

11-23-1970

# University of New Mexico Board of Regents Minutes for November 23, 1970

University of New Mexico Board of Regents

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THE MINUTES OF THE MEETING OF  
THE REGENTS OF THE UNIVERSITY OF NEW MEXICO

November 23, 1970

The Regents of the University met at 2:30 p.m. on Monday, November 23, 1970, in the Council Room of the New Mexico Union.

Present: Mr. Arturo G. Ortega, President  
Mrs. Frank A. Mapel, Secretary-Treasurer  
Mr. Walter F. Wolf, Jr.  
Dr. Lawrence H. Wilkinson  
Mr. Leonard J. DeLayo, State Superintendent of Public Instruction,  
ex officio

Absent: Dr. Norris E. Bradbury, Vice President

Also present: President Ferrel Heady  
Dr. Chester C. Travelstead, Vice President for Academic Affairs  
Dr. Sherman E. Smith, Vice President for Administration and  
Development  
Mr. John Perovich, Vice President for Business and Finance  
Dr. Harold W. Lavender, Vice President for Student Affairs  
Dr. Jovan Djuric, Dept. of Electrical Engineering  
Dean Richard C. Dove, College of Engineering  
Dr. Arnold H. Koschmann, Chairman, Dept. of Electrical Engineering  
Dr. Harold D. Drummond, Academic Freedom and Tenure Committee  
Dr. John R. Green, Academic Freedom and Tenure Committee  
Dr. Paul B. Davis, Chairman, Academic Freedom and Tenure Committee  
Dr. James L. Thorson, A.A.U.P. Chapter  
Mr. Robert Lawrence, Department of Public Information  
Miss Frankie McCarty, Albuquerque Journal  
Mr. Ralph Dohme, Albuquerque Tribune  
Mr. Don Burge, UNM Lobo

\* \* \* \* \*

Mr. Perovich proposed to the Regents the advis-  
ability of disposing of a printing press which has  
outlived its usefulness. He said that in accordance  
with the provisions of Chapter 37/1967 of the State Laws, it would be necessary for the  
Regents to make formal request of the State Auditor that the press be deleted from the  
University's equipment inventory and put on bid for sale to the highest and best bidder.  
Further approval would be necessary from the State Board of Finance, he noted.

Deletion of Printing  
Press from Inventory

It was moved by Mr. Wolf, seconded by Mrs. Mapel, that Mr. Perovich's request be  
authorized. Carried.

\* \* \* \* \*

ASUNM Constitutional  
Amendments

Upon recommendation by Vice President Lavender, it was moved by Mr. Wolf, seconded by Mrs. Mapel, that amendments to the ASUNM Constitution be approved as submitted for Article VII, Section 3, Part C; Article VIII, Section 3; Article III, Section 7, Part A; Article III, Section 7, Part B; Article V, Section 1 B; Article V, Section 2 B; Article V, Section 3 B; Article V, Section 5 B; Article V, Section 8 B; Article V, Section 9 B; Article V, Section 10 B; and Article VI, Section 3 B. Carried. It was also moved by Mr. Wolf, seconded by Mrs. Mapel, that an amendment to Article VI, Section 2, Paragraph B be approved, with the word "Justice" being changed to "Advisor" in the last sentence. Carried.

Action on another amendment--calling for the abolishment of the Student Affairs Committee--was deferred pending action by the University Faculty.

\* \* \* \* \*

Appeal of  
Professor Djuric

As was determined at the November 7 meeting, the Regents considered further the appeal of Associate Professor Jovan Djuric, Department of Electrical Engineering.

Professor Djuric introduced a modification of the brief submitted on January 27, 1970, by Professor Walker to the effect that paragraph III, which expressed confidence in the good faith of the Academic Freedom and Tenure Committee, be deleted. Professor Djuric stated in his modification that he "was treated unfairly and with prejudice by the Academic Freedom and Tenure Committee at the time of the hearings in April 1969, and that such a treatment was directed to breaking my tenure indirectly by inducing me to leave the UNM, and as such constitutes a very serious violation of my academic freedom as well as my civil rights."

The modification of the brief continued, "In view of the fact that the continuing discrimination against myself and various harassments have not only violated my academic freedom, but also my civil rights, I hereby respectfully ask the Regents to set aside the decision of the Academic Freedom and Tenure Committee and to censure the individuals involved in the case for the behaviour unbecoming a university professor. Further, I respectfully ask the Regents to refer the entire case to a Special Committee for an equitable solution of the problem, which should take into account the mental anguish imposed upon me which resulted in the serious deterioration of my health and serious disruption of my life." Professors Alexander, Blum, and Davis were suggested by Professor Djuric as members of the Special Committee.

Mr. Wolf, commenting on the suggestion by Mr. Ortega that there was a void in stated procedures relative to Professor Djuric's case, referred to Section 15 (a) -- non-termination violations of academic freedom--which, he felt, was applicable, assuming that the faculty member asserts that his academic freedom has indeed been violated.

Professor Djuric thereupon confirmed that "The discrimination in salary and the promotion does definitely constitute a violation of my academic freedom, but from that point on, it was even further a violation of my civil rights because the case was heard in a highly unconventional manner."

It was noted by Mr. Wolf and Mr. Ortega that Section 15 of the Academic Freedom and Tenure Policy specifies that the faculty member shall be entitled to the procedure for adjudication established in Sections 11, 12, and 13 and that error may have been committed by the Committee relative to Section 11(b)(v) and (x), concerning the questioning of witnesses.

After further discussion by the Regents; particularly concerning Section 13(b) of the Academic Freedom and Tenure Policy ("The Regents will normally abide by the Committee's decision. If the Regents disagree with the Committee, the proceedings shall be returned to the Committee with objections specified. The Committee shall reconsider the case, following procedures hereinbefore specified for the original hearing, taking account of the stated objections and receiving new evidence if necessary."), it was moved by Mr. Wolf, seconded by Dr. Wilkinson, that the Regents return the matter to the Committee on Academic Freedom and Tenure for reconsideration, with the admonition to afford all parties the procedural rights as specified in Sections 11, 12, and 13 of the Policy on Academic Freedom and Tenure and without further objection to the decision of the Academic Freedom and Tenure Committee, i.e., the Regents have not decided the merits of the Committee's decision. Carried.

Mr. Wolf explained that the intention of his motion was that the Committee may take into account the stated objection in their reconsideration of the matter--that it would be up to the Committee to decide how the procedural safeguards of Sections 11, 12, and 13 might best be provided to all parties in the proceedings; also that the question of whether or not this would encompass a complete rehearing or simply a rehearing of that evidence received outside the presence of any party would be for the Committee to determine. Mr. Wolf also stated that his motion should be interpreted as not upholding Professor Djuric's complaint concerning possible prejudice shown by the Committee; further, that the case is being returned to the Academic Freedom and Tenure Committee and not "to a special tribunal of any sort or nature."

Professor Djuric commented that his appeal now consisted of two things--to set aside the decision and finding of the Academic Freedom and Tenure Committee and to take into account that his civil rights have been violated in having the case returned to the same committee "which has so much violated my rights." Professor Djuric also called for censure, by the Regents, of those individuals whose behavior was not proper or becoming to a university professor and for the appointment of a special committee "to consider the entire solution."

Mr. Wolf said that he viewed Professor Djuric's allegations as to violation of his civil rights as a charge rather than an appeal, and that such charges should be made in a separate proceeding. He expressed the opinion that a charge of this nature was not presently before the Regents for disposition.

\* \* \* \* \*

It was moved by Mr. Wolf, seconded by Mrs. Mapel, that the consideration of proposed changes in the Academic Freedom and Tenure Policy be laid on the table until the next meeting. Carried. Mr. Wolf explained that he would like to have Dr. Bradbury present for a discussion of this matter.

Proposed Changes in  
Academic Freedom and  
Tenure Policy

\* \* \* \* \*

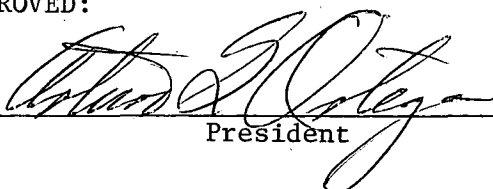
Upon submission by Mr. Pickens, president of the Graduate Student Association, and approval by President Heady, it was moved by Mr. Wolf, seconded by Mrs. Mapel, that the Regents approve amendments 2, 3, and 4 to the Graduate Student Association Constitution and that amendment 1 be returned to the Graduate Student Council for clarification. Carried.

Amendments to Graduate  
Student Association  
Constitution

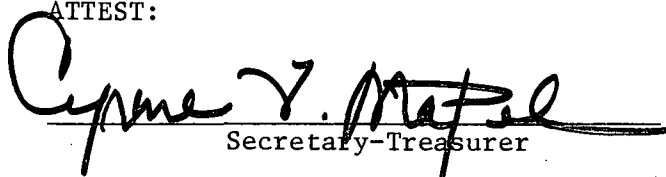
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The meeting adjourned at 4:20 p.m.

APPROVED:

  
\_\_\_\_\_  
President

ATTEST:

  
\_\_\_\_\_  
Secretary-Treasurer