

March 3, 1932

To: Professor Charles Hirschman
Chair, Faculty Council on Faculty Affairs
Sociology, 102 Savery Hall (DK-40)

From: Professor Cornelius J. Peck

Subject: Revision of Faculty Code, Section 28-61, Provision
of Specific Remedies in Decisions of Adjudicative
Committees

[new section 28-53A.]
Section 28-61 of the Faculty Code ~~(copy attached)~~ now provides that the decision of an adjudicative committee "shall also state specifically any action necessitated by the decision and identify the specific relief to be provided." This is a grant of broad power to adjudicative committees, but I believe it is inadequate for lack of specificity and indication of the types of remedies which a committee may order when it determines that a faculty member has been the victim of discrimination or unjust treatment. I believe that in the past committees have been reluctant to order specific remedies for faculty grievances which they have sustained because they were uncertain that Section 28-61 authorized those remedies. In addition, without more specific indications of the types of remedies which a committee may order, a committee decision is subject to revision by the President upon review on the ground that the relief ordered exceeded the powers of the Committee.

I believe that Section 28-61 or the comparable provision of the revised faculty code should specifically state that the relief to be provided "...may include, but is not limited to, the following remedies:" This statement should then be followed with a list of illustrative remedial provisions the Council believes an adjudicative committee should have the power to order. This list of remedial provisions will provide guidance of the draftperson and advisory committee for the new adjudicative provisions of the Code.

I suggest that a committee should be empowered to order that compensation be paid to a faculty member for economic losses suffered, including backpay, research stipends, and fringe benefits. In appropriate cases, committees probably should also be empowered to order reimbursement of travel expenses, registration fees, etc. actually incurred by a faculty member without reimbursement because of discriminatory or otherwise improper refusal of an administrator to authorize reimbursement.

I believe the Council should consider whether a committee should have the power to order that compensation, or damages, be paid to a faculty member for emotional distress and mental suffering caused by continuous or outrageous abuse of power by an administrator. Likewise the Council should consider whether a committee should be empowered to reprimand an administrator, or

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