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New Mexico
DAILY

LOBO

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Wednesday, May 15, 1974 MAY 16 1974

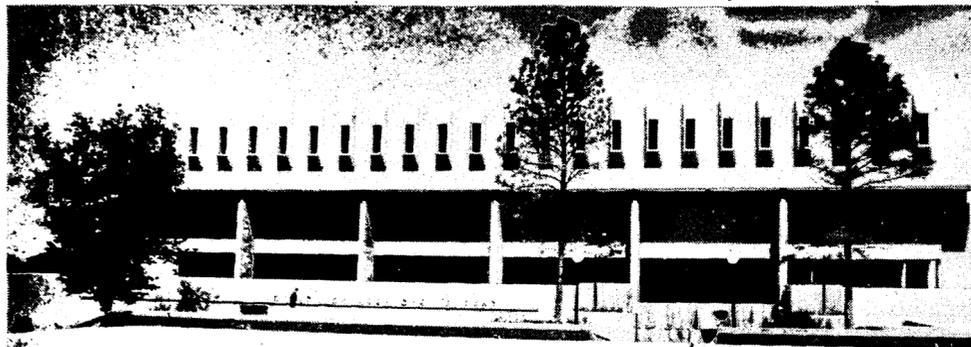
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**Engineering Department
Involved In Controversy**

Involuntary
Retirement
Proceedings



Dr. Jovan Djuric

Have Been
Set Against
This Man



Farris Engineering Building



Dean Richard Dove



Harold Southward



Prof. Arnold Koschmann

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June 16

Editorial

The Politics Of Gangsterism At Farris

Associate Professor Jovan Djuric is afraid of gansterism. He calls gangsters people who gang up against an individual to force him to do their bidding.

In Djuric's case the gansters are the administration and an engineering school more interested in practical research that attracts governmental and industrial grants.

Djuric's more interested in investigating the basic tenets of physics, in proving the magnetism and gravity are the same thing.

Engineers just aren't supposed to do that. Enco and Ford don't grant money for shaking the foundations of physics. They want heat-resistant plastics and friction-free ball bearings.

The new dean of engineering who will replace Richard Dove is a past vice president of Ampex.

Djuric has openly criticized the engineering school's research as Mickey Mouse projects designed to suck in grant money.

Djuric's research is completely unsubsidized. It's on his own time so the rest of the engineering faculty attacks it as irrelevant and "playing with boy scouts."

Djuric's shaking things up and besides that he's antagonistic, not one of the boys. So the department denies him a promotion to full professor even though his research exceeds that of any other member of the electrical engineering faculty. It's not up to par, they say—and that means that you can't apply it to making satellites or anti-smog devices for cars.

When Djuric starts to protest and charges discrimination they discriminate against him all the more. They can't stand the man anyway so they wage fullscale psychological warfare. No one talks to him when he passes in the hall.

"What do you think of professor Djuric?" a LOBO reporter asked an employee of the engineering school.

"If you ask that to the wrong man he'll call the police and have you thrown out," the employee said.

"Are you professor Djuric?" another reporter asked an engineering professor. The secretary said Djuric was down the hall, and third man was down the hall so . . .

"No. His eyes froze and stabilized like he was plugged into a gyroscope or a computer that wouldn't let him blink.

"Djuric is a short little scrawny guy."

Now would that make you feel paranoid? Well sure enough the department says Djuric is. He needs help and by God they'll give it to him. They'll oust him from the school (the relief of pressure does wonders. . . .) by hook or by crook. By termination or a great new device called involuntary retirement.

Because he is a dangerous man. And they are right: he is dangerous. He is a threat to "deadwood engineers" who are technicians first and scientists second or not at all.

He is a threat to an administration that sets a two-ton ball rolling that they cannot stop—even after they begin to see that if anyone is mentally disabled and paranoid it is an institution that reacts so violently against dissent. Official dissent like the Human Rights Commission charges and the dissent of a man who feels it is his right to be antagonistic when he feels antagonized.

Who feels he doesn't have to smile and work on good terms with colleagues he does not respect. Who feels he has a right not to respect colleagues.

And maybe even a right to be a little bit crazy, whatever craziness is.

Djuric can teach—his evaluations by students bear that out. He has taught consistently well except for one semester when he was disabled by a stroke. That was in 1970.

And he can research. Teaching and research—that's what he was hired to do. He is 48 and not eligible for retirement.

But the university wants to retire him against his will. It's frightening. Like gansterism is frightening.

Djuric must be as frightened as he was when the University of Belgrade expelled him for anti-government actions, or when he took up arms against the nazis when he was a boy of fifteen.

He was fighting gangsters then, too.



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Page 2, New Mexico Daily Lobo, Special Edition, May 15, 1974

Legal Moves Could Stop Regents Meeting

By ORLANDO MEDINA
Of the Lobo Staff

Two legal moves will help determine whether the UNM Board of Regents have the authority to "involuntarily retire" Jovan Djuric, associate professor of the Electrical Engineering and Computer Science Department.

Action taken by Robert Singer, Djuric's attorney, would prevent the Regents from meeting to decide on the retirement while a possible suit by the Academic Freedom and Tenure Committee (AFTC) would challenge the authority of the regents in the matter.

Singer believes the legal question concerns the interpretation of the paragraph in the faculty handbook and contracts concerning the method of action to be taken.

"The regents elected to conduct an evidentiary hearing. This results in no jurisdiction left to the AFTC. The intent is for court action to stop the hearing. A petition will be filed before the May 22 hearing," he said.

An attorney advised the AFTC to "in the next couple of weeks to prepare a law suit against the regents."

The possible suit challenges the regents on the basis of whether they can involuntarily retire any tenured professor.

Another question raised in the Djuric hearing is whether the regents would be setting a precedent in acting on the involuntary retirement.

Singer said he knows of no other instance of the regents holding this type of hearing, while University Secretary John Durrie said a similar case was held in 1960 or 61.

Durrie pointed out the difference was the previous case concerned retirement due to age, and this case concerns "physical disability."

When contacted by the Lobo about the Djuric case, two members of the AFTC referred questions to the chairman of the committee, Robert W. Walker, associate professor of law.

Walker said that he had no statement, "pending the outcome of the case."

Concerning any action by the regents, the university attorney, William Sloan was unavailable for comment as he was out of town, but Durrie said that if any action is planned to halt the regents' hearing it should be done at the last minute.

Durrie said that a witness might be brought from New York and last minute action would hamper things.

When contacted by the LOBO, Dean Richard Dove of the College of Engineering said that he had concurred with a recommendation by the Electrical Engineering and Computer Science (EECS) chairman that Djuric be terminated. He then forwarded a request to begin termination proceedings to President Heady.

In response to further questions, he said, "Sorry, but that's all I want to say until after the hearing, on this matter."

Prof. Victor Bolie, chairman of EECS, declined to make any comments on the Djuric matter. "I just don't care to discuss any aspect of it. I have nothing to say."

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Dispute Surrounds Alleged Attack On Prof

By MARTIN COLBY
Of the Lobo Staff

In a letter to President Ferrel Heady, Prof. Jovan Djuric claims he was attacked by Prof. H. D. Southward while preparing a written reply to the involuntary retirement proceedings against him.

Djuric's letter, dated March 22, 1974, states that he was attacked while using an electric typewriter in the Bureau of Engineering Research (BER), of which Southward is director.

"About 10 a.m., Dr. Southward appeared and asked me to leave in a threatening voice. I told him that since he was absent, I couldn't ask his permission to use the typewriters and that I was typing something important and connected with UNM.

"Still shouting, Southward unplugged the typewriter. I plugged it back in and tried to type. Southward called me names shouting, not too loudly. He then went around the desk and pushed me physically, scattering all my papers and notes. He grabbed the typewriter with full force, hitting me with it in the process. Since I managed to escape the blow, I was not hit with it very hard. He then carried it into his office.

"When I reached the door of my office, Dr. Southward came to the partitioning door still shouting and calling me things such as thug, bum, gangster and other names which I am not familiar with. My knowledge of English was aquired from books where those expressions do not occur. I told

him that he had displayed a wretched example of nazism and gangsterism and then entered my office."

Professor Southward said that as director of the Bureau of Engineering Research (BER), its typewriters were under his control.

Southward said all BER typewriters have notices attached restricting their use to BER business. One morning he got to the BER office and found Djuric using a BER typewriter.

"After I explained that he couldn't use the machine, he continued typing. I reached down and unplugged it and he plugged it back in. I unplugged it again and he plugged it back in. After this continued for a while, I picked the typewriter up and started to carry it off. Djuric tried to prevent me from removing it. There was a struggle, and then I took the machine to my office.

Afterwards I called the UNM police and filed a report. But I didn't use violence as alleged, if anyone was violent, it was Djuric."

According to Sgt. Hblst of the UNM police, "Regular police matters are open to the public. Since this involves faculty members, though, this report is confidential."

Southward explained his policies at BER. "I have a rule that BER typewriters must be used for BER business. Their use for anything else is strictly prohibited. Professor Djuric's use of one without my permission polarized me. After all, he knew my policy in this regard.

"Several months ago, I let him use a BER typewriter with the understanding that this would be the last time. If he needed one, he should send a request to his department chairman. BER is not part of the Electrical Engineering and Computer Sciences (EECS) department.

"Although I am a professor in the EECS department, my role at BER is one of an administrator. When an administrator's authority is challenged, he can either permit the challenge or use his authority to stop it. Since BER equipment was involved, I felt Professor Djuric was not entitled to use it—the policy is the same for anyone else not connected with BER."

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Hearing Planned Despite Protests

By GEORGE JOHNSON
Of the Lobo Staff

Despite protests by the Academic Freedom and Tenure Committee (AFTC) that the action is illegal, the UNM Board of Regents will hold an "evidentiary hearing" on May 22 concerning the involuntary retirement of Electrical Engineering Associate Professor Jovan Djuric.

Djuric and his attorney, Robert Singer, plan to boycott the hearing. The AFTC is protesting the hearing on grounds that the regents do not have the power to hold such a hearing and that the issue is still officially before the AFTC.

Djuric and the AFTC hold that involuntary retirement is illegal since there are no state statutes concerning it—especially in relation to a tenured faculty member who has not reached retirement age. The faculty handbook provides for involuntary retirement only when authorized by state statute.

Djuric is 48 years old. The university is seeking his retirement for reasons of mental and physical disability resulting in poor teaching. Previously the university, on the request of Dean of the College of Engineering Richard Dove, tried to terminate Djuric. When that effort failed they initiated involuntary retirement proceedings.

Djuric contends that the university is trying to remove him in retaliation for complaints he filed against the university and the Electrical Engineering (EE) department alleging discrimination in advancement and pay increases.

The AFTC found evidence of discrimination against Djuric. In a report dated September 21, 1971, the committee said they had found that "since 1969-70 (Djuric's pay) increases have been far below those received by other members of the EE faculty" and that "the excessive discrimination which has occurred since 1969-70 seems beyond the limits of a reasonable merit policy."

The committee found that the EE department's decision not to promote Djuric to full professor during the years 1969-70 "to have been taken by department Chairman Arnold Koschmann without adequate consultation with other senior members of the department and without soliciting anyone else's opinion of Djuric's work."

They said that Koschmann "seemed to place more evidence on the advancement of the department, particularly as it related to outside research contracts, than on the basic quality of teaching and research."

The committee considered this to be inconsistent with criteria used for other promotions and a violation of the guarantee (in the Policy on Academic Freedom and Tenure) entitling a teacher "to full freedom and research."

The committee also found that when Djuric appealed Koschmann's decision to Dean of Engineering Dove, Dove made no attempt to get independent evaluations of Djuric.

The committee recommended that the university increase Djuric's salary by \$1200 "to adjust for the excessive discrimination during the period from 1969-70 to the present."

They recommended that a committee of electrical engineers outside the university formed to review Djuric's research. If the committee finds that Djuric should have been promoted to full professor (as of spring 1968) the AFTC recommended that the university increase Djuric's salary

by \$2400 and pay him \$2813 for increases he did not previously receive.

None of the recommendations have been followed by the university.

Djuric's research has been criticized by the EE department as irrelevant. It involves a "unified field theory" equating gravitational and magnetic forces.

Djuric describes it as controversial and dealing with the basics of physics. He has criticized the EE department for engaging in "Mickey Mouse" research designed to get grants from the federal government.

In a 1969 memo he criticized the head of the Bureau of Engineering Research (BER) as incompetent. He has charged the EE department with being "full of dead wood."

He charged former department head Koschmann with "professional jealousy." The AFTC found no evidence of this.

Djuric received a fifth-place award for a paper on gravitation in a competition open to physicists and engineers worldwide.

In an AFTC hearing in 1969 Dove said that Djuric may have more potential "to accomplish something substantial" than anyone in the EE department.

But he indicated that Djuric's research was irrelevant, calling it "playing with boy scouts."

A spokesman for the BER told the LOBO that Djuric's presence was wasting money since his antagonistic attitude took up much time that could be spent in securing grants and breaking in the new dean of engineering.

The new dean, who will replace Dove, is past vice president of Ampex.

In a letter dated March 25, 1974, to UNM President Ferrel Heady, Djuric said the involuntary retirement proceedings against him should be dismissed.

"The charges that my teaching is no longer satisfactory are not true as shown in... the rather flattering evaluations of my teaching... done secretly by the students of the Sigma Tau association."

In the evaluations Djuric received good to excellent ratings.

In the letter to Heady he said the involuntary retirement proceedings represent "the retaliation against me by the UNM administration because of my formal complaints about the discrimination against me." He referred to the AFTC findings and to the findings of the Human Rights Commission that "probable cause" exists of unlawful discrimination by the university against him.

The HRC ordered a hearing in which Djuric's attorney, Robert McGuire, argued that the burden was on the university to prove that discrimination did not exist.

The commission ordered the university to produce evidence, then recessed for lunch. When Djuric's attorney did not return after lunch (later he said he was taken ill) the commission postponed the hearings. Later they dismissed the case.

In a separate complaint filed with the Equal Employment Opportunity Commission, Djuric charged the university with retaliation.

Djuric referred to this in his letter to Heady saying "the UNM administration is obstructing justice by obstructing the EEOC investigation, in spite of subpoenas and the order of the District Court of Albuquerque, and in spite of the unanimous request of the UNM Faculty Policy Committee to the administration to cooperate with

and facilitate the investigation."

When contacted by the LOBO Heady said the university declined to release the documents because they concerned faculty members and they wanted to protect their privacy.

"Their records are their business," Heady said.

The university is appealing the District Court's order to turn over the documents. The action is pending in the District Appeals Court in Denver.

Djuric also said (in the letter to Heady) that the university's actions are "harrasment for exercising (his) freedom of speech."

Djuric has criticized the university and has called for finite terms for administrators. He has called the policy of having an unelected president "monarchical" and not in line with democracy.

The Djuric controversy began in 1966 when the EE Department Chairman Koschmann granted Djuric tenure but denied him a promotion to full professor.

In 1968, after being denied promotion again, Djuric appealed Koschmann's decision to Dean Dove, complaining that he was being denied promotion because of a personality clash with Koschmann. Djuric attributed the clash to the fact that he opposed the Vietnamese war while Koschmann supported it.

After looking into the matter Dove sided with Koschmann saying Djuric's research was inadequate.

In 1969 the AFTC held

Djuric protested the report, asking if his battle against Nazism and Communism in his native country, Yugoslavia, was maladaptive. Djuric was expelled from the University of Belgrade for anti-government activities.

hearings and found no evidence of discrimination. Djuric protested the validity of the hearings which were held without him present to answer charges.

The regents overturned the AFTC report, and in 1971 the AFTC found the existence of discrimination and recommended the pay increase. The committee criticized Koschmann and Dove for not obtaining adequate input in judging Djuric's research.

In January 1970 Djuric suffered a stroke which he attributed to the pressure caused by the controversy over his situation. He went to Belgrade, Yugoslavia (he immigrated to the U.S. from there) to receive treatment. He returned in fall 1970 with his condition judged as stabilized.

He protested when Koschmann assigned him to teach four courses since other faculty members were only carrying three. He suffered a relapse which impaired his teaching ability and his course load was dropped to two.

At the end of the semester Dove asked Heady to initiate formal termination procedures. Dove said several students had complained of Djuric's teaching ability. Djuric charged that the complaints were solicited by the department.

Heady declined to initiate termination proceedings and Dove asked that the proceedings be held in abeyance, which they were.

In their September 1971 report, the AFTC said that holding charges in abeyance was a

violation of academic freedom.

They found no evidence that Djuric was given an increased load to harass him or that student complaints were solicited. They found no evidence that Koschmann let political views affect his decision not to promote Djuric.

Dove withdrew his request to Heady to terminate Djuric. Meanwhile Djuric's physical condition again stabilized.

Koschmann was replaced as department chairman by the current Electrical Engineering Chairman Victor Bolie, who sided with Koschmann and Dove.

In February, 1972, the regents refused to consider an appeal by Djuric for a pay increase and retroactive promotion despite the recommendations of the AFTC.

Djuric secured a new attorney (the other resigned after the regents refused the appeal) who advised him to seek a writ in district court to order the regents to abide by the AFTC decision.

The first judge in the case, Mary Walters, was disqualified by the administration. The case went to Judge James Maloney who dismissed it.

In spring 1972 the Human Rights Commission issued its probable cause finding. The next day the university sent Djuric a notice of intention to terminate.

The reasons for initiating termination were: failure to display schedule on office door, failure to join professional organizations, failure to attend faculty meetings, and complaints received from students during the semester when Djuric suffered the relapse, and complaints received during spring 1972.

Djuric claimed the recent signatures were solicited, and they were basically from students receiving low grades. He said according to class lists some of the students who signed the complaints were in his class not in spring 1972, but in 1970 when Djuric was ill.

In October 1972, the Faculty Advisory Committee which advises the administration in cases involving faculty members asked Djuric to a meeting. Committee chairperson Marsha Tillotson and member Ignacio Cordova agreed that the university's actions were "a shame" but advised Djuric to seek retirement as a compromise.

University attorney William Sloane sent the request to McGuire (Djuric's attorney). Djuric refused to retire. McGuire became angry at Djuric for refusing to compromise and withdrew from the case.

Sloane contacted Djuric but Djuric refused to voluntarily retire.

In March 1973, Heady initiated involuntary retirement proceedings on the basis of physical and mental disability.

In April, Djuric voluntarily submitted to an examination by a cardiologist which verified that his condition had stabilized.

His new attorney, Gerald Walden, advised Djuric to undergo a psychiatric examination as requested by the university. Two psychiatrists found evidence of emotional disturbance but neither made a judgment as to whether it hampered his role as a teacher.

One psychiatrist, David Rosenstein, said that Djuric had a "lifelong maladaptive behavior pattern... toward authority to which he must relate."

Djuric protested the report, asking if his battle against Nazism and Communism in his native country, Yugoslavia, was maladaptive.

Djuric was expelled from the University of Belgrade for anti-government activities. He

fought against the Nazis in WWII.

In October the AFTC dismissed the case of involuntary proceedings against Djuric because of the absence of a state statute. They remanded the university to the state legislature.

On November 15 all full professors petitioned the university to terminate Djuric. They accused him of poor teaching, contradicting the student evaluations for that semester.

Djuric charged that two professors signed the petition under pressure.

In December the university appealed the AFTC dismissal to the regents. In January 1974 the regents resolved that the university was right and that proceedings should continue.

The regents—on Djuric's attorney's request—went before District Judge Paul Larrazolo to obtain a ruling on whether proceedings were legal. Larrazolo found on university attorney Sloane's motion that a ruling was premature and that all university proceedings should be allowed to unfold.

The regents sent the case back to the AFTC, who, on April 13, declined to hear Djuric's case, raising the issue of due process and the fact that there is nothing covering involuntary retirement in the faculty handbook.

They voted to hold the case in abeyance pending the availability of a statute.

The administration again appealed to the regents who on May 3, 1974, decided to conduct "an evidentiary hearing" themselves. They set the date for May 22.

University attorney Peter Rask advised the regents that without conducting a hearing a dismissal of Djuric would violate due process. He advised them that Djuric could contest their findings because of the non-existence of the state statute.

Following the regents' meeting the AFTC issued a protest that the case was still properly with them. Djuric and his attorney Robert Singer decided to boycott the hearings.

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