ANNUAL REPORT

FACULTY RIGHTS AND RESPONSIBILITIES COMMITTEE

Regular meetings of the UFRRC are scheduled twice monthly in the academic year. A schedule of meetings was published via all media at the beginning of each semester including a resume of procedures governing the submission of complaints. The regular committee membership is shown at the end of the report; two members were appointed to serve the remainder of the year following the resignations of Professors R. Milofsky and J. Fuegi.

The committee amended its procedures to specify that "Step 4: Individuals complainant to UFRRC, normally to be made within one month of completion of Step 3 above." (Formerly unspecified period after complaint had been submitted to dean of the unit.) This amendment was considered essential to prevent undue prolongation of cases before the UFRRC thereby creating difficulties of obtaining accurate recall by witnesses and otherwise adversely affecting the complaint process. It was also agreed that members once involved in deliberations on complaints in formal hearing will continue until any complaints before the committee are either dismissed or hearing is completed so proper consideration of all cases may proceed, regardless of the normal tenure of membership on the committee.

Four complaints were presented to the committee for consideration during the year. One complaint, by a student, was continued from the previous year and was dismissed without formal hearing with advisory cautions to the concerned department to adhere to due process in all future complaint proceedings. One complaint was resolved by action of the concerned parties without full consideration by the committee. Two cases, both complaints by professors, are still under review.

Throughout the series of complaints considered in the history of the UFRRC including those in the current year, it has become clear that complainants, whether professor, staff, or student, lack sufficient knowledge to prepare a complaint in detail for consideration under the existing UFRRC rules. Consequently, in each case there has been major necessity for the committee to proceed through a preliminary investigative stage, somewhat akin to a grand jury process, before the essential issues of a complaint and the relevant evidence are clearly identified. It, thus, may become a serious question if the charter ought to be amended to designate this function as the primary role of the UFRRC in the consideration of complaints. Since there has yet been no case which has proceeded to formal hearing, it is not yet concluded that the UFRRC could not provide a fair hearing in formal deliberation having been potentially biased by the investigative fact-finding role. It is anticipated that specific recommendation in this regard may be forthcoming from
two complaints yet unresolved and currently pending.

It also, in the view of the committee, is imperative that its findings and reports receive wide dissemination within the university; it is considered that a major deterrent against violations of faculty rights and responsibilities is the assurance that such actions may result in scrutiny and penalty for infractions. In this regard, it is considered that the Annual Report must be specific in the provision of findings regarding substance of complaints without identification of the specific parties concerned. Therefore, copies of all resolutions enacted by the UFRRC during the current year are appended to this report as an attachment with personal and unit identifications deleted.

The committee also reiterates the recommendation of the 1974 Annual Report, being unaltered in its view that a grave problem remains inadequately addressed by faculty legislation, and urges that the Faculty Senate request implementation of this recommendation:

"As a result of its actions particularly over the last year, UFRRC feels that an appropriate faculty committee in close alliance with the UWM administration and with UW Central Administration should delve immediately into the questions as to whether the rights of individual faculty members under the First Amendment and under due process are being carefully respected and preserved by executive committees, deans reviewing cases, and the appeals considered by the University Committee. Such a review should also include all aspects of the open-meeting and open-record laws of the State of Wisconsin."

The committee has conducted a substantial review of its own charter and separately has made recommendations to the Faculty Senate to include the possibility of any member of the university community or the public submitting a complaint against one or more faculty members, as individuals or committees, to the committee. Discussions with the University Committee have been helpful but UFRRC is still uncertain of the precise distinctions intended by UWS Personnel Rules for Faculty in specifying both complaint and grievance procedures. Hopefully this and other matters concerning the committee's functions will be clarified both by precedent and direct consultation with the Faculty Senate and the campus administration. The Faculty Senate and the UWM community should appreciate that the committee has undertaken substantially a new function on the campus and support by all parties is essential for its future success. Without direct support, the frustration of the committee members may well lead to an unwillingness of individual faculty members to serve on future cases; the committee considers that such end would not be in the best interests of the university nor any of its components.

Respectfully submitted,

[Signature]
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Sidney Greenfield
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David Schults
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FACULTY RIGHTS AND RESPONSIBILITIES COMMITTEE


RESOLUTION re: Allegations of unfair dismissal of student from class.

Whereas: A student presented a complaint on May 16, 1973 that a department dropped him from a class on Sept. 12, 1972 without proper hearing and opportunity to confront his accuser; he sought monetary reimbursement for tuition and assurances of no future harassment resulting from this incident; and

Whereas: The department, the college, the Faculty Rights and Responsibilities Committee, and the University have sought to conciliate these charges over the period of time from the presentation of the complaint, notwithstanding the fact that the student about Feb. 20, 1974 indicated he was not pursuing the original complaint; and

Whereas: The college has obtained reimbursement to the student for the tuition charged and no loss of veteran's benefits has occurred as the student claims and the college has presented a statement promising no penalty in future consideration of academic endeavors and has opened his student record for examination to verify this fact; and

Whereas: Although initial opportunity to confront his accuser was not provided, the opportunity to confront his accuser was afforded the student and his counsel in informal discussion, the essential purpose of due process has thus now been respected; and

Whereas: The student has apparently now determined to initiate new and different charges in correspondence with the University counsel;

Be it, therefore,

Resolved: Further consideration of charges arising from the alleged wrongful action of Sept. 12, 1972 would constitute unfair prolongation and injure other parties; the Faculty Rights and Responsibilities Committee dismisses the complaint without further hearing and will not further consider charges arising from the incident of Sept. 12, 1972; and

Be it further

Resolved: That the college be admonished in any future complaints coming before it to give proper consideration to the rights of due process and apprise the student of the grievance procedures existent within the college for his future guidance.