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University of New Mexico Board of Regents Minutes for July 23, 1975

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

July 23, 1975

The Regents of the University met at 5:15 p.m. on Wednesday, June 23, 1975, in the Roberts Room of Scholes Hall. Affidavits concerning the public notice of this meeting are on file in the office of the University Secretary.

Present: Mr. Calvin P. Horn, President
Mr. Austin E. Roberts, Vice President
Mr. Henry Jaramillo, Jr., Secretary-Treasurer
Mrs. William A. Jourdan
Dr. Albert G. Simms II

Also present: President Ferrel Heady
Dr. Chester C. Travelstead, Vice President for Academic Affairs
Mr. John Perovich, Vice President for Business and Finance
Dr. Joel M. Jones, Assistant Vice President for Academic Affairs
Ms. Anne J. Brown, Administrative Assistant to the University Secretary
Mr. D. Peter Rask, University Counsel
Mr. William Weeks, Director of University Relations
Mr. William A. Sloan, University Attorney
Associate Professor J. S. Mann
Mr. Gerald R. Bloomfield, Attorney for Professor Mann
Dean Bernard Spolsky, Graduate School
Professor Sanford Cohen, Chm., AF&T Committee
Assistant Professor Patrick McNamara, AAUP
Assistant Professor Dorothy W. Trester, AAUP
Dean David Darling, College of Education
Mr. Jess E. Price, Director of Public Information
Ms. Susanne Burks, Albuquerque Journal
Mr. Joe Monahan, UNM Daily Lobo
Mr. Ed Coles, NMPIRG

* * * * *

Mr. Ed Coles made a brief statement to the Regents, NMPIRG noting that NMPIRG had "totally worked within the system" for the past year and a half, having set a fine campus example in this regard. He said that the Regents' recent decision to deny the levying of a mandatory fee, even though refundable, had brought frustration to NMPIRG and serious concern to the students generally and he wished the Regents to know that NMPIRG does not consider itself wholly responsible "if something happens on this campus." The Regents too must bear responsibility, he observed, since NMPIRG feels that it has lived up to its part of the bargain.

Mr. Horn said that he had recently written a letter to the Lobo, explaining his position and indicating that PIRG does, indeed, have a leadership role to play in the matter of student opinion concerning this issue. Additionally, Dr. Simms said that he wished to set the record straight, in that the Regents did not say that the students could not have a PIRG unit on campus. Rather, he said, the Regents objected to a mandatory fee and PIRG membership for all students, even with the provision of having the fee refunded upon request.

* * * * *

Mr. Horn asked if there were any changes in the minutes of the meetings of June 17 and July 1, 1975. It was moved by Dr. Simms, seconded by Mr. Roberts, that the minutes be approved as submitted. Carried.

Minutes of Meetings of
June 17 and July 1,
1975.

* * * * *

Upon the recommendation of President Heady, Vice President Travelstead, Vice President Kugel, and Dean Napolitano, it was moved by Mrs. Jourdan, seconded by Mr. Jaramillo, that Earl A. Walker, M.D., presently aged 68, be given appointment for 1975-76 as Visiting Professor of Neuroscience. Carried.

Continuation of Employ-
ment over age 65 for
Earl A. Walker, M.D.

* * * * *

Mr. Horn reported that a communication from Dr. Kligerman, director of the Cancer Research and Treatment Center, had said that Regent support of the Center must be on file in connection with a forthcoming team visit.

Cancer Research
and Treatment Center

It was accordingly moved by Dr. Simms, seconded by Mr. Roberts, that the following statement, in the form of a letter from Mr. Horn to President Heady, be adopted and made a matter of record in these minutes. Carried.

In November, 1970, the Board of Regents of the University of New Mexico signified its intention of cooperating with the Los Alamos Scientific Laboratory, in every way possible, in developing to the fullest the potential of negative pi mesons in cancer therapy. Dr. Robert S. Stone, then Vice President for Health Sciences, made representations before the New Mexico State Legislature in which he correctly pointed out the need for a University unit of larger purpose, namely a regional cancer center.

The Board of Regents is gratified with the outstanding progress that has been made as demonstrated by the dedication of the Cancer Research and Treatment Center on August 8, 1975.

It is appropriate, therefore, that you know the reaffirmation by the Board of Regents on July 23, 1975, committing itself to the long-term support of the Cancer Research and Treatment Center as an important unit of the Health Sciences Center.

* * * * *

(NOTE: As noted in the minutes of the July 1, 1975 meeting of the Regents, the hearing concerning Professor Mann's tenure concluded with an announcement by Mr. Horn that the Regents would deliberate and announce their findings at a subsequent time. Accordingly, on July 8, 1975, the Regents issued a statement which, as provided by Section 13(b) of the Academic Freedom and Tenure Policy, returned the proceedings to the Academic Freedom and Tenure Committee with objections being specified. This action of the Regents was taken with Mrs. Jourdan dissenting. Thereupon, after reconsideration, the Committee, in a statement dated July 18, 1975, repeated the conclusion expressed in its opinion of May 5, 1975, i.e., "The Academic Freedom and Tenure Committee finds that improper considerations clearly affected the decision not to retain Professor John S. Mann and recommends that the decision to deny tenure to him be reversed." Therefore, in further conformity to the provisions of Section 13(b), and after study of the Committee's reconsideration, the Regents have met on July 23, 1975, for the purpose of making a final decision in the matter.)

Consideration Concerning Professor Mann's Tenure

The case in the matter of Professor Mann's tenure having been argued at the July 1 meeting, the Regents heard brief statements from Mr. Rask, Vice President Travelstead, Mr. Bloomfield, and Professor Cohen. After brief questioning, Mr. Horn announced that the Regents would deliberate and would issue a written opinion as to their findings, and the formal meeting was adjourned for that purpose at 6:00 p.m.

APPROVED:

Calvin P. Horn

President

ATTEST:

Ernest ...
Secretary-Treasurer

(The following statement was issued during the evening of July 23, 1975).

BEFORE THE REGENTS OF THE
UNIVERSITY OF NEW MEXICO

In the Matter of
JOHN STEPHEN MANN.

REGENTS' FINAL DECISION

This matter came before the Regents at the request of the University administration for the review of the decision of the Committee on Academic Freedom and Tenure dated May 5, 1975, in accordance with Section 13(a) of the Policy on Academic Freedom and Tenure. After hearing the matter the Regents, by their decision dated July 8, 1975, returned the case to the Committee for reconsideration. The Committee has reconsidered the matter, framed its decision which is dated July 18, 1975 and has filed same with the Regents.

The case again came on for argument and reconsideration before the Regents on July 23, 1975. The Regents' review and reconsideration is based upon the record of the hearing and the oral and written arguments as presented. Upon due consideration, the Regents find that they are unable to agree with the decisions of the Committee on Academic Freedom and Tenure dated May 5 and July 18, 1975. Pursuant to Section 13(b) of the Policy on Academic Freedom and Tenure, the following will be the final decision of the Regents in this case.

DECISION

1. As to the question of Professor Mann's grading practices, the Regents find that he violated the grading policy of the institution as duly promulgated by the Faculty. This violation is found to have been a deliberate departure from University policies regularly adopted and promulgated and forming a part of Professor Mann's employment contract. The Regents rule that there is substantial evidence in the record to support this finding, and further, the Regents are of the opinion that such a finding is implicit in the finding of the Committee which concluded that Dr. Mann's academic freedom was not violated by Vice President Travelstead's decision on this issue.

2. As to whether or not Professor Mann received written notice of unsatisfactory services (i.e., that his grading practices violated the institution's policy on grading), as provided in Section 3(g) of the Policy on Academic Freedom and

Tenure, the Regents rule that in these circumstances Section 3(g) does not require that Professor Mann receive written notice that his grading practices constituted unsatisfactory service. We find and rule that the failure of his department chairman to warn Dr. Mann of the unsatisfactory nature of his services or of his intentional violation of University regulations is not binding upon the academic Vice president or the University administration nor does it affect the power of the Regents to follow their recommendations.

3. As to whether or not the Regents imposed an individual or unique test of performance on Professor Mann as a result of the consideration by the Regents of Dr. Mann's conduct at the Faculty meeting of November 30, 1972, the Regents rule that no individual or unique test of performance was imposed or intended.

4. The issues addressed herein are considered dispositive of this case, and accordingly, other issues raised in the decision of the Vice President for Academic Affairs dated June 17, 1974, are not reached.

Accordingly, it is the final decision of the Regents that Academic tenure at this institution for John Stephen Mann is herewith denied, and IT IS SO ORDERED.

Dated: July 23, 1975

REGENTS OF THE UNIVERSITY OF NEW MEXICO

/S/ Calvin P. Horn

/S/ Austin E. Roberts

/S/ Henry Jaramillo Jr.

/S/ A. G. Simms II M.D.

I dissent

/S/ Ann C. Jourdan