

LLU Debate Continued by A Principal in the Dispute

The August 1992 issue of Spectrum on Loma Linda was of great interest to me. Of particular interest was the section entitled "Documenting a Dispute." The dispute over academic due process is important to the vitality of Loma Linda University (LLU) and has important implications for the Seventh-day Adventist Church, since the General Conference is centrally involved in the Board of Trustees and its style of management.

Although there is a serious dispute at Loma Linda over academic due process, it is a procedural issue and simply obscures the real underlying dispute. What lies beneath is a dispute over administrative misconduct that includes: abuse of power, intimidation of faculty, retaliation, exploitation, and infringement of patent rights.

Your style of journalism is peculiar in as much as you are "Documenting a Dispute" without any investigation! You have not interviewed the individuals who are central to the dispute. If *Spectrum* is interested in "Documenting a Dispute," it will require investigative journalism.

You chose to publish President Behrens' letter to the American Association of University Professors (AAUP) originally dated June 3, 1992, in response to the AAUP article in the May-June issue of *Academe*. Her letter is extremely misleading, and I trust that you will publish the following response:

President Behrens begins by stating that "you would not be surprised that the incongruity between the stated mission of LLU and the reported performance is easily explained by the fact that there is 'another side of the story.' I am sure you would agree that the merits of these cases cannot be discussed outside of appropriate institutional forums for due process or other appropriate legal forums."

This statement bears comment because the terminated faculty members never had the opportunity to hear or refute the "other side of the story" since it was presented to the Executive Committee of Loma Linda Faculty Medical Group, Inc., (LLFMGI) and subsequently, to Loma Linda Board of Trustees in the absence of the accused! Further, due process has nothing to do with "the story," but rather with the appropriate method of protecting the rights and reputation of the "accused." President Behrens proceeded in her letter "to speak to some issues which cause me grave concern at this time."

Responses to the Loma Linda issue are followed by a letter in defense of colporteurs.

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Behrens: "Formal predismissal meetings occurred in each case during which administration provided to a faculty committee, the reasons and the documentation for the dismissal of each faculty member. Further, the vote by the faculty members of that committee to support the recommendation of termination was conducted by secret ballot and was unanimous."

Response: This faculty committee she refers to consists of chairmen of clinical departments who do not challenge administration. Academic due process requires a predismissal hearing before an elected faculty body. President Behrens' strained attempt to equate her predismissal meeting with an appropriate predismissal hearing is quite transparent.

Behrens: "The grievance component of the faculty academic due process could have been initiated prior to the effective date of the termination of the faculty appointment. Specifically, this could have occurred in the intervening 30 days from notice of this intended action and its taking effect which was a provision expressly

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designed for this purpose. In actuality, the formal predismissal meetings, the 30 day notice, the lengthy opportunity for grievance after the 30 day period, and provision for arbitration clearly provided due process in these three dismissals."

Response: The expression "this intended action" implies that the terminations were not completed prior to the offer of grievance. Quoting from President Behrens' letter of July 19,1991 "... the Board of Trustees of Loma Linda University has voted to terminate your faculty appointment as Professor of Medicine . . . effective August 12, 1991 . . . you have available to you the grievance procedures . . . " As stated by President Behrens "this provision was specifically designed for this purpose," that is, to offer the grievance after the termination. There is no doubt that it was "specifically designed" to offer the grievance after the termination has been voted on by every appropriate administrative body and the Board of Trustees.

The facts are these: On July 16, 1991, without any prior warning or counseling, I was handed a letter dated July 16, 1991, recommending termination of my faculty appointment and informing me of the meeting of the executive committee of LLFMGI on the next day.

On July 17, I wrote a letter requesting copies of the documents and papers that supposedly supported the allegations against me and I requested a few days to formulate a response. Later the same day, I hand delivered the letter to Drs. David B. Hinshaw and Douglas Will. I did not receive a reply, and the committee met as scheduled.

On the following day, (July 18, 1991), the Board of Trustees voted to terminate my faculty appointment without a hearing. The entire process was completed within 48 hours!

President Behrens also refers to the "arbitration" as part of the due process. Please note that the faculty handbook states that the arbitrator shall not have the authority to render an award "which has the effect of altering, amending, ignoring, adding to or subtracting from existing University policies and practices." Incredibly, despite these facts, President Behrens claims that these provisions "clearly provided due process in these three dismissals."

Behrens: "Suspension of their faculty activities did not jeopardize their access to any faculty due process."

Response: The AAUP report did not claim that suspension jeopardized access to due process. Rather, AAUP's position was that suspension was unjustified because there was "no threat of immediate harm."

Behrens: "Each faculty member's opportunity to grieve continued beyond the time of the discontinuation of their faculty appointment."

Behrens: "Faculty appointment and employment for clinical faculty at LLU are with separate 501(c)(3) corporations. This relationship is well publicized and clearly defined and has existed since 1978."

Behrens: "For each of the three dismissed faculty, policies relating to the terms of their employment and termination were enumerated in their employment contract."

Response: These three statements of fact are irrelevant to the issue of due process.

Behrens: "Termination of the faculty appointments did *not* terminate the individuals' salaries which continued beyond the entire time available to them to initiate a grievance. It should be further noted that, at the subsequent time when their employment was discontinued, there was additional payment to these individuals as per their employment contract."

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Response: A letter from Roy Jutzy (Medicine Department chairman) dated September 17, 1991, reads as follows: "This is to inform you that the LLUPMGI Operations Committee has made a preliminary decision to terminate your employment and your employment agreement... The relevant factors include the following: Due to the termination of your faculty appointment, you can no longer teach or perform services at facilities leased from LLFMGI..."

Undisputedly, we lost our salaried positions with even greater clarity: "14. Termination. This agreement and Employee's employment shall be terminated by the board or its designate upon the happening of any of the following events: (d) Employee's loss of faculty appointment in the Loma Linda University School of Medicine...." Is there any doubt concerning the intent of the administration in this regard?

Behrens: "The policies on academic freedom were not breached in determining the cause for termination for any of the cases mentioned. More specifically, none of the faculty that were dismissed for cause were terminated for reasons that involved academic freedom."

Behrens: "LLU most particularly believes that academic freedom is the right of every member of our academic community, whether the individual is an instructor, a nontenured, or a tenured professor."

Response: President Behrens is apparently referring to Loma Linda University policies on academic freedom, rather than those established by the academic community. Academic freedom includes freedom to criticize which, as stated in the AAUP report, is a "crucial component of academic freedom and of the institution's ultimate vitality." Nevertheless, LLU policies on academic freedom, prior to policy revisions in 1991, read as follows: "Academic freedom allows a faculty member to

question institutional plans, objectives, or policies . . . without fear of administrative reprisal."

This phrase does not appear in the 1991 faculty handbook, which, ironically, was approved by the Board of Trustees on July 18, 1991, the same day that it voted to terminate our faculty appointments. Therefore, the revised policies of 1991 could not have been applicable to us. President Behrens' statement that "none of the faculty that were dismissed for cause were terminated for reasons that involved academic freedom" is simply not true, and the "cause" has never been publicly stated.

Behrens: "Why did AAUP staff refuse to urge the grievants to use the policy available to them that would have provided for proper adjudication as noted previously?"

Response: Such a request was made by President Behrens to Jordan Kurland in a letter to the AAUP dated October 28, 1991. His response dated November 5, 1991, was as follows: "We would have done so at the outset, were we able to agree with you that 'appropriate' procedures are available. As reiterated in my October 3 letter, however, we view the existing procedures as "severely deficient when measured against generally accepted procedural standards governing dismissal from a faculty position; key deficiencies include implementation of a dismissal prior to a hearing on adequacy of cause and placement of the burden on the professor to prove that the administration and board violated institutional policies in effecting the dismissal. If you will reinstate the professors to their positions pending the outcome of the proceedings, and if you will assume the burden in the proceedings of demonstrating adequate cause for action against the professors, we shall be pleased to consider recommending their participation in the process."

Behrens: Brown and Bessman incorrectly state that "The selection of the Loma Linda University grievance panel, in contrast, is largely controlled by the president . . ." This statement is poorly informed and reflects ignorance of the policy. The president has very little control over the grievance panel. For each open seat on the grievance panel, Clinical Science Faculty Advisory Council (CSFAC) provides the president with two nominees. "The president, in collaboration with the vice president for medical affairs and the dean of the School of Medicine, will appoint the faculty grievance panel from these nominees. . . . Thus CSFAC largely controls membership of the grievance panel, and the panel serves as an independent standing committee. Brown and Bessman appear to have missed this important fact."

Response: Who controls CSFAC? Approximately half of CSFAC are administrative faculty who are appointed chairmen of departments and are in lock step with the administration. The remaining members are either appointed by the department chairmen, or elected

This administration has acted in a most unchristian fashion and it is difficult to find any truth in these statements except for the reference to Christian philosophy being the foundation of our institution and our church.

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by their respective departments. Moreover, President Behrens is known to have simply removed certain names from the list of departmental nominees to CSFAC! Further, the one individual in CSFAC who voted against the administration on May 14, 1991, was subsequently given the ultimatum: either support the administration or seek other employment! There is no question that President Behrens and her administration, in large part, control the selection of the Loma Linda University grievance panel. Brown and Bessman did not miss this important fact!

Behrens: "In our opinion, your Committee on Academic Freedom and Tenure has failed to demonstrate careful scholarship, moderation, fairness and thorough analysis in its report . . . This has led to the publication of an inaccurate and biased report."

Response: An incredible statement from President Behrens who failed to investigate issues of vital importance to LLU, terminated faculty without due process, manipulated the electoral process, and

refused to testify in the investigative hearings of the AAUP.

President Behrens' closing remarks are difficult to accept at face value. "The faculty and administration will implement all policies and procedures with fairness and justice..." The administration will continue to "respect, value, nurture, and protect all the members of our campus community not only in the fullest sense of the academic community, but also according to the Christian philosophy which is foundational to our institution and our church."

In light of the well-documented performance of the administration, these words are empty because this administration provides no "fairness and justice" for dissenting faculty. Further, this administration has acted in a most unchristian fashion and it is difficult to find any truth in these statements except for the reference to Christian philosophy being the foundation of our institution and our church.

George M. Grames Redlands, California servation and reading your editorial introduction, that the real, unstated, primary goal of Dr. Hinshaw and his younger associates is for Loma Linda to become and remain famous. Being famous is not altogether bad. However, being an example to students and patients of how Christian service is to be delivered should be the primary goal.

The basic reason that Stewart Shankel was fired was that he kept investigating instances where he felt that the LLU administration was mistreating its faculty and staff. The inability of administration to explain its behavior and its persistent suppression of any efforts for an independent investigation is sapping the vitality of the institution.

An even more fundamental issue is that of control and power. In that regard, Loma Linda University is but a microcosm of denominational structure. The efforts of the Pacific Union and North American Division presidents to control the Southeastern California constituency meeting in the fall of 1992 are conspicuous recent examples.

In this "Father Knows Best" environment, participatory management is an oxymoron. Board members are advised against talking to faculty lest they appear unsupportive of administration. Administration is eager to tell all who will listen how happy the faculty are, but have consistently suppressed and refused to discuss evidence to the contrary. Examples of this include the 1990 Abrahmson report, the October 1991 Department of Internal Medicine poll and the Interfaculty Advisory Council (IFAC) poll of May 1992.

At the October 1992 meeting of IFAC, the Faculty of Religion brought the following request for the Board of Trustees to establish a "blue ribbon commission" to investigate the problems at the university. Administration spoke long and

"Crown Jewel" or "Historical Adventist Institution"?

I found your recent *Spectrum* issue on Loma Linda very interesting. There were references to the "controversy" in several articles without actually stating what the controversy was all about. The WASC and AAUP reports dealt with whether or not the *procedures* for disciplining the faculty and hearing grievances were appropriate, but nowhere were the *issues* that prompted the "controversy" discussed.

Stated in its simplest form, I believe the "controversy" centers

around the following issues:

- 1. Who determines what the actual goals are for the university?
- 2. Who monitors the ethical behavior of administration in achieving these goals? (Does being a "religious institution" exempt it from standards of behavior required of "secular institutions"?)
- 3. How does one disagree, or even discuss these issues when all the publications and organizations of "faculty representation" are controlled by the administration?

It seems to me, both from ob-

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hard against the proposal and the meeting was adjourned without any action being taken. Subsequently, a university vice president wrote a letter to the framers of the request. The letter could be considered an act of intimidation against the faculty of religion for having suggested that administration had acted inappropriately.

One of the outcomes of this faculty dissatisfaction is that many more SDA faculty are leaving the medical school than can be recruited. The vacancies, when filled, are frequently filled by non-Adventist physicians. In the latest issue of Loma Linda University School of Medicine's alumni journal, a university vice president shared with the readership, in the "Letters to the Editor" section, unarguable statistics on the truthfulness of this concern. If you disregard the good performance of the Department of Internal Medicine in retaining SDA faculty, one can see how severe the problem is for the rest of the School of Medicine.

This inconspicuous but very significant change in background and attitudes of the clinicians who are the role models for the students and house staff will have a profound effect on the LLU graduates and the future of the university.

Loma Linda may very well have been the crown jewel of an Adventist educational system, but it is rapidly becoming a "historical Adventist" university. When this rapidly changing faculty is eventually given a voice, it may well decide that denominational affiliation no longer advances its goal to be famous.

Finally, there is the story of the pilot who announced to his passengers that they were flying higher and faster than ever before, but unfortunately, he didn't know where they were—and didn't care to discuss it.

Richard L. Sheldon Redlands, California

* REQUEST FROM THE FACULTY OF RELIGION TO I.F.A.C.

We the Faculty of Religion are deeply concerned about the erosion of the credibility of Loma Linda University, both locally and world wide because of the pain on our campus the last couple of years. We ask that I.F.A.C., through the Faculty Forum, request of the Loma Linda Board of Trustees the establishment of a Blue Ribbon Commission to address these issues and work towards healing.

Kudos to *Spectrum*'s Coverage

Kudos to the Editor-in-Chief, and to the writers of each of the pieces in *Spectrum's* August 1992 issue on Loma Linda University/Medical Center. The task of capturing the history, the essence, and the promise of an institution so complex and so intertwined with the history of the Seventh-day Adventist Church is formidable indeed.

I have taught at Loma Linda as a faculty member for the past 27

years—a period that overlaps much of the history presented by Bonnie Dwyer. I found her piece "Pursuing That Vision Thing" balanced, informative, and virtually error-free. There is, I believe, one minor historical error. In discussing the proton accelerator project, she indicates that the idea arose out of discussions in the department of radiology, discussions that were supported by Hinshaw as "cutting edge" activities.

There is no doubt that the discussion arose out of radiology, and that Hinshaw deserves the lion's share of the credit for bringing the proton accelerator project to fruition-there is, after all, the matter of \$20 million that he played a crucial role in securing from Congress. The Medical Center Board had, however, discussed the project on more than one occasion and had already given the go-ahead directive before Hinshaw became Vice President for Medical Affairs in 1986. These events all occurred during the closing months of Dr. Harrison Evans' tenure as vice president. I remember well the arguments advanced by a faculty committee that reviewed the initial proposal from Dr. James Slater in radiology, collected data on the two other machines operating in the U.S. (Berkeley and Harvard), and eventually recommended to the board of the university that the project was feasible and deserved support.

The "Who Pays the Bills?" piece by Kent Seltman is a remarkable gallop through a half-billion dollar general ledger. To give it some perspective, this figure is almost three times larger than the annual General Conference budget. This fact no doubt accounts for the attention that Loma Linda has received and continues to receive from the GC. Attention, perhaps, but a surprisingly small (relatively speaking) amount of money. Seltman's highlighting of the major share of the medical school budget borne by the clinical faculty is timely and probably not well understood by many outside of the Loma Linda city limits.

The varied and extensive Loma Linda research enterprise is nicely delineated by Clark Davis in "Research at the Cutting Edge." Clark's interest in research at Loma Linda is partly that of of a journalist, partly personal. He was operated upon

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by Dr. Len Bailey (newly appointed as chair of surgery) some years ago.

There is always the question as to how much of an article should be devoted to the journalist's personal assessment and how much to background material. In "Documenting a Dispute" the editors have eliminated personal assessment entirely and have provided for the readers of *Spectrum* a balanced selection of original documents in chronological sequence. Given the contentious nature of this longrunning controversy, this is a stroke of genius. It allows the reader to form his or her own conclusions

and ensures that the source documents will be readily available for those who will again write about this unique institution. I am an editor myself. I am certain that this issue of *Spectrum* will become the definitive work on Loma Linda for the three decades—60s, 70s, and 80s. You have provided an invaluable resource for future historians of Adventism's institutions and have every right to be proud of your accomplishments.

Brian Bull Chair, Pathology Loma Linda School of Medicine by his experience at Loma Linda University Medical School. I feel the urge, therefore, to speak out.

First, one could question the carefulness of research that designated him as "the new dean," when that was not his title or role; that he succeeded Dr. Hinshaw when actually he succeeded Dr. Harrison Evans; that he was dismissed when actually he resigned. And there is the pejorative implication that he was merely an impractical dreamer in his effort to serve Loma Linda University—an insinuation that ignores both his planning and funding, for instance, the present basic sciences building and his less visible contributions.

Further, there is an unbalanced comparison, or assessment, which reports that Dr. Hinshaw's dreams came true in the face of malfeasance of a subordinate, but fails to mention that Dr. Schaffner also suffered such malfeasance.

Also, much of Dr. Schaffner's prior or subsequent contributions were not offered in a balanced referendum. No mention is made of the prominent assignments offered by the General Conference and even later by the university; of his election as president of the Medical Alumni Association; of his ongoing chairmanship of the Alumni Fund Council in which he coordinated the raising to date of \$7 million for his alma mater.

Finally, to have the word scandal used in any way regarding Marlowe Schaffner is almost unbearable for one who has known him through his college days (from a faculty viewpoint as I did), through medical school, through his military experience, through his prompt willingness to leave an excellent and growing medical practice to go to Africa, where levels of responsibility rose until he was medical officer for the division, and through his 11-year presidency at the Kettering Medical Center.

Spectrum's Picture Pretty Good; More Needed on Norman Woods

We have had many ups and downs at LLU over the past seven or eight years. The August 1992 issue of *Spectrum* gave the overall picture pretty well. Of course I would make some changes. The one that I want to point out is a discrepancy between two versions of the events surrounding President Norman Woods' resignation and the trustees' decision to divorce Loma Linda from La Sierra. Al Karlow's account is closer to the way I remember that famous day and year.

I would also have given more emphasis to Dr. Woods' role. He

faithfully carried out the instruction of the trustees and carried out an even-handed study of consolidating LLU at Loma Linda. He corrected the money deficit at Loma Linda. He forced the trustees to face the fact that the two-campus two-provost structure did not work. During that time, he was the target for a great deal of heat—much of it ill-tempered and some of it vicious. His demeanor gave me a lesson in what it means to be a Christian gentleman.

Bruce Wilcox Loma Linda, California

In Defense of Marlowe Schaffner

When the article "Pursuing That Vision Thing" in the August 1992 Spectrum came to my attention recently, it opened a hurting memory mixed with a flare-up of smothered indignation.

As one who has known Marlowe Schaffner well for more than 50 years—from the time he was a college freshman until the present—I can say that I have been impressed by his great integrity and by his unswerving, sacrificial devotion to his God, his principles, his church, his friends, and his coworkers—undimmed, I may say,

I have known a few unembittered men who have seen their life work taken from them. Marlow Schaffner is one of them. His sacrificial life pattern has never wavered as he has responded to calls that might tend to redirect his life, even when years later his abilities were impugned, or, as one high official has said, "unduly maligned."

Dorothy Foreman Beltz Loma Linda, California BONNIE DWYER RESPONDS:

In covering 30 years of Loma Linda University history, Dr. Schaffner's brief tenure as vice president for medical affairs (less than two years), unfortunately did not warrant a full discussion of his entire career. You are correct in saying that his title was vice president, not dean, which unaccountably replaced the proper title in the editing process. Thank you for providing a broader perspective on his contributions.

Union Conference, has one conference (Greater New York) that decided not to join FER (Family Enrichment Resources).² Our decision was based on the belief that a locally based, hands-on program would best serve the needs of the ethnically diverse metropolitan New York area. This local conference program has been operating for a full year, so some analysis is now possible as to whether the decision was correct.

From the start, Greater New York's new publishing program has operated on the following basis:

- 1. Efforts should be made to involve members of every Greater New York Conference church in literature ministry.
- 2. To work on a cash-only (C.O.D.) basis.
- 3. To work in cooperation with church pastors and administrators.
- 4. The conference continues its established pattern of supporting the program with a maximum of 2.5 percent of gross tithe income, out of which the Home Health Education Service (HHES) pays the salaries and benefits to the director, publishing assistants, and office staff, and benefits (medical, educational, car insurance, etc.) and incentives to the publishing assistants and L.E.'s.
- 5. The program follows Spirit of Prophecy guidelines on finance, recruiting, training, and methods of canvassing.
- 6. Book prices have been lowered by 25 percent.

We have been thankful to see the following results: From February 1992 to December 1992, Greater New York Conference literature evangelists delivered \$543,000 worth of books. More than 50 persons were baptized as a result of this ministry, representing an increase of 44 percent over the previous year.

The success of this program occurred despite a very reduced

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Questions About Loma Linda's Bottom Line

As one of the "lay minds" interested in learning "WHO PAYS THE BILLS?" at Loma Linda, I was appropriately impressed with the detailed facts and figures presented by Dr. Seltman. When I attempted to tie the figures from his analysis to the table provided (page 20, not page 26 as referenced) I failed miserably.

I do not see how "the medical center has doubled its total operating revenue since 1986" (\$204 million to \$306 million). I also fail to see how "net income in 1991 totaled \$306 million" (\$5.2 million). It seems to me that Dr. Hinshaw and associ-

ates would be pleased to have Dr. Seltman's growth rate in their total operating revenue, and I am certain they would it worth his while to show them more about the \$306 million in 1991 net income.

This article is on target because we "lay minds" want to know, but not badly enough to do our own research. So, rather than worry over the veracity of the other facts and figures in the article, I'm writing my confusion off to the uncollectible thoughts account.

John R. Hughes Placerville, California

Keep the Colporteurs, Says Greater New York Conference

The best response to the question asked by your title, "How Much Longer for the Colporteur?" [October 1992], is "As long as probation continues, there will be opportunity for the canvasser to work." 1

As a conference publishing director, I especially appreciated

reading this and one other article on literature ministry in the October issue. I believe *Spectrum* readers may be interested to learn of an alternative to the new, tri-union publishing program that has been proving fruitful.

One of the three unions in the combined program, the Atlantic

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office staff consisting of the publishing director, a part-time secretary, 2 full-time assistants, 1 HHES manager and 1 part-time assistant. The reduced staff, however, means overhead is very low, freeing more money for advertising; sales promotions such as quarterly "Big Months," when the colporteurs receive special financial help for their expenses; and monthly Sunday training seminars.

If you wish to make a comparison with the rest of the Atlantic Union (conferences that joined FER), you will find that Greater New York's book-delivery totals for 1992 were double those of the combined FER conferences in the Atlantic Union during that period. In addition, we have seen steadily increasing numbers of applicants both men and women-who wish to serve as colporteurs, many as a result of other L.E.'s, pastors, etc. (The total number of full and parttime L.E.'s in our conference rose from 40 to 63 in the past 12 months.)

The sales for the past two years

show a continued pattern of increase, except for 1991 (the transitional period during the reorganization of the publishing ministry in our union):

1989 - \$316,093.16 1990 - \$412,523.30 1991 - \$377,756.36 1992 - \$543,000.00

In my estimation, the secret of such a positive record in publishing is due to several factors:

- •Steady, systematic recruiting.
- Faithful, thorough help of consecrated publishing assistants in training, motivating, and working with L.E.'s.
- •Training seminars on an ongoing basis.
- •Involvement with church members and pastors. (A recent survey of pastors' attitudes toward publishing ministry in the Greater New York Conference is available on request.)
- •Involvement of only local members in publishing ministry, rather than bringing colporteurs from other countries or states.

•The C.O.D. method allows literature evangelists more frequent opportunities for contact with customers, which has resulted in more sales, Bible studies, and baptisms.

In light of all the above, we can say with confidence that while probation lasts, the publishing ministry will endure. Our daily prayer is that the Lord will continue to put his hands on this ministry and make it prosperous for him.

Nahor Muchlutti Publishing Director Greater New York Conference

- 1. E. G. White, *Colporteur Ministry* (Mountain View, Calif.: Pacific Press Publ. Assn., 1953), p. 11.
- 2. Northeastern Conference is another non-FER conference in our union. However, their publishing ministry has been in conjunction with that of other regional conferences (FHHES) since its inception. Northeastern Conference also continues, therefore, independent of FER.