

**FACULTY SENATE MEETING**  
**Monday, 26 September 2005 - 3:30 p.m.**  
**272 Bascom Hall**

**MINUTES**

The meeting was called to order by Chancellor John Wiley at 3:35 p.m. with 161 voting members present.

1. Memorial resolutions were presented for:

Professor Emeritus John Atwater Duffie	1860
Professor Emeritus Robert W. Hammel	1861
Professor Emeritus Sheldon Klein	1862
Professor Emerita Janet Chase Lemke	1863
Professor Emeritus Claude E. Leroy	1864
Professor Emerita Caroline Goss Thompson	1865

2. Chancellor Wiley presented his *State of the University* address, focusing his remarks on recent personnel cases and their adverse affects on the university, and on the budget. In response to the former, he stated that it is time to reflect on the institution's sexual harassment policy, its consensual relations policy, and the elements of *Faculty Policies and Procedures* that relate to professional integrity, and timeliness of disciplinary and dismissal actions. He is committed to improving the institution's climate and welcomes feedback and advice on how to advance that goal.

The university's budget challenges are not unique, given the national environment of tax cuts and the attendant decline in states' support of higher education. That said, the institution is fortunate to have the support of the Wisconsin Alumni Research Foundation, which is doing exceedingly well, a successful research park that supports more than 5,000 employees, a very successful \$1.75 billion capital campaign through the UW Foundation, and its partnership with the Wisconsin Alumni Association. UW-Madison continues to be a tremendous institution, one of the best in the country.

3. Announcements/Informational Items. Chancellor Wiley announced that 114 students were currently enrolled at UW-Madison as a result of Hurricane Katrina.

Professor Patricia Brennan introduced the University Committee members. Professor Brennan said the University Committee plans for 2005-06 included focusing on: the participation of academic staff and Medical School clinical faculty in shared governance opportunities; the issues relating to the tenure clock; and strengthening the collaborative relationship with the regents, the public, and the campus. She said that a faculty committee was appointed to address the issue of tuition-remission.

4. Question Period.

Professor Michael Olneck, Educational Policy Studies (District 29) asked whether several schools/colleges were spared budget cuts.

Professor Richard Knowles, English (District 55), asked about the future of the UW Press. He requested that a member of the University of Wisconsin Press Committee, or someone from the Graduate School, talk to the senate about the role of UW Press.

Professor Mary Anderson, Geology and Geophysics (District 58) asked about the AAUP materials which were distributed at the door, and requested information about the follow-up.

(continued)

**AUTOMATIC CONSENT BUSINESS**

5. The minutes of 2 May 2005 were approved as distributed.
6. The chancellor called attention to the Summary of Faculty Legislation and Faculty Senate Business for 2004-05. 1866
7. Professor Patti Brennan moved confirmation of Professor Jim Escalante (Art) to serve on the University Committee for 2005-06, replacing Professor Murray Clayton who resigned from the committee.

The motion passed.

**REPORTS**

8. Associate Vice Chancellor Gina Sapiro submitted for informational purposes the Kemper K. Knapp Committee Annual Report for 2004-05. 1867

There were no questions.

9. Professor Anne Lundin submitted for informational purposes the Library Committee Annual Report for 2004-2005. Ken Frazier, director of the General Library System, highlighted portions of the report. 1868

There were two questions.

10. Provost Peter Spear submitted for informational purposes the University Academic Planning Council Annual Report for 2004-05. 1869

There were no questions.

**NEW BUSINESS**

11. Dean Philip Farrell presented the recommendation to change the name of the Medical School to the School of Medicine and Public Health and summarized the proposal. Professor Patrick Remington also spoke for the name change. 1870

There were no questions.

12. Professor Anatole Beck, Mathematics (District 63) moved adoption of his resolution regarding the Board of Regents dismissal of a tenured faculty member. 1859

The motion was seconded.

Professor Beck addressed the senate in support of his motion.

The senate discussed the motion.

Professor Larry Kahan, Biomolecular Chemistry (District 97) moved to amend the motion (see following). The motion to amend was seconded.

(continued)

**Resolution Submitted by Professor Anatole Beck (District 63)**

**Whereas** the Board of Regents of the University of Wisconsin System discharged Professor John Marder from his tenured professorship under a broadly broadcast accusation of infamous behavior, without offering any legally competent evidence of such behavior, and

**Whereas** the proceedings involved in said discharge were pervasively in violation of the regulations in the UWS Administrative Code and the laws of the State of Wisconsin concerning the dismissal of a tenured professor of said University, and

**Whereas** the dismissal of such professor in such violation is *ipso facto* a violation of due process, and

**Whereas** the dismissal of a State employee under a charge of infamous conduct without due process of law constitutes a deprivation of liberty under the laws of the United States, and

**Whereas** said dismissal also constitutes a deprivation of property without due process of law, and

**Whereas** the depriving of “any person” of “liberty or property without due process of law” by any State is a violation of the fourteenth amendment to the Constitution of the United States, and

~~**Whereas** the State of Wisconsin and, in particular, the Attorney General of said State, is charged with the responsibility of seeing that the State, and any persons acting for the State, do not perform any actions forbidden by the Constitution of the United States, and~~

~~**Whereas** the former Attorney General and the present Attorney General have failed to require the Board of Regents of the University of Wisconsin System to conform their actions in this case to the requirements of the Constitution of the United States, but have attempted to secure leeway for said Board and said State to avoid those obligations, and~~

~~**Whereas** in this attempt they have engaged in obstructive and dilatory measures plainly designed to impede the attempt by Professor Marder to secure justice by causing the process to be as lengthy and as costly as possible and to inflict the greatest hardship possible upon his search for justice, and~~

~~**Whereas** this stratagem is plainly designed to deny Professor Marder the benefits of the guarantee of due process guaranteed to him by the regulations of the UWS Administrative Code and the laws of the State,~~

**THEREFORE BE IT RESOLVED**

1. That the Faculty Senate of the University of Wisconsin at Madison does condemn and protest the denial of due process (and thus of academic freedom) to Professor Marder by both the Board of Regents of the University of Wisconsin System and the State of Wisconsin and
2. That the Faculty Senate of the University of Wisconsin at Madison calls upon the whole of the academic profession of the United States to join us in this condemnation and protest and, specifically,
3. That the Faculty Senate does request the American Association of University Professors to submit to Committee A the question of whether the Board of Regents of the University of Wisconsin System and the State of Wisconsin should be abjured and condemned for violations of due process and academic freedom, and
4. That the University Committee should communicate the entirety of this resolution to the American Association of University Professors.

(continued)

Professor Patti Brennan, on behalf of the University Committee, moved to postpone the motion until the decision by the Wisconsin Supreme Court. (No second required.)

The senators discussed the motion to postpone.

Professor Emeritus W. Lee Hansen requested to speak. This was granted by unanimous consent.

The motion to postpone failed by a voice vote.

The motion to amend passed by a voice vote.

The motion as amended passed by a hand count of 83 yes, 14 no.

The meeting adjourned at 5:25 p.m.

David Musolf  
Secretary of the Faculty