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University of New Mexico Board of Regents Minutes for December 06, 1969

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

December 6, 1969

The Regents of the University met at 10:00 a.m. on Saturday, December 6, 1969, in the Council Room of the New Mexico Union.

Present: Mr. Arturo G. Ortega, President
Dr. Lawrence H. Wilkinson, Vice President
Mrs. Frank A. Mapel, Secretary-Treasurer
Dr. Norris E. Bradbury
Mr. Walter F. Wolf, Jr.

Also present: President Ferrel Heady
Dr. Chester C. Travelstead, Academic Vice President
Dr. Sherman E. Smith, Vice President for Administration
and Development
Mr. John N. Durrie, University Secretary
Mr. William A. Sloan, University Attorney
Dr. James N. Spuhler, Chm., Publications Committee
Professor Marion M. Cottrell, Chm., Policy Committee
Professor George Arms, General Editor, New Mexico Quarterly
(Winter-Spring Issue)
Professor James Thorson, Policy Committee
Professor Peter Prouse, Policy Committee
Professor Donald McRae, College of Fine Arts
Professor Jack Kolbert, Policy Committee
Professor Robert Walker, School of Law
Professor Stephen Rodefer, Department of English
Dean Clinton Adams, College of Fine Arts
Professor Walter Barnett, Policy Committee
Mr. William Montgomery, Albuquerque Journal
Mr. Wayne Gregory, Albuquerque Tribune
Mr. Wayne Ciddio, New Mexico Lobo
Mr. Don Burge, New Mexico Lobo
Mrs. Marguerite Taylor, Public Information Office
Mr. Steve van Dresser, KUNM

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Mr. Ortega asked for any changes in the minutes of the meeting of November 8, 1969. It was moved by Dr. Bradbury, seconded by Mrs. Mapel, that the minutes be approved as submitted. Carried.

Minutes of the Meeting of November 8, 1969

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Additional faculty and administrative contracts, a leave, and resignations were presented to the Regents as follows:

Faculty Contracts

December 6, 1969

TO: The Regents of the University of New Mexico
 FROM: Ferrel Heady, President
 SUBJECT: Contracts, Leave, and Resignations

Recommendation: That the Regents approve the contracts, sabbatical leave, and resignations listed below:

I. CONTRACTS

A. Faculty Contracts (1969-70):

Atencio, Alonzo C. (Starting 11/1/69)	Assistant Professor of Biochemistry; Assistant Dean for Special Education, School of Medicine	\$ 10,000.00 (8 months) Annual Base: 15,000.00
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Born June 24, 1929 in Ortiz, Colorado; married, five children. Education: B.A., University of Colorado, Boulder, 1958; M.S., University of Colo., Denver, 1964; Ph.D., University of Colo., Denver, 1967. Military Service: 3rd Class Petty Officer, U.S. Medical Corps, 1950-54. Recent Professional Experience: NIH Postdoctoral Fellow, Northwestern University, 1967-69; Research Technician III, Division of Laboratory Medicine, Univ. of Colo. School of Medicine, 1958-67. Publications: Twelve journal articles and abstracts; dissertation topic: "Studies on the Regulation of Fibrinogen Synthesis in the Rabbit" Field of Special Interest: Plasma Proteins.

Davis, Herbert T.	Visiting Assistant Professor of Mathematics, Temporary, Sem II	6,000.00
Espinosa, Leonard G.	Law Tutor for American Indian Program, Part-time	1,120.00 (6 months)
Fornaciari, Jeffrey L.	Law Tutor for American Indian Program, Part-time	900.00 (6 months)
McLeod, Ralph	Instructor for Bolivian/AID Project, COEd, Temporary	3,000.00
Nash, Douglas R.	Law Tutor for American Indian Program, Part-time	720.00 (6 months)
Norwood, Joseph M.	Law Tutor for American Indian Program, Part-time	720.00 (6 months)
Reichmann, Donald	Instructor in Secondary Education (Library Science) Semester II	700.00

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B. Revised Faculty Contracts:

Kaplan, Ralph J.	Assistant Professor of Surgery (as of 11/1/69)	11,662.00 (8 months) Annual Base: 17,493.00
King, Sharel A. (Leave approved by Regents 11/8/69)	Assistant Professor of Health, PE, and Recreation (LWOP for Semester II)	4,525.00 (4½ months)
Mora, Federico	Assistant Professor of Surgery & of Anatomy (revised 11/1/69)	10,933.28 (8 months) Annual Base: 16,400.00
Pollay, Michael (revised 11/1/69)	Associate Professor of Surgery; Assistant Professor of Physiology	11,600.00 (8 months) Annual Base: 17,400.00

C. Supplemental Faculty Contracts:

Foster, Donald L.	Instructor in Secondary Educ., Library Science, Part-time, Sem II	700.00
Hopson, Rex	Instructor in Secondary Educ., Library Science, Part-time, Sem II	700.00
Pillet, Michel L.R.	Lecturer in Architecture, Part- time, Semester I only	1,625.00
Skabelund, Donald	Associate Professor of History, Undergraduate Seminar Pgm., Sem I	500.00

D. Teaching Assistantship Contracts:

Flores, Diane Rae	Teaching Assistant in English (starting 11/24/69)	603.00 (2 mo., 3 days)
Quinones, Armando G.	TA in Bolivia Project, College of Education	3,003.00 (10½ months)
Shrubsall, Wayne G.	Teaching Assistant in English (Semester II)	1,350.00

E. Revised Contract for Teaching Assistant

Wright, Gene M.	Teaching Assistant in English (Semesters I and II)	3,200.00
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II. LEAVES

Dickey, Franklin M. Professor of English, requests:

cancellation of his request for sabbatical leave during Semester I or II of the 1969-70 academic year.

Zwoyer, Eugene, Research Professor of Civil Engineering, requests:

Sabbatical Leave, 1969-70, Semester II, at full pay, to renew his competence in structural engineering design through creative work, and to prepare for new teaching assignments. (Professor Zwoyer has been Director of the Eric H. Wang Civil Engineering Research Facility since 1961, and is resigning that position to return to his professorship in the Department of Civil Engineering.)

III. RESIGNATIONS

Effective:

Hancock, Brenda J.	Instructor in Speech, Temporary	1/31/70
Nigliazzo, Marc A.	Teaching Assistant in English	11/24/69
Schuster, Diane	Clinical Instructor in Nursing, Temporary	1/31/70

It was moved by Mr. Wolf, seconded by Mrs. Mapel, that the above contracts, leave, and resignations be approved. Carried.

New Mexico
Quarterly

Mr. Ortega said that the meeting had been called in response to a request from the Policy Committee that the Regents reconsider action taken at their August 17, 1969, meeting, withholding further distribution of the Winter-Spring 1969 issue of the New Mexico Quarterly.

Professor Cottrell, chairman of the Policy Committee, reiterated the Committee's request, quoting from its "statement of position" and his covering letter, both dated November 6: "The committee has reviewed the manner in which the Publications Committee of the faculty exercised its responsibilities in this matter. We believe that the committee functioned responsibly and that its actions were consistent with its practice in its advisory role to the University Press. As the decisions were not arrived at in a capricious, unfair, or arbitrary manner, the Faculty Policy Committee requests that the Regents of the University of New Mexico now allow

the distribution of the winter-spring issue of the New Mexico Quarterly."

Professor Barnett, also speaking for the Policy Committee, said that the Committee was asking for a reversal of the Regents' earlier decision basically because the withholding of the Quarterly has been viewed by many in the University community as an act of censorship. Such censorship, he said, could be properly justified if the publication, or something in it, was obscene or "if it was of such obviously inferior quality that no responsible editor could have approved it." Professor Barnett observed that on the basis of standards set by the U. S. Supreme Court, the Committee did not believe the publication could be termed obscene and that, as to quality, the South American literary magazine, Sur, wished to translate the issue into Spanish and publish it in its entirety, the first such request in 25 years. He said that approval of the issue's title, "The Contemporary American Imagination," implied the use of sex themes, since they are of current concern. Professor Barnett said that it was the Policy Committee's opinion that the issue had been suppressed by the Regents because of their feeling that some people in the State would be offended and would press for punitive measures against the University. He continued, "We feel that one act of censorship, even with such a worthy motive, can destroy UNM as a university, because a university must always push at the frontiers of mankind's experience. To be true to its primary function, the university must of necessity offend some people and be controversial. If censorship is used once to avoid offense, will it not be repeated? Where will the line be drawn? . . . The Policy Committee is really begging you not to reduce the University of New Mexico to the level of a finishing school for boys and girls or, at best, a "follower-type" institution, where everyone is afraid to advance any idea until it has first been advanced at Harvard, Yale, etc. . . . We believe that this will be the result of the suppression of New Mexico Quarterly in the long run. Therefore we petition you to release the Quarterly."

Referring to the Policy Committee's "position paper," Mr. Ortega said that he had been impressed by the quotation of a statement by Justice Potter Stewart of the U. S. Supreme Court: "A book worthless to me may convey something of value to my neighbor. In the free society to which our Constitution has committed us, it is for each to choose for himself."

Dr. Wilkinson, commenting on Professor Barnett's remarks, noted that the Supreme Court had made it impossible to define obscenity. Relative to the Quarterly's subject matter, he observed that the Regents probably "should have expected what we got . . . and it was not really what we wanted in a UNM-sponsored publication." He emphasized, however, that in the Regents' action there had been no intention of suppressing academic freedom. Professor Barnett replied that it was the feeling of the Policy Committee that withholding the issue of the Quarterly would have a "chilling effect" on academic freedom at the University. "We think the sacrifice of that freedom is not worth the possibility that someone from the outside will damage the institution."

Mr. Ortega expressed his opinion that there had already been a chilling effect and that it might affect the continued greatness of the University. Stating his belief in freedom of inquiry and freedom to think and to teach and to publish, Mr. Ortega noted that the distinction made in the Policy Committee's statement should be considered; "we have already set up the procedures for publication, and after the fact we decided to withhold distribution. This is the crux of the matter; this has bothered me and does bother me."

Expressing his basic agreement with Mr. Ortega, Dr. Wilkinson said, "While I still feel that this issue of the Quarterly is probably an inappropriate one for the University to publish and sponsor, nevertheless we approved it, asked for it, and got it. I move that we permit distribution of the Winter-Spring 1969 issue of New Mexico Quarterly to those who wish to have it, i.e., except for those subscribers who do not indicate otherwise, in which case they may receive a refund." The motion was seconded by Dr. Bradbury.

Asked to comment on the motion, President Heady said that he did not believe that a substantial issue of academic freedom was involved in the Quarterly matter and that he had so argued before the Academic Freedom and Tenure Committee. Nor did he believe, he said, that there was any obligation on the part of the University to provide a publication outlet for faculty members -- quite a different matter than to deny access to publication outlets provided elsewhere. The President expressed his opinion that the major issues were "(1) whether or not delegated authority (explicit or exercised as a result of practice or precedent) has been violated by the Publications Committee and, if so, on what basis; i.e., was it arbitrary, capricious, unfair or was it a reasonable exercise of discretion? This, it seems to me, is related to campus governance rather than academic freedom. (2) There is a judgment as to the long-range impact or effect of this issue of New Mexico Quarterly on the University," and this is a judgment which must be exercised by the Regents and nobody else." The President concluded by recommending that the Regents now authorize further distribution of the Winter-Spring issue.

It was noted by Mr. Ortega that the Regents had met recently with the Faculty Policy Committee because of a feeling that there was a gap in certain publications procedures and that, as a result, an ad hoc committee had been appointed and was now operative. In this connection, Professor Cottrell quoted from the Policy Committee's charge to the new committee: "The committee will have the responsibility of studying and clarifying the present functions of the Publications Committee together with the broader propositions of trying to formulate University policy with respect to learned publications, to make recommendations for maintaining quality without stifling controversy; and particularly to give consideration to the problem of professional security of faculty who may be editors, authors, or artists of work which might be construed as controversial. The committee's recommendations should be submitted to the Faculty Policy Committee prior to being submitted to the faculty or forwarded to the administration or the regents for final action. However, as policy and procedural questions related to university publications are of concern to each

of the constituents, it is urged that considerable opportunity be afforded each constituency to express views and make recommendations as the study progresses." Professor Cottrell added that while no Regents are on the ad hoc committee, they will be involved in the discussions before a final draft is brought to the Faculty.

President Heady and Mr. Ortega agreed that the appointment of such a committee was a step in the right direction and that the problem of the Quarterly had been due largely to gaps or uncertainties as to procedures and responsibilities.

Dr. Travelstead said that he supported the motion chiefly on the basis of present arrangements, either stated or implied, as to responsibilities and actions that can or should be taken -- and were taken, in this case -- by various persons or groups within the University. If the Regents are not satisfied with the present delegation of responsibilities, he said, they should so indicate, in order that intelligent people may know with confidence what they can properly do. The proposed study, he noted, would hopefully suggest workable arrangements, satisfactory to the Regents, in the area of learned publications.

Dr. Wilkinson commented that the assumption of delegated responsibility was wholly necessary within the University community but he noted that there had been great pressure on the Administration for the past year or so, from within as well as outside the University, and he urged "a little more consideration . . . to try to let the Administration do its job and exercise the responsibility given to it."

Both Mr. Wolf and Mr. Ortega expressed their concern about the "specter" of censorship, the latter noting that withholding distribution of the Quarterly had been viewed as such. He said that he could conceive of instances where censorship might be absolutely necessary, in which case the Regents would have to discharge their responsibility to the University.

Mr. Wolf said that in voting for the motion, "I do not feel that I am expressing the University's necessary support for the contents of any particular issue. I do feel that we have here certain responsibilities and procedures that need some careful study, and, as Vice President Travelstead has pointed out, they were nevertheless the procedures that were in force. I believe that in the present context the purposes of this institution as a university can best be served by the adoption of the pending motion."

Mrs. Mapel expressing her appreciation of Mr. Wolf's remarks, the Regents, including the chairman, Mr. Ortega, voted unanimously to adopt Dr. Wilkinson's motion.

In conclusion, Mr. Ortega reiterated that there had never been any feeling on his part that he or the other Regents had been abridging academic freedom in their action, taken August 17, of withholding further distribution of the Quarterly; "I want to make that clear," he said, "because I believe in academic freedom sincerely."

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Agreement between
Human Rights Com-
mission and UNM

Mr. Ortega asked the Regents to consider a proposed Voluntary Compliance Agreement between the New Mexico Human Rights Commission and the University. He said that the agreement bore the recommendation of Mr. Yehle and President Heady and that he himself felt that it should be entered into as soon as possible.

It was moved by Dr. Bradbury, seconded by Mrs. Mapel, that the Regents concur in the adoption of the agreement.

In the discussion which followed, Dr. Wilkinson suggested the addition of the phrase, "to be supplied by the applicant," to the sentence reading, "Applications not resulting in employment will be held pending a vacancy or further evidence of qualification." It was generally agreed that this phrase should be added. Dr. Wilkinson then referred to section III (c), reading,

"All representatives of the Employer interviewing at colleges will be instructed:

- i. to interview all persons on the interview schedule regardless of race, sex, age, religion, color, national origin, or ancestry;
- ii. to give every consideration to the hiring of minority group persons;
- iii. to accept applications from minority persons and to put these applications in the appropriate file."

He said that he considered items ii and iii "superfluous and insulting . . .; it is degrading to an educational institution to have to include things like this."

Mr. Sloan, University attorney, explained that the agreement had been worked out in a series of conferences with the Human Rights Commission and that its purpose was for the University to adopt an Affirmative Action Program. To accomplish this end, he said, it is difficult to avoid mention of the word "race." He also called attention to the sentence in the agreement reading, "This Agreement shall not, however, require the exclusion of other applicants, nor does it imply a quota system for the hiring of any racial or ethnic group." He noted that the agreement does not represent a change in University policy but rather states that UNM has heretofore adopted procedures and policies of which the agreement is declarative. To Dr. Wilkinson's observation that the inclusion of items "ii" and "iii" was a "regressive thought in terms of proper race relations," Mr. Ortega replied, "On our experience, we haven't risen above these problems. Through passiveness, people of minorities haven't had the opportunity and we're trying to insure an equal opportunity for employment to anyone, regardless of race, color, or creed."

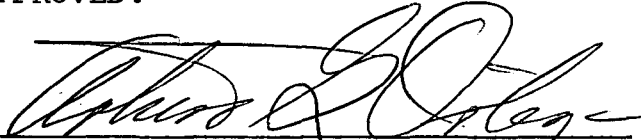
President Heady said that he considered it helpful to have the various comments in the record but hoped that no substantive changes

would be proposed. He said that the agreement had been the result of considerable negotiation and that he considered it acceptable from the University's point of view.

The motion to approve and execute the agreement being repeated, it was carried without dissent.

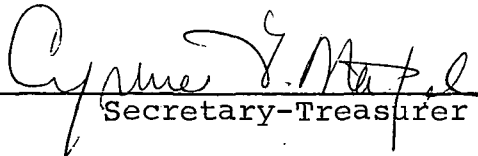
The meeting adjourned at 11:15 a.m.

APPROVED:



President

ATTEST:



Secretary-Treasurer