

From Floyd L. Newby

Subject Reply to ALLEGATIONS

DAVID COCKRELL
WILDLAND RECREATION DEPT

Date May 22, 1975

It is with a great deal of mixed emotions that I find it necessary to prepare this written statement. Had events of the past few months been different, we would all be spared the controversial elements that I must address. I have elected to follow this route because none other is available to me even though I was assured in writing from Dr. Coonrod that I merely had to submit a request in writing to receive a faculty meeting in which I could answer the allegations made against me. I submitted a written request to John Ehrenreich on March 10, 1975 for such a meeting but the request was totally ignored, thus the necessity for this letter.

I came to the University of Idaho thirteen months ago with a great deal of optimism concerning the outstanding potential of the programs in Wildland Recreation and Wilderness Research. I came even though I had received severe caution statements relative to certain problems in the College administration. However, either my extreme desire to leave Washington or perhaps over-confidence in my ability to work in an atmosphere of distrust and misrepresentation, resulted in my acceptance of the position of Director of the Wilderness Research Center and Academic Chairman of the Wildland Recreation Program. I accepted the position on the condition that open communication and inter-personal integrity would be uppermost in all matters concerning my position. None of these commitments were subsequently honored — the reasons, as I perceive them, will be discussed.

Within a month after arriving at the University, I had a meeting with John Ehrenreich and Ken Sowles to discuss the administration of the Taylor Ranch. Because of alleged political controversy and problems generated by the former Director of the Center, it was agreed that we would attempt to disassociate the Ranch from the Center and that because Sowles already had all the necessary contacts, he would administer the Ranch for the Dean. I agreed to this arrangement on the condition that if the two could not be disassociated, they would be again placed under a common administration. Even though Dick Walker and myself both tried to disassociate the two whenever we dealt with anyone — Federal agency personnel, the Governor's office, other institutions, backcountry residents, and faculty and students of the University — the linkage was still there and couldn't be erased. When it became obvious that the success of one depended upon the success of the other, a request was made to put the Ranch back under the auspices of the Wilderness Center — the request was denied, therefore a rather severe constraint was placed on any possible success that the Center might achieve even if total support of the Ranchless Center could be attained.

Backing up a little, other situations had been developing that would eventually place the success of the Center's program in even greater jeopardy. Even before I came to the College, a search was underway to hire two additional faculty in the Wildland Recreation Program. If these

two positions (Planning & Management) had been filled, much more effort could have been placed on meeting the Dean's timetable relative to the Wilderness Research Center — a timetable which I had no knowledge of until told that I had not met it. It is a common fact that most new programs such as wildland recreation or wilderness research require a minimum of two years of solid continuity to even approach stability. As early as July efforts were being made to undermine the attempts of Dick Walker and myself to re-establish the Center as a viable program. Specifically, I was informed that I was not to contact the Governor's office, any of the Board of Regents, or members of the Legislature without prior clearance from the Dean's office — the reason being that "it" was too politically sensitive for me to handle.

During the summer months, we planned rather intensive travel aimed at establishing a strong rapport with the various interest groups, agencies, and individuals who were either foes or supporters of wilderness and wilderness research. We were very successful in this endeavor and re-established communications with these people. It was also during this period that we began to receive feedback from around the State that someone from the College was being very negative about our program efforts. We were being labelled "those bearded weirdo wilderness freaks" who are trying to get rid of all outfitters and horsemen from Idaho's wilderness areas. Later, I was also accused of alienating Jess Taylor and others in the Big Creek area — this in spite of the fact that I had never met or talked with those whom I had been accused of alienating. When contact was finally made with Jess and Dorothy Taylor, we were able to establish a bond-of-trust that no one else in the College with the exception of Dr. Hornocker had been able to do. Jess and Dorothy entrusted us with personal records of "Cougar Dave Lewis" with the expressed idea that we would not give them to the Administrators of the College. We honored this trust until recently when these records inadvertently fell into the "wrong hands".

Another serious discrepancy arose when I read in the Lewiston newspaper that the "Wilderness Research Center" was conducting research in the Idaho Primitive Area in order to provide the Governor with data for his fight to have deleted lands restored to the potential wilderness area. When I questioned this fact, I was informed that it did not concern me but that I would be informed if I were to be involved — that was the last I heard about it until faculty started showing up in my office asking me about the "wilderness" research they were being requested to do for the Dean's office. Similarly, when Congressman Symms was on campus he told me that he was there to talk about, among other things, the wilderness research the College (the Center) was doing. He stated that he had a meeting set up and would see me there, but when I confronted the Dean about the meeting I was informed that it did not involve me and that I could not attend. These are examples of the pattern which developed and essentially severed any form of meaningful communication with the Dean's office and which placed so many constraints on me that it became impossible to do my job to anyone's satisfaction, including myself.

One of the more severe problems that had to be overcome prior to the Center becoming a dynamic viable unit of the University was to break down the barriers that had been built up across campus because of intolerance, mistrust, and insensitivity. I had been warned by the College Administration to beware of certain faculty from biological sciences, zoology, geography, sociology, the Water Resources Institute, and even some members of our own faculty. It wasn't until I elected to disregard this advice that it became obvious that a great deal of support could be generated for our programs if we were willing to open honest and forthright communications. I only regret that I waited nearly two months before totally disregarding the very poor advice that I had been receiving. Since my non-reappointment has been made public, all of these contacts in the "suspect" disciplines have personally expressed deep regret and concern that for all practical purposes the good communication channels that were opening up had once again been slammed shut. We are all losers because of this.

I would like to now turn to the events which specifically led to the final decision for non-reappointment. Although I had the opportunity to have limited discussions with the Dean's office relative to progress being made on the Wilderness Center, I had no reason to believe, given the changes in circumstances different than envisioned when I arrived, that there was any serious concern about what I was attempting to do. All my discussions with the Dean ended on a positive note and I was fully confident that the Center would become a success, although not as soon as we had hoped. I met with the Dean on October 18 to discuss the negative feedback I was receiving from people outside the College and at that time he mentioned that Dean Stark had sent him a memo on September 23 requesting to be "brought up-to-date" on what had transpired since I had assumed Directorship of the Center. It was suggested that a progress report be made to keep Stark happy but I didn't interpret any great sense of urgency since as far as I knew, Stark was simply playing the role of an interested party — this ultimately turned out to be a serious mistake on my part because apparently I had some sort of direct accountability to Stark that I was not aware of. I realized that when we actually got into defining a distinct research program, that my involvement with him would be more clear cut. However, I was not willing to lay out an elaborate plan for the Center until a few problems and policy issues had been worked out.

About the last of October, Dean Stark sent another memo to John Ehrenreich inquiring about why he had not received a reply to his September 23 memo. Approximately a week or ten days later the Dean told me about the second memo from Stark and suggested that I provide something to satisfy him. I began a series of reports that I hoped would lay the foundation for support of a rather comprehensive program to be undertaken by the Wilderness Center. The first report was an itinerary of activities in which Dick Walker and myself had been engaged since mid-May. This document was simply to be used to help anyone interested in the Center to understand the kinds of efforts which were deemed necessary to avoid making the same mistakes as my predecessor. We actually got into the Wilderness Areas to talk with various

user groups and managers and were able to significantly increase our ability to project and translate these experiences into researchable problems in some sort of priority order. I was later severely criticized by Dean Stark for investing so much time in trying to become totally familiar with wilderness problems. He stated that I could have accomplished the same purpose in two weeks with a few phone calls and letters?? Unfortunately, I submitted the itinerary report to the Dean before I had finished the draft "Statement of Purpose" and other planning items relative to the Center. The first report was sent to Stark who naturally would be less than satisfied with what had been accomplished to date. Up to this time (November), I had never talked with Dean Stark on any subject let alone what I envisioned for the Center, in fact it was not until late December or early January (I threw my 1974 calendar away) that I actually sat down with Stark to talk about my responsibilities. Dean Stark expressed surprise that I had responsibilities in the Wildland Recreation Program since according to his knowledge, I was hired only to work as Director of the Center. Given this new information, he appeared to understand why I had not made more progress than was in evidence on paper and he appeared to agree with my ideas for the Center, especially the plan to establish a Wilderness Research Trust within the Idaho Research Foundation. He also expressed some dismay that the Taylor Ranch was not under the administration of the Center but conceded that this was a problem that had to be worked out with the College administration. As we talked about various interdisciplinary programs associated with the Center and he made several good suggestions as to things that I might want to explore. All in all, I felt our first meeting was a positive learning experience for both of us.

On January 27, 1975 I was scheduled for a meeting with John Ehrenreich and Dean Stark in Stark's office to discuss what I believed to be some policy decisions and support of the programs that we had discussed recently. This was only the second time I had ever talked with Stark. Immediately after arriving in Stark's office, he suggested that Ehrenreich start things off. I was stunned and shocked to hear that they were sending a recommendation to Dr. Coonrod that I not be reappointed at the end of my current appointment. This was the first direct verbal notice that they were dissatisfied with my efforts, even my performance evaluation the month previous was not indicative of the attitude they expressed. In fact, the Dean did not fill out my evaluation in my presence or discuss any serious concerns he had but simply said that he really didn't have enough information to complete the evaluation. However, he did subsequently submit his evaluation without further discussion and gave me less than satisfactory ratings on all aspects. I found this action to be very repugnant and entirely contrary to every standard of good personnel management.

On January 31, 1975, I received a letter from Dr. Coonrod which stated that he had "...received a recommendation from Dean Ehrenreich, supported by Dean Stark, that your appointment not be renewed for next year." On February 4, 1975, I was officially relieved of my responsibilities as Director of the Wilderness Research Center and John Ehrenreich assumed the

position himself. This action was taken in spite of the fact that the letter from Dr. Coonrod stated: "...I have been designated by President Hartung to inform you that your current appointment as Director of the Wilderness Research Center and Professor of forestry at the University of Idaho will continue until its termination on June 30, 1975, after which it will not be renewed."

On February 11, I met with President Hartung to discuss the personnel action and to see if he could explain some of the inconsistencies of the action. He listened politely, expressed some concern about some of the facts which had not been pointed out to him, and I came away still wondering what had happened. The next day, February 12, I submitted, according to the regulations in the Faculty Handbook, a written notice of an intent to appeal the action. I was not appealing the action to remove me as Director of the Wilderness Research Center because that was an administrator category position and therefore not subject to appeal. Instead, I intended to appeal on the basis that my rights as a faculty member (Professor of Wildland Recreation Management) had been violated in that procedure had not been followed, namely, the Dean had not considered the vote of the tenured faculty nor the advice of the non-tenured faculty and students. I had been informed in a meeting with Dean Ables and Dean Ehrenreich that the action was taken because I was an administrator and had no recourse regardless of the reasons or lack of reasons for termination. The Dean followed this procedure because, as he stated, "The President and the University lawyer had determined that I was officially classified as an administrator." The full facts had not been given the President as he intimated during my February 11 meeting with him. In fact, he too was apparently unaware that I had been hired to wear two hats.

As to my faculty status, my Current Faculty Position Description, dated October 11, 1974 and signed by both Dean Ables and John E. Ehrenreich, listed my time division as 25% teaching, 30% research, and 15% other professional activities, and 30% administration, which by Dean Stark's and Ehrenreich's admission included at least half (15-20%) of my time allocated as Academic Chairman. We have all been informed that our position descriptions should reflect what we do not the budgets under which we are paid. If the two do not agree then adjustments must be made by the Administration in their annual budgets. In essence, I was being removed from my position because I had "not made adequate progress toward defining the philosophy, a program and a structure for the Wilderness Research Center." This activity, according to my official position description, was allocated only 10-15% of my total time, at least up until October 11, 1974.

As the result of my notice to make an appeal, an appeal board was formed and the appeal was scheduled for February 27, 1975 at 8:00 a.m. My attorney was prepared to show beyond any reasonable doubt that the position taken by John Ehrenreich, relative to my position being almost

totally that of an administrator, was erroneous and arbitrary. He was prepared to show that my rights as a faculty member (85-90%) had been violated. However, the events of February 26, 1975 completely destroyed any opportunity to pursue the appeal action, except in civil court.

It is the events of February 26 that have so devastated my career, my faith in the integrity of a system of justice, and my faith in people who I esteem to be the elite of the community. On this day, John Ehrenreich demonstrated his administrative (?) finesse by calling a series of "secret" meetings...meetings in which the participants were "sworn" to secrecy in order not to damage the University. The events, charges, allegations, insinuations, and deceptions of those meetings are almost incomprehensible to me. In the first place, not all faculty and students were informed of their respective sub-group meetings, in the second place, the same information was not given to all groups, and lastly, I was given absolutely no opportunity to present my side of the story or to answer the charges. I was charged, tried and convicted without even having had the opportunity to face my accusers or my judges. I was not even aware of the allegations being made until certain faculty and students began to call me to express their concern about what they felt to have been an entirely inappropriate action.

I received a letter from Dr. Coonrod dated February 26, 1975 which stated:

"I have been informed by Dean Ehrenreich that he conducted the following consultations today regarding the questions of terminating your appointment at the University of Idaho:

1. Fifteen tenured members of your College were asked to vote on the question of termination of your services to the University effective July 1, 1975. Thirteen voted for termination; two voted against termination.
2. The available non-tenured members of your college faculty were assembled to discuss the question of termination of your services effective July 1, 1975. The discussion did not lead to a vote. However, Dean Ehrenreich interprets the tenor of the discussion to reveal that approximately three-fourths are in favor of the termination of your services; the other one-fourth favored retention of your services.
3. Four of the eight elected leaders of the studentbody of the College of Forestry, Wildlife and Range Sciences were consulted by Dean Ehrenreich. All four favored termination of your services. Dean Ehrenreich is attempting to contact the remaining four to ascertain their opinion.

Since your appointment is approximately seventy-five percent in the administration and operation of the Wilderness Research Center, the responsibility to evaluate your services is administrative in nature. [based not on what we do but how we are funded] This has been correctly handled by Dean Ehrenreich and Dean Stark. Therefore, we do not regard the consultive procedures reported above to be necessary to the recent decision not to renew your appointment at the University of Idaho next year. However, since you contend in your appeal that the decision should have been made on the basis of procedures applicable to the teaching portion of your assignment, Dean Ehrenreich recommended, and I approved, that we determine what the opinion of the faculty and students happens to be. This has now been ascertained and is herewith reported to you. Such opinion confirms the decision of President Hartung, reported to you by my letter of January 31, 1975, that your appointment as Director of the Wilderness Research Center and Professor of Forestry at the University of Idaho will not continue after June 30, 1975."

The last two sentences negated the basis of my appeal -- the faculty and students by their participation in the impromptu meetings of February 26, 1975 for all intents and purposes denied me the right to be heard or to answer allegations unknown to me at the time. I still do not know all the charges even though my attorney requested an itemized list and received the only reason for non-reappointment as: (letter from Dr. Coonrod dated March 4, 1975)

"The action was taken to terminate your employment because in the judgment of your Dean you have not made adequate progress toward defining a philosophy, a program, and a structure for the Wilderness Research Center."

In his letter, Dr. Coonrod stated, "Should Dr. Newby wish to appear before the Faculty of the College of Forestry, he should make written request for such appearance to Dean Ehrenreich." This was done by memorandum on March 10, 1975 -- no reply, therefore the need for this letter.

I desire now to answer the allegations as I understand them as they were presented to the faculty and students and since carried off campus by members of the College Administration.

1. "Newby had received severe reprimands on five different occasions from former employers and the evidence is in our files." -- I have never received a reprimand to my knowledge on any job I have ever held. I came here with an excellent unblemished record and will leave with a cloud over my name and professionalism.
2. "Newby is guilty of some 68 criminal acts relative to his position." None of these charges were itemized as requested by my lawyer but they apparently related to so-called "travel voucher irregularities." When I arrived here I was told that when

travelling "...the mode of transportation used should be the most efficient and economical means by which State business can be completed, as well as being less time consuming to State employees." Because much of our travel involved going into the backcountry, it was decided that private plane use was the cheapest and most efficient. When I asked how we went about being reimbursed for the use of a private plane, I was told by Ken Sowles that it was common practice to simply compute ground mileage and submit that for reimbursement. We did this and were able to accomplish over \$3,000.00 worth of air travel for under \$700.00. This was calculated by comparing the cost of air service such as that used by the Taylor Ranch manager with our use of a private plane and ground mileage. When confronted with the question as to why this "common practice" procedure was being questioned in my case, John Ehrenreich stated that "everyone in the College, including himself, had similar discrepancies on their travel vouchers but it is only when we have a problem such as my appeal that it is necessary to bring them to light." I sincerely regret not following my own intuition to secure "official permission" to claim ground mileage for the use of a private plane rather than to allow myself to become vulnerable to such charges by accepting the advice of my "peers".

3. "Newby claimed travel for a trip he never took." The event in question was a trip I was scheduled to take to the Taylor Ranch to tape Jess and Dorothy Taylor. I was not able to go because of more pressing commitments and so Dave Johnson took the trip with Dick Walker. Shortly after returning from that trip Dave left for Wisconsin without submitting a travel voucher. Since we needed the mileage money to pay for plane fuel, and we had no definite idea when Dave would return, I submitted the voucher under my name and paid the expenses of the trip. The group of people with whom I work, all trust each other and we balance our accounts on a totally informal basis and with complete trust in each other. The travel was not accurate but was done as a matter of expediency and has since proven to be a millstone around my neck. There was no intent to defraud but simply to meet a need in the easiest and fastest way.
4. "Newby claimed food allowances and also used freeze dried food purchased for backcountry travel." I purchased \$450 worth of freeze dried food which arrived after most of our travel had already been taken. During our travel we used some freeze dried food to supplement our own provisions, especially on trips that were not claimed on travel vouchers. The freeze dried food we used was taken from a private supply and had to be replaced when the Center's supply arrived. Better than 90% of all the purchased food was turned into Ken Koontz and is in the College storeroom.

5. "Newby misused over \$5,000.00 in College funds."

The largest single purchase made by the Center under my direction was the freeze-dried food. Other purchases were for miscellaneous items and amounted to a total of a few hundred dollars. Most of my allocated monies were assumed when the Dean took over as the new Director. If there is some question about misused funds, I have not been told directly about it and therefore cannot defend myself against the allegations.

Apparently there were other allegations made of which I do not have specific knowledge but I asked for a meeting to answer any and all charges and was denied. Therefore, I must assume that there are not questions unanswered, however, I am still willing to answer all allegations.

Another point that bears mentioning relates to the process of performance evaluations. In the Faculty Handbook, Section 4170-I-1, it states that a faculty member... "be advised at the time of his or her appointment of the criteria and procedures followed in decisions affecting reappointment." John Ehrenreich contends that I did not achieve what they expected within the time allotted; (1) I was never aware that I was accountable to anyone other than the Dean of the College, (2) I was never told of the "specific expectations" which were privy to Ehrenreich and Stark — I simply proceeded to move in a direction which was geared to achieving the broad objectives stated during the hiring process, and (3) an individual cannot meet expectations if he never knows where they judge him to be or not to be relative to standards, dead lines, etc.

An individual is judged on what the Dean puts on the performance evaluation form relative to percentage allocation of responsibilities rather than on what the Faculty Position Description states. This is arbitrary and contrary to all procedures of good personnel management. Also, what the Dean puts on the form he submits does not have to agree with what he tells you orally which is not appropriate either, especially in my case. When Ehrenreich submitted a performance evaluation of my teaching responsibilities, he based it upon a nine-contact hour course for which I was paid essentially as a consultant. The U.S. Forest Service paid me to teach the course which was not a University course. I did not do terribly well on that course but Dr. Ables was fully aware of serious personal problems which contributed to what I acknowledge as rather poor organization of the material presented in those nine classroom hours. It was totally inappropriate to evaluate my university teaching on the basis of that experience.

All in all I have found the administrative procedure in this College to be almost totally devoid of anything that even remotely resembles an attempt to preserve the right of human dignity. Misrepresentation, deception, character assassination, and general disregard for the rights of students and faculty seem to be the order of the day in this College. My psychology

friends tell me that I am involved in an amoral administrative atmosphere — anything goes because there is no right or wrong as long as the power structure is pursuing its own ends. I cannot exist in such a situation and had the events which transpired not occurred, I doubt that I would have remained to idly stand by and watch what was being done to the lives of people in the name of progress, growth and personal ambition. I hurt very deeply inside because I see and believe in the potential of this College and I know that I could have helped build strong programs in Wilderness Research and Wildland Recreation Management, but not in ninety days, six months, or even a year. It would have taken at least two years with support — an acceptable time frame for anyone who truly understands the nature of the problems which must be faced in these programs. I still find it incomprehensible that two Deans could have had their heads so buried in administrative fogweed that one makes a decision for non-reappointment before he has ever talked with the individual and the other blindly believes the rumors carried to him without ever checking their validity before making decisions which affect the lives of many people. Something is wrong with a system that perpetuates this situation.

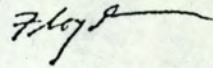
Before this letter turns to "sour grapes", I want to say that I have been extremely rewarded by the interest shown by many of the students in the College. If nothing else, they have gained insights which will help prepare them to cope with situations over which they have no control. These students are "beautiful" and I hope the rest of the faculty recognize this to the point that they encourage honest objective dissention. I also have a profound respect for many of the faculty and staff of this College and the University but it saddens me to see those who say, "I can't speak out against the positions taken by the administration for fear that my program and support will be cut, however, if I can do anything where I can remain essentially anonymous, then I am fully supportive." I am not an activist but simply one individual who has been unable to fight a battle wherein the rules of battle and the battlelines were unknown. I have enough self-confidence left to believe that I can work and fight within any system where the rules are known but I can't compete when I don't know what I'm fighting. Had I been given the rules, this letter would never have been necessary.

I have expressed these feelings and concerns to each of you in hope that you do all within your power to never have a repetition of what has happened to me and others in this College. You have most of the ingredients to make the FWR College the kind of organization that you can point to with pride. It should be a College that has a strong viable heart as well as a growing institutional structure — one which expresses more concern for its people (students, faculty and staff), their hopes and aspirations, and their learning experience potential than it does for physical growth and research dollars. It shouldn't be necessary to sacrifice ones personal integrity to survive nor should it be necessary to be

more concerned about documenting every action one takes rather than to do the best job you know how — recognizing that if you stumble, someone is going to help you up rather than kick you while you're down.

I wish to give my heartfelt thanks to those who have tried to help me. My brief stay in your College has been an experience — one which I will recover from and perhaps be a better man because of it; however, I will probably always have an ache in my heart because I was not able or perhaps allowed to make a contribution towards the College realizing its potential. I can say no more but I wish you all, including my antagonists, good luck.

Sincerely,



Floyd L. Newby

FLN:sd

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December 15, 1993

Ken Wotring
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Dear Ken:

This letter is to give you something to ruminate on over the holidays in addition to turkey, stuffing, and too much of everything else. We discussed this idea briefly last summer during the LAC visit at the field station.

There is a tremendous wealth of information that's been gathered or is now being gathered each year within the Frank. This information is virtually everything we know about conditions and trends of the resources of the Frank and would provide a tremendous benefit to wilderness managers, planners, scientists, and public officials if readily available. But the data are scattered among individuals and agencies, and in most cases, are available only internally to a particular agency or gather dust. There are also theses and publications that aren't easily obtainable or even known to many.

I propose that we institute an annual summary of monitoring and research in FC-RONR. The report would summarize the data that has been gathered each year and, combined with previous years data, put information in perspective. Some examples of information to be included: Idaho Fish & Game annual fish & wildlife surveys, USFS Experiment Station surveys of stream morphology, University of Idaho and Idaho State University monitoring and research, archeological findings, campsite inventories and monitoring - any wilderness resource data gathering activities. Presentation would be in simple graphs and tables with short summaries and listing of contact people for the particular data. Through time we could accumulate in one place all the information gathered concerning ecological and recreational condition, trends, and relationships of the Frank. I envision the document to grow in successive years as we discover and have the time to incorporate historical records into our knowledge of the Frank.

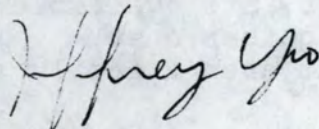
A research and monitoring summary report would not be redundant with the annual report of activities now produced

for the Frank. Nor would the report replace other publication outlets for research findings, such as scientific journals or USFS technical reports, or attempt to interpret research data prematurely. However, I believe a report like this is essential to competent management of the Frank and will set the standard for management of other wilderness areas.

So here's what I'm proposing: I volunteer to take the lead on producing the report, i.e. summarize, synthesize, chart, graph, etc. all the data and to write the initial draft for review by everyone who's contributed. In exchange, Forest Service covers my production costs (phone, xerox, paper, etc.) and prints and distributes the final report. I don't see this entailing much expense. Also, you help me with obtaining data and make sure we're incorporating all the research and monitoring that's being done.

Let me know what you think. I'll be gone over the holidays so I'll give you a call in early January.

Merry Christmas!

A handwritten signature in cursive script that reads "Jeffrey Yeo".

Jeffrey J. Yeo
Scientist/Manager