeting and received for information purposes.*

The present conflict at Simon Fraser University, which led to the strike within the Political Science, Sociology and Anthropology (PSA) Department, has a complex background. Considerations of time and of space require that only its essential outline be presented here. Formed as an "experimental" department from the time of the opening of Simon Fraser, PSA appears to have occasioned a fair amount of comment, both of praise and of concern: praise for its superiority over "conventional" departments in its field, and concern for its possible sacrifice of academic integrity in favour of ideological commitment. Various members of the SFU administration have expressed great concern about the operation of PSA, especially during this last academic year. This concern was not limited to the administration, apparently: on 6 May 1969 the SFU Faculty Association Executive requested the Acting President of SFU to order an investigation of four allegations concerning PSA: (a) under-graduate student participation on graduate supervisory committees; (b) voting on grades by students enrolled in some PSA classes; (c) opening of confidential faculty files to students and others; (d) possible misuse of budget monies in PSA. This investigation seems not to have taken place; the allegations went unanswered, but the atmosphere of suspicion and distrust remained.

In June, four members of the PSA Department, including the member elected by the department as Acting Chairman for the summer trimester, presented a paper appealing to colleagues to abandon the "politics of confrontation," and to de-emphasize ideological unity. The specific proposals outlined in the paper were rejected by a majority vote of the department as an unnecessary compromise. The Acting Chairman resigned, and the Chairman of the previous semester, Professor Mordecai Briemberg, was acclaimed chairman. Professor Briemberg claims that he had originally been elected for a 2-year term

(he was on research semester during the summer trimester); later it was claimed by the Administration that all elections were subject to ratification or renewal each semester during the period of adopting new procedures for elective departmental chairmen. The Dean of Arts on 10 July 1969 announced that he was not willing to accept Professor Briemberg as Acting Chairman because the Dean lacked "confidence in his administrative ability," and because Professor Briemberg was "unwilling to commit himself to abide by university policies and procedures and urge PSA to do so until such time as those policies which PSA disagreed with could be changed through the established procedures for change." The Department was asked to nominate another candidate for the chairmanship, or alternatively to nominate 2 persons to sit on a Faculty of Arts Trusteeship of the Department together with the Dean and 2 of his nominees. The trusteeship, presumably, was to undertake a "critical reassessment of the administrative organization, procedures and responsibilities of PSA and to present them for approval under existing university regulations."

The PSA Department rejected both of these proposals, reaffirming their confidence in Professor Briemberg's chairmanship, and requesting that more specific charges be brought forward to substantiate the Dean's loss of confidence in the PSA administrative organization. To the best of our knowledge, the Dean has not responded to this request. However, the Dean states that he had a private 2-hour conference with Professor Briemberg, who, he alleges, threatened libel action should the Dean make public allegations.

On 14 July, the Dean recommended to the President the establishment of a 5-man trusteeship for PSA, and urged PSA to name 2 members. PSA again rejected this proposal. On 22 July, 5 trustees were named by the President. Of these 5, 4 were Arts faculty members from outside the PSA Department. The fifth, Professor T. Bottomore, had been the first Head of the PSA Department, but had left SFU almost two years before, and was teaching at the University of Sussex. It was announced by the administration that Professor Bottomore would return to the SFU campus, presumably during the summer, and he is listed as a

member of the Department, part-time; later Professor Bottomore stated that he was not in fact planning to return. The PSA Department was administered under the trusteeship (up to 14 October) under the continuing sharp protests of most members of the Department.

A basic element in the dispute between PSA and other parts of the SFU community was the long-standing disagreement on procedures governing recommendations on faculty renewals, promotions, and tenure. Under the provisions of the University's Academic Freedom and Tenure Brief (as modified by a "statement of intent" ratified by the Faculty Association and the Board of Governors on 19 September 1968), each department was to name a departmental tenure committee of 6 members, two from each professorial rank. Departures from this pattern required approval of the 7-man University Tenure Committee (2 faculty members elected by each of the 3 SFU faculties, plus the Academic Vice-President as non-voting chairman). The University Tenure Committee (UTC) on 25 February 1969 rejected the proposed constitution of the PSA Departmental Tenure Committee (DTC). PSA reaffirmed its initial proposal, which was again rejected by the UTC in March.

In May, the Dean forwarded another, substantially unchanged PSA recommendation to UTC, with his approval of the proposed composition, but with objections to the PSA procedures. These procedures included the principle of student parity at all levels of departmental decision-making. There was a parallel student Departmental Personnel Committee (6 students); further, the recommendations of the two parallel committees were required to be referred back to the entire Department for approval before being forwarded to UTC. The Department had been organized as two plena; a faculty plenum and a student plenum of equal size which met separately. Both plena had the authority to ratify or to veto any recommendation of the other.

On 9 June 1969 the UTC reconsidered the resubmission from PSA, and rejected it, claiming that it was not in accord with the SFU Academic Freedom and Tenure Brief. It was in large part an attempt to solve the stalemate on these procedures that the 4-

man group in PSA referred to above had introduced its "compromise" resolutions which were defeated by the PSA departmental majority, which in turn led to the resignation of the Acting Chairman.

Acting under the rather complex provisions of the SFU A.F. & T. Brief with its recently approved amendments, the Dean of Arts himself nominated a 6-man Departmental Tenure Committee for PSA on 24 July, and requested PSA ratification for this committee, all of whose members were drawn from the PSA Department. On 29 July, Professor Briemberg wrote that he saw "no reason for creation of a new committee."

On 2 August, the UTC instructed the Dean to name a Departmental Tenure Committee for PSA, in consultation with the other two Deans, in accordance with article 3.6 of the A.F. & T. Brief. This was done on 7 August, and approved by UTC on 12 August. The new committee consisted of 5 faculty members drawn from outside the PSA Department, and one professor from within. Later, the Dean claimed that this selection was made necessary by the fact that members of the PSA Department refused to serve on a Tenure Committee not elected by the Department. This Dean's DTC proceeded to make recommendations on some 18 individuals in PSA for contract renewals (11), tenure (7), and promotions (3). The DTC is empowered to recommend on contract renewals, subject to review by the Dean, for transmission directly to the President. Tenure and promotion recommendations must go to the University Tenure Committee.

On 21 August, the DTC sent its recommendations to the Dean, who forwarded appropriate materials to the UTC on 22 August. On 25 August the UTC arrived at its decisions, which tended in the main to be more stringent (or more negative) even than the Dean's Departmental Tenure Committee.

The resulting situation can scarcely be regarded as satisfactory to anyone. Some 18 renewal, promotion and tenure decisions were reached by two committees which, together, were able to muster one professor in the departments of political science, sociology, or anthropology. Recommendations on promotion and

tenure (the latter surely the most important single step in an academic career) seem to have been accomplished with astonishing speed - tenure and promotion recommendations went from the Dean to the UTC on a Friday, were acted on by UTC by Monday, and were in the hands of the Board of Governors for its meeting on Wednesday. This rather indecorous haste makes it more difficult to understand why a University Tenure Committee, normally seen as providing an overview of procedures and standards used by the various Departmental Tenure Committees, should have made a number of recommendations more stringent than those of the Dean's Departmental Tenure Committee for PSA without consultation or reference back to that Committee. Nor does it seem to have occurred to the UTC that since unusual circumstances prevailed within the PSA Department it might be wise to seek external assessments from social scientists outside the University.

Because the A.F. & T. Brief gives a deadline of 31 August for notification of non-renewals for the following year, the recommendations of both Departmental and University committees were taken directly to the Board of Governors on 27 August. The Acting President informed the Dean that the Board had undertaken to observe the rights of appeal provided in the A.F. & T. Brief. Each letter sent by the Acting President to PSA faculty members on the committees' recommendations contained the assurance that the Board would reverse any decision affected by a later appeal, retroactively to 1 September.

A number of PSA faculty members charged that this procedure represented a contravention of the A.F. & T. Brief. Some claimed that since the negative renewal and tenure decisions affected primarily the more "vocal" or "radical" members of the department, these were further and more extreme instances of the "witch-hunting" and political purging that they alleged the University had undertaken against the PSA Department.

On 3-4 September, the Executive Secretary of the C.A.U.T. and the Chairman of its Committee on Academic Freedom and Tenure visited the SFU campus for informal talks with individuals in the SFU Faculty Association, Administration, and PSA

Department. On the basis of these talks, and in the absence of a formal investigation, they made certain proposals to all parties on possible internal means for arriving at an arbitration or mediation of a dispute that had become emotionally charged and that was leading to extreme polarizations of attitude throughout the SFU community. They assured members of PSA - that the Academic Freedom and Tenure Committee of C.A.U.T. would certainly take up the grievances laid before it, and asked for time to deal with these before PSA considered other modes of action. It was suggested that a reasonable target date for C.A.U.T. action might be early October, the time set for the next meeting of the A.F. & T. Committee. Both sides were requested in the meantime to avoid confrontation tactics. No formal vote was taken by the PSA Department (the C.A.U.T. team met with about 9 of its members), but there was some reluctance on the part of these 9 to make a commitment to abstain from "direct action" - the nature of which remained unspecified - even though they were appealing to C.A.U.T. for assistance.

C.A.U.T. continued informal discussions by letter, telegram and telephone with SFU. By 19 September there was strong evidence that parties in the dispute were on a collision course: there was talk of a strike vote, and of reprisals; one could see on the horizon the possibilities of picket lines, of construction workers, faculty and students being asked not to cross them, of violence, of police on campus. Professor Willard Allen, President of C.A.U.T., issued a press statement asking for some "mode of reconciliation before further and more dangerous confrontations are allowed to take place." In particular, Professor Allen proposed several steps, all of which had already been discussed with both Administration and PSA from the time of the visit to SFU by the A.F. & T. Committee Chairman and Executive Secretary on September 3-4: (a) an external committee of review, drawn from academics in the appropriate fields from outside SFU, to review the present relationships of the PSA Department to the University; (b) provision for a suitable agency of appeal for the 10 faculty members of PSA for whom unfavourable recommendations on renewal, promotion, or tenure had been reached through a process which deprived them of proper

evaluation by faculty of professional competence in their own fields; (c) a suspension of the trusteeship during this period of examination and review.

President Strand responded by a public statement indicating his reaction to these proposals. He had already (on 15 September) addressed a request to C.A.U.T. that it name 3 faculty members to an external examining committee; A.U.C.C. to name 2 others. His response to points (b) and (c) of the C.A.U.T. proposals summarized above was mixed, and not altogether satisfactory, but seemed to C.A.U.T. to offer ground for further negotiation. The PSA response was rather confusing to C.A.U.T.: it indicated willingness to negotiate on the 3 C.A.U.T. proposals, but also repeated at the same time its own "four demands," which had been circulated earlier and which had the effect of asking for all-but-total autonomy for the PSA Department. PSA set down quite precise terms for the negotiation process, and demanded a response from the President in two days, failing which a strike would begin at 12:30 p.m., Wednesday, 24 September. The PSA response was developed at a meeting on Monday, 22 September, in which the Department had formally dissolved itself and reformed as the "PSA General Assembly," which was to consist of all students in PSA classes, plus all faculty members, in a 1-man 1-vote organization. The meeting appears to have been constituted of some 700 students (of 1700 taking PSA classes), and 14 faculty members. Approximately half of the faculty members voted against the strike; the other half, and almost all of the 700 students, voted in favour.

On Sunday, 21 September, the Executive Secretary of C.A.U.T. had sent the following wire to the PSA Department: "C.A.U.T. cannot support PSA in 4 demands to SFU Administration for complete autonomy, that is, complete dissociation from policies and procedures agreed upon by majority of University faculty. Therefore we will not support PSA if it adopts strike action in pursuit of those demands. We believe appeal procedures, external review, and suspension of trusteeship as outlined in our press release of 19 September are proper basis for negotiation and should be supported by PSA."

A telephone call by Professor Allen to Professor Briemberg at 10:30 a.m. on Monday, 22 September, reaffirmed the same basic position.

On 23 September, the day before the strike was to begin, Professor Allen issued a second press release disapproving of the strike action "while recognized channels of discussion, negotiation or appeal are still open." On the same date Professor Allen sent a telegram to each member of the PSA Department stating that "if you do not immediately notify me of your renunciation of strike action I have no alternative but to recommend immediately to C.A.U.T. bodies that neither your personal case nor the departmental case be supported by C.A.U.T. in any way."

It is unfortunate that there was no consultation on the part of PSA directly with C.A.U.T. either before the strike action was voted on, or afterward, in response to our appeals to try the available avenues of negotiation and appeal before resorting to such actions as the strike.

But the PSA strike action did begin at 12:30 Wednesday, 24 September. Within a week there were allegations of interference with other classes, of student protests about interference with their academic programmes, of default of contract. On Friday, 3 October, President Strand initiated suspension and dismissal proceedings against 9 members of the PSA faculty participating in the strike action. There were some 6 members of the Department teaching last fall who were not on strike and not participating in any of the strike actions.

The Committee on Academic Freedom and Tenure of C.A.U.T. met on 3-4 October, and spent much of its time discussing the SFU case on 3 October. On 4 October, Professor Allen met with the Committee during the afternoon to discuss his recommendation of 23 September for non-support. The following motion was unanimously adopted by the A.F. & T. Committee:

*The recent decisions of the University Tenure Committee of Simon Fraser University on renewals, promotions, and tenure for PSA faculty members should be open to an*

*appeal which includes assessment by a group of academics in the fields of political science, sociology, and anthropology from outside Simon Fraser University, and the proposed constitution and procedures of this appeal should be made public prior to appeal. Notwithstanding the above, the Academic Freedom and Tenure Committee regards the present PSA strike action as inappropriate and unjustified and therefore suspends action on the original appeals of those individuals who have participated in the PSA strike action.*

C.A.U.T. was requested by the SFU Faculty Association Executive to review the SFU dismissal and suspension procedures and to recommend on these. This C.A.U.T. has done, with the assurance that its recommended improvements would be implemented. The non-striking members of PSA consolidated as a department and elected Professor R. Wyllie as Acting Chairman, and President Strand on 14 October suspended the PSA Trusteeship. At the same time, and as a result of several approaches by individual PSA faculty members who indicated that they would like to withdraw from the strike, C.A.U.T. attempted to negotiate - or to offer its services in negotiating - a possible withdrawal of the strike action and of a simultaneous withdrawal of suspension and dismissal proceedings as a prelude to further negotiation. For that purpose, and because the Central Office of C.A.U.T. was receiving numerous requests from member associations and from social scientists across Canada and the United States for current information on the PSA dispute, a 3-man committee (President Willard Allen, Professor Hijmans of the A.F. & T. Committee, and the Executive Secretary) visited Simon Fraser for informal discussions on 20-22 October. They spoke with the Executive of the Simon Fraser Faculty Association, various administrators, a great many faculty members, including most members of the PSA Department present on campus (both from the striking and non-striking groups), and some graduate students in PSA and members of the Executive of the Student Council.

The Joint Faculty of Simon Fraser had by referendum voted against an official C.A.U.T. investigation (84-121-3), and in favour of an external examiners' committee named through the good offices of C.A.U.T. and to investigate the ongoing problems of

PSA and to make appropriate recommendations to the University (180-28-27). The Executive of the Faculty Association also opposed the idea of a C.A.U.T. investigation, or of any further C.A.U.T. intervention at that time. Further interviews with faculty, administrators, and students convinced the visiting committee that there was no hope, from either side, for attempts at mediation, and that the formally established suspension and dismissal procedures would have to run their course. C.A.U.T. proposed to maintain a watching brief on these procedures.

The five non-striking members of PSA in residence during the Fall trimester, under their Acting Chairman, requested a delay in the establishment of an External Examining Committee on the grounds that they were engaged full-time in their attempts to reconstruct a department and to reestablish an academic programme. While C.A.U.T. did not question these motives, it did register some concern that there might be no external investigation of the PSA situation - neither of past actions nor of its future prospects.

As a result of the PSA strike action, a large number of classes had been cancelled. Because the strike was called some 8 days after the deadline for changing academic programmes, the effects were fairly complicated. Many students ended with partial programmes; others were allowed to register late for "accelerated" classes which individual professors in other disciplines provided. The picketing of classes extended to some outside of PSA, especially of the alternate classes referred to above. These were picketed as "scab" classes; entrance to them was on some occasions barred physically against students and teacher. It should be noted that despite misleading publicity, no faculty member outside of the PSA Department actually joined the strike.

The University obtained against 3 faculty members and 11 students a court injunction restraining them from interference with classes and from "non-peaceful" picketing, and from enjoining others to such actions.

The court injunction also requested damages resulting from the strike action.

The question of the original appeals on contract renewals or tenure for the PSA faculty who had been on strike must by necessity be held in abeyance until the conclusion of the procedures presently underway on the issues of suspension and dismissal. The Committee on Academic Freedom and Tenure will reassess their situation at the conclusion of these procedures.

During the earlier part of December, 1969, various members of the PSA Department were appealing their suspension to the Board of Governors of SFU, under the provisions of the University Act, and were naming arbitrators for the hearings on dismissal, as was the University. It is the understanding of C.A.U.T. that an internal committee at SFU has been established to review and to make recommendations of the A.F. & T Brief, and that the Senate is engaged in an examination of the policies related to the nature and limits of departmental autonomy.

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**10 December 1969**

Alwyn Berland  
Executive Secretary

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*This report has been redesigned.*