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The Bradford Smith Affair
The Bradford Smith Affair

by Mark Looker
photos by Gil Rocha

The whole matter seemed to be so neatly put forth in the letter from President Robert Kennedy: "all consultative levels of review have recommended that you not be reappointed. I have concluded that in the light of these recommendations and in my judgement, it would not be in the best interest of the university to reappoint you."

It all seemed so neat and simple, put down there on paper. But to Brad Smith, assistant professor of sociology, 34 years old, married and the father of a boy and girl, behind those words was a story — a long, incredibly complex, sometimes confounding story of how one man has attempted and still is attempting to overcome what he sees as a series of unjust decisions.

Smith's controversial case first came to light on January 28, 1974 when the head of the Social Science Dept., Dr. Mahmud S. Hariri, informed Smith that it was "not appropriate" for him to sign Smith's textbook selection slip. The textbooks Smith wanted to use in his introductory sociology class were The Capitalist System and The Halls of Yarning.

Smith reacted strongly against Hariri's decision, calling it "censorship" and a "violation of academic freedom." Smith's troubles first came to public light in a column written by Alison Harvey of Mustang Daily. But as far as Smith is concerned, his battle to continue teaching started even sooner. It began when he received two faculty evaluation forms.

One was from Hariri. The other form was signed by three faculty members and both had the same theme: Their recommendation to "reappoint Smith for a second year was conditional upon his completion of his Ph.D. by the summer of 1974."

"I view this whole matter over when I promised to have my doctorate completed as a procedural method of getting rid of me," explained Smith, as he sat in his office in the Business Administration and Education Building. On the walls around him were a couple of posters: one showing Nixon and Agnew in prison stripes with the quotation, "Fascism can be cured."

The other poster was of China's Premier Chou En-Lai.

Smith is quick to assure you that he is not a wild-eyed radical out to make some quick ideological points. "I believe in working through the system," he explained. "But the major difficulty I face is that there is no forum either in or out of this department for me to make the case that academic freedom is being violated here."

"What is happening to me is based on prejudice. It is done on whim, not on the basis of policy."

Smith has already gone through one grievance proceeding last summer. He has just filed a second grievance, but feels he has to take his case to the public if he is to make the point that academic freedom is being violated.

"It lay to my advantage that I take this case to the press," Smith told "I feel that I need outside, public support on this question of academic freedom, which is why I am using such channels as going to outpost,... to the American Civil Liberties Union (ACLU), and the American Sociological Association (AAA)."

With that, Smith settled down in his chair and leafed through the papers strewn about his desk, for the whole story is well worth reading and well worth devoting this entire issue to. I highly recommend taking a few minutes and reading the whole thing. I also highly recommend marking down February 26 and 26 on your calendar. Those are the days to vote on AS 3116. Not sure what it's all about? Better find out now. Otherwise it may be too late to save a lot of those activities you now take for granted."

"It's unusual that outpost devotes an entire issue to one story, but then this is an unusual story. It's the story of one teacher's fight against the system. Rumors circulated around campus early this quarter that Sociology professor Bradford Smith was being fired. Students called it an unjust act and soon the word was out that the teacher himself was fighting his dismissal."

We decided to look further into the matter and sent outpost reporter Mark Looker to Smith to find out the whole story. Looker spent weeks running around the campus and talking with everyone involved in the case. Some refused to discuss the issue saying it wasn't suitable for the student press, others tried to hush it up, and certain individuals refused to say anything more than "no comment."

Nevertheless, Looker stuck to his guns and got the whole story — piece by piece. We feel that the story is well worth reading and well worth devoting this entire issue to. I highly recommend taking a few minutes and reading the whole thing.

I also highly recommend marking down February 26 and 26 on your calendar. Those are the days to vote on AS 3116. Not sure what it's all about? Better find out now. Otherwise it may be too late to save a lot of those activities you now take for granted."

Check out this week's Polygraph. Then be sure and vote to continue your support of outpost and other campus activities."

Ellen Peasley, editor
his chair and drawing on his memory and a vast array of memos, letters and other documents, began to place together a story as he saw it.

"The first grievance came about after the majority of the faculty and Mr. Hariri had recommended to the acting dean of the School of Business and Social Sciences that I be reappointed for a second year conditional upon my completing my doctorate by the summer of 1974.

The dean, Owen Berestius, forwarded his recommendation to the Academic Vice President, Clyde Smith.

Smith reacted strongly against Hariri's decision, calling it "censorship" and a "violation of academic freedom."

Flaher, stating that he could find "nothing in writing relative to the completion of the doctorate by this time in the initial employment papers and recommended that I complete my doctorate by the spring quarter of 1979, (what is referred to as a second terminal year appointment) or my employment would be terminated."

Smith received on March 1, an offer of reappointment from President Kennedy, conditional upon being "awarded the Ph.D. degree during the 74-75 academic year."

I Smith's grievance focused on three areas:

1. There had been arbitrary action prejudicial to his case. Here, Smith claimed that other faculty members had changed their recommendations based on what other members of the department had said.

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None of the tenured faculty came to more than one class.

Now an additional condition of employment, early completion of a Ph.D., was being applied. Smith complained, where as before there was no such specific stipulation set forth in the letter of offer which he signed. On this matter, Pinard would say only, "No comment." But for the record he would say, "To my knowledge, Brad has never entertained a notion that he wouldn't finish his dissertation."

On the whole matter of when Smith said he would be complete his dissertation, when the administration expected him to complete his doctorate and whether Smith was trying to deprive the department on this matter, outpass received a string of "No comments," from the faculty and head of the Social Sciences Dept., from the present dean of the school, Carroll McKibbin, on up to Dr. Kennedy. The reason given was that of "respect for the confidentiality of personnel matters."

3. Substantial evidence favorable to his case was ignored.

3. The offer of appointment as a terminal notice year for 74-75 be set aside.

4. That he be given a second probationary year without conditional terminal notice.

His case was heard by a state hearing officer on Aug. 8 and the decision was handed down on Aug. 21.

The decision found that there had been no arbitrary action taken, that there was not substantial departure from required procedures that were prejudicial to Smith and that substantial evidence favorable to Smith was not ignored.

The major part of the findings were devoted to the controversy over Smith's achievement of a doctorate, a point Smith sees as relatively minor in comparison to the issue of academic freedom.

The hearing officer found that, "...during the pre-hiring negotiations, Smith informed the department head that his dissertation would not be completed until October of 1973 and the campus did graciously consent to extend the time till then...However, prior to commencement of the 73-74 academic year, Smith and his central advisor determined that the dissertation would not be completed until the summer of 74; Smith deliberately and willfully failed to inform the campus of this change in expected completion date."

The hearing officer concluded that because of Smith's behavior, the campus had no idea of the expected completion date and had no reason to discipline or incorporate specific stipulations of conditional appointment in the initial offering. On Sept. 10, Smith did sign the letter of appointment which set forth:

2. There had been substantial departure from required procedure prejudicial to his case.

Here, Smith maintains that when he was meeting with the selection committee, which operates on a purely advisory basis and is chaired by Dr. Leo Pinard, he was told he would have four years to complete his doctorate.

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1974-75 as a terminal notice year, conditional upon completion of his Ph.D., when he would be given a second probationary year.

As Smith sees it, the whole matter of getting his doctorate has been blown out of proportion and is merely a device to apply indirect, covert sanctions to his behavior as a faculty member, rather than to address that behavior directly.

"I expect to have my doctorate completed by June of 76, as was set down in my letter of appointment, and I don't really understand what all the big sweat is about," said Smith.

There's an awful lot of pressure to conform here and Brad's just not playing the game.

As one university member, who wished to remain anonymous, told us: "It's obvious that the matter of the doctorate is just a means of getting Brad to conform. Certain of his actions are not appreciated, such as his selection of textbooks, and this question of why haven't you completed your doctorate when you said you would? I'll not worry any more trouble. If you'll just lay-off and let me get my doctorate and get tenure.

There's an awful lot of pressure to conform here and Brad's just not playing the game.

Smith found that even after signing the letter of appointment for 1974-75, his problems were not over. In fact, they had just begun.

In November 1974, Smith was again up for evaluation by tenure faculty and was informed that four out of the five faculty plus the department head had recommended that he not be reappointed.

In a memo dated November 16 and sent to the school's dean, Carroll McKibbin, Smith answered the charges that the faculty members had made on their evaluation forms.

The areas of complaint against Smith centered on these areas: Course content, tests, personalized system of instruction (PBI), grades, relations with faculty, claimed competencies, propagandizing students, student reaction to his courses and refusal to use a standard introductory textbook.

Smith gave a summation of his feelings regarding the charges in a memo he sent to Al Andreoli, chairman of the Personnel Review Committee (PRC), dated November 26. He requested that the committee investigate his grievance.

Some of Smith's comments were:

"Course content: The policy of the School of Business and Social Sciences states that evaluation of a faculty member's classroom... should permit the evaluator to observe a cross section of his performance. To accomplish this result, repeated observation and discussion... prior to written evaluation shall be a minimum requirement.

On this matter, the PRC found that only four faculty members visited once and one gave no evidence of a visit. In a memo dated December 2, 1974 and sent to Hazel Jones, the vice-president for Academic Affairs, the committee found that established procedures were not followed in this case.

Smith also says that the evaluation of the course content was...
The PRC wrote on this area. "The PRC is purposed to know: (a) exactly what suggestions were ignored, (b) if the rigid position he adopted was postural or something else, (c) and who stated that the interactions were intolerable and who stated that they were confrontational.

In summary, the PRC feels insufficient information was considered on this point... of Smith's personal relationship with the tenured faculty and their voting against his reappointment, along with the department head, is the most crucial issue presented in the evaluation packet... Despite agreement by all concerned that Smith has 'problems relating,' definitive verification of this problem has not been presented."

Smith wrote to the PRC on the subject of textbook selection. "There is one remaining allegation that does not have a base in fact: that is that I do not use what they believe is a standard introductory sociology textbook in the introductory sociology courses I teach. I maintain that my use of certain textbooks and my request that we formulate a departmental textbook policy are the major reasons that I am now being fired from the Social Sciences Department at Cal Poly... Given that no reason has been proved beyond that, the books are not introductory sociology textbooks, I maintain that I am being fired from my job for reasons that I believe to be entirely discriminatory and prejudicial."

Student Input was ignored at all levels of review.

Some of the comments by the faculty on Smith's textbook selection were:

"Smith's choice of textbooks is not consistent with quality teaching... (The Halls of Yessington) is un-scholarly and biased — it is, in fact, propaganda."

"Smith continues to use text material from his Book 108 class, which, while interesting and informative, I consider it inappropriate for an introductory sociology course."

"Smith's teaching performance doesn't meet the standards of the position on these points; he does not use an introductory sociology textbook this course."

Smith asked the PRC to consider whether or not a violation of academic freedom was occurring and therefore a recommended action was being based on discrimination and prejudice.

In its recommendations to Me. Jones and Kennedy, the PRC did not comment on this area. After the PRC's report was made and sent up the chain of command to Cal Poly's president, Kennedy returned the case to the committees along with two other cases and asked that they be reviewed and reconsidered.

In an interview with Outpost, Kennedy stated his reasons for the decision: "I met with Mr. Andreoli to discuss what appeared to be a challenge of the professional judgement of those charged with the evaluation process."

"It appeared the PRC was challenging the judgements of the appropriate faculty who make these initial decisions and was raising questions that were inappropriate," said Kennedy.

Specifically, Kennedy said, "The committee made judgements based on their feelings regarding the number of visits a faculty member must make. It is not written down anywhere how many visits a person must make to get an accurate assessment of a faculty member's performance. This is an area left up to the judgement of the tenured faculty."

Outpost submitted to Kennedy a list of eight questions dealing with the case. Kennedy would answer only the first five questions and in a memo addressed to Outpost explained why,

"I am perfectly willing to discuss procedures used in the Academic personnel process, however, it is inappropriate for me to comment to any member of the media with regard to specific or substantive matters of an individual personnel case."

The last four questions on the list dealt with the specifics over the controversy concerning Smith's completion of his doctorate. Kennedy said further, "When an individual elects to take individual personnel matters to the press for resolution rather than to await himself of established administrative recourse, it is inappropriate for me to comment and in fact, try to 'settle in the press.'"

Smith filed his second grievance with Kennedy on Tuesday, Jan 28, asking for a hearing by three faculty members selected at random. His grievance incorporates most of the charges that he answered in the memo to PRC, such as: procedure was not followed in respect to the evaluation of his classroom performance; there had been capricious action prejudicial to his case, such as a faculty member changing her recommendation within a week's time and the fact that he does not relate well to the faculty.

Smith does have two new charges this time, under the category of 'Substantial departure from the required procedure prejudicial to his case.'

The charges are:

1. Student input was ignored at all levels of review.
2. Information from other faculty members (the PRC) was ignored by Kennedy. His letter of termination stated, "...all consultative levels of review have recommended that you not be reappointed.
3. An employee in his second probationary academic year is to be notified no later than Dec 16 of that academic year. His letter was received Dec 17 and postmarked the Dec 16.
4. (Provided for under Title 5 of the California Administrative Code.)

The last charge Smith considers the greatest irony of all. "They can't even fire you the right way around here," he said with a laugh. Regarding the second charge that the PRC recommendations were ignored by Kennedy, Smith said, "It's unbelievable that this can happen. Why don't they (PRC) scream at this misrepresentation. How can they be covered by an administrator? Only at this school could such a thing happen."

When asked his feelings on the matter, Andreoli said, "The PRC is "I dislike making a decision that will cost someone their job. But the system is set up so that I'm the one who has the final deciding power, the one who has to inform someone that he is not going to be reappointed merely an advisory body. The final action to be taken is left up to the administration and the final power is with Dr. Kennedy. "We see if things are done honestly," said Andreoli. "It's more than just investigating a matter of procedure, but we don't deal in the area of professional judgements as to a teacher's capability. When a recommendation is made, it's made objectively."

Beyond that, Andreoli would make no comments.

As far as Brad Smith is concerned, what lies ahead for him? "Well, I'll give you a scenario of what I see ahead," said Smith. "First of all, I'm not out job hunting. I've given it a lot of thought, but I haven't taken any action in that area yet. "My scenario is that I'll go to the state grievance officer's hearing and probably win it. Kennedy will turn that decision around because of the previous decisions by faculty and so on. My attorney, Harry Woolpert, and I will go to Kennedy asking that I be kept on another year because of the letter arriving late, and when asked if he refuses, I'll go to court seeking relief for another year of teaching."

"Here's where the crucial question arises," said Smith. "Is there public support, organized support such as the ACLU, or faculty organizations to push this matter into court on the grounds of academic freedom? Unless I have a
The latest crisis to hit San Luis Obispo since the 87 Chey, has found its home on the outskirts of town. The name of the place is "The Graduate" and it combines the good time elements of a pool hall, dance joint and pizza parlor into one big happening. The beer and wine establishment caters to the 21 and over crowd only, but has no problem packing the house every weekend. For some, the place proved to be not the easiest bar to find through the door, but there's always Ashtray's. Instead of Park Hotel or the Guest every week, "The Graduate" is using a new idea to the college market: a live disco jockey playing an array of danceable tunes. Reaction has been somewhat favorable but there are those that say, "every once in a while this place gets hoppin' but other times the place is dead."

But after all, that's what this town is all about.

Congressman Norman Lent of New York has recently written to President Garry Poggi asking Ford to intervene and assist in the deportation case of John Lennon. Lent cited the numerous time and energy that Lennon has shown towards peace and charity. Lennon's denial for permanent alien residence in the United States arose due to a 1968 hash possession conviction in Britain. The case was eventually thrown out of court due to questionable police tactics. It was believed that the arresting officer had planted the hash himself.

The case goes on, Lennon continues his battle, and it's 72 degrees on the beach in San Clemente. "Hold on John, hold on, it's gonna be alright, you gonna win the fight."

John Lennon, 1970

**The Breakers**

The hill, S.L.O.

Drinking & Dancing

Newton & The James Boys

**SIX**

by Diane Booth

AB 3116 is coming! AB 3116 is coming! AB 3116 is here!

A barrage of posters, speakers, phone banks, buttons and drum-beating is part of the crusade to awaken the Cal Poly student body to its future. We students have a vested interest in the activities the Associated Students, Inc. (ABI) provides, because the campus is the hub of our lives.

Bus Everhardt, chairman to the Student Activities Council's (SAC) Finances and Fund Raising Committee, said, "The prime purpose of the campaign is to let the individual know how he will be hit. There is too much at stake to leave things up to chance."

AB 3116 is a legislative appropriation's bill that will help provide basic and essential support for instructionally related activities partially sponsored by a department and related to formal instruction.

Supplemental funds from the ABI will be required if the student body wishes to support more than the rock-bottom program determined by state officials.

The entire student body is urged to affirm the current level of the activities fee, at $30 per academic year, in the advisory referendum (student vote) on this measure to be held Feb. 26 and 26.

As it stands now, Victor Buccolla, director of the Athletic Board of Control at Cal Poly, says, "There is barely enough money for the programs to carry on now, and if fees are lowered we will have to start weeding out."

James Conway, professor in the Speech Department, emphasizes, "This is our chance to enhance existing programs and to open up new activities."

In the past few years, nearly all major ABI programs, particularly instructionally related activities, have undergone constant reductions in their operations. Some activities would have been given the ax for nex year already, had it not been for the state funds that saved them.

The Cal Poly band has been selected to represent North America's colleges and universities in Europe this summer. The estimated expense of such a trip is $75,000. If the ABI fees are retained, the ABI proposes to give the band $10,000, according to Scott Plowkin, ABI president.

KCPR's manager, Blair Helsing, says the station has submitted a proposal asking for $57,000 to enable KCPR to go stereo, a proposition that would become a reality only if the ABI fee remains the same.

There are only four women's Inter-collegiate sports for which there are insufficient funds. Denni Lopez, president of the Women's Recreation Association, says, "There is barely enough money to cover sending our teams to represent us, let alone send our coaches."

Budget wise, we place third from the bottom out of the 16 schools in our conference. Outpost Editor, Ellen Pansky says, "AB 3116 comes at a bad time since we are just now realizing our publication's potential. A "no" vote could mean a very bleak future for our paper."

There are scores of services required by students that are not instructionally related, and that need monetary support, such as legal aid, special event, and the campus newspaper. Roland Hill, says "We are practically impotent without an attorney; the office is virtually at a standstill."

Money is needed here to hire a new attorney. A negative vote in the AB 3116 referendum would be a call to curtail all student activities, and a "yes" vote would mean the student body favors continued ABI subsidies for the support of instructional, recreational and services programs in future years.
Smith

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What was the main reason Smith
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Santa Barbara in 1972, a school with
a strong inclination towards the
liberal arts, and came to Cal Poly, an
acknowledged team by doing,
conservative institution?

Smith smiled and said, "It's a half
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But I have to consider what is the
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dean who know the case best."

A

again, the saga of Brad Smith,
assistant professor of sociology
in his second year of full-time
teaching—a man with a
background that includes degrees
earned since 1965 — comes down
to the phrase, "In the best Interest of
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