

Almanac

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- *Grievance Commission Review Board Report*
- *On Modifications in the Grievance Mechanism*
- *Report of the Faculty Grievance Commission*
- *Grant Deadlines*

President Meyerson: Statement to Faculty

Dear Colleagues:

The past months have seen anxiety on campus over the financial future of the University, frustration with certain failings in our system of administrative, faculty and student governance, and unhappiness with various decisions made by the administration. We have gone through a painful academic year in which we have all had to cope with making difficult budgetary adjustments stemming in part from the Commonwealth's treatment of the major universities, with a long labor dispute, and with a large student demonstration.

My administrative colleagues and I have made certain decisions that have been faulted by some on the basis of substance or process or both. A recent example is a decision to distribute graduate fellowships on the basis of merit through a University-wide competition—a decision that has much in its favor but admittedly was implemented too hastily. Such problems must nevertheless be weighed against accomplishments of which there are many.

In these circumstances, I welcome the opportunity for the provost and me to meet with the faculty in various settings to discuss their concerns. Indeed, we have been meeting with representatives of the Senate Advisory Committee (SAC) and with other faculty leaders. With the recommendation of the provost and me to the chairman and vice-chairman of the trustees, the Trustee Committee on Educational Policy and other trustees will soon meet with SAC representatives. In addition to meetings with SAC and with the full Senate, the provost and I want to have discussions with departments, schools and other groups of faculty on their worries and proposals. In these and other ways, we hope to clarify the events, conditions, and underlying issues that are troubling to many faculty, and to initiate such reviews as can deal with them. As a result, we should be able to improve both future decisions and shared governance in a period of continuing austerity.

In welcoming criticisms and suggestions, I also ask for your recognition of the complexity and fragility of a university in these times. Because of an inevitable tension between collegiality and hierarchy, between decentralization and centralization, large universities are especially vulnerable to uncertainties, gaps in communication, and slighted feelings, particularly at a time when unpleasant choices must be made.

Nothing could more damage our University than the loss of our capacity and authority to make difficult decisions following appropriate deliberations between faculty and administrators. While taking most seriously the concerns of faculty, I shall expect the provost and the deans to continue to exercise their responsibilities as I shall continue to perform mine on behalf of the University we all seek to improve.

With your help we can solve those problems that are within our control and make constructive changes in our structure and our functions.

—Martin Meyerson, President

Senate: Special Meeting April 28

Having received in writing a request signed by more than 130 members of the Faculty Senate, I hereby call a special meeting to be held 3-5 p.m., Friday, April 28, in Room 102 Chemistry Building. The purpose of the meeting is to assess the performance of the central administration of the University.

—Irving B. Kravis,
Chairman, Faculty Senate

HEW Confirms Opinion on Senatorials

The Department of Health, Education and Welfare (HEW) has "confirmed my interpretation of rules regarding the release of names of student recipients of state senatorial scholarships," General Counsel Stephen B. Burbank said.

The HEW opinion, given by L. David Taylor, an acting HEW deputy assistant secretary, at the request of the Philadelphia *Inquirer*, states that universities may release the information if the student recipient gives written consent for disclosure; if the universities publicly declare their intent to designate state senatorial scholarship information as directory information, which process allows students an opportunity to refuse disclosure of information; or if disclosure is made in obedience to a court order or subpoena.

According to Burbank, if senatorial scholarships are made directory information, names of future, not past recipients could be released.

"This is exactly what I told the president," Burbank said, "that, under current University policy and practices, release of names would violate the law. It is unfortunate that the University has been subjected to such a prolonged and intemperate editorial barrage for observing what it regards as and what HEW has now confirmed are its obligations under the law and under University internal policies. I hope that the *Inquirer* will now join Mr. Meyerson in his more constructive efforts to 'regularize the process by which future Senatorials are awarded.'"

Last month the University joined Temple, Penn State and the University of Pittsburgh in refusing the *Inquirer's* request to release the names of state senatorial scholarship recipients. Of the schools asked, only Lincoln released students' names. (See *Almanac*, February 28 and April 4, 1978.)

Grievance Complaint Filed

Dr. Roselyn Eisenberg, assistant professor of microbiology in the School of Dental Medicine, has filed an official complaint with the University's Committee on Academic Freedom and Responsibility.

The complaint, filed under the provisions of section VI of the faculty grievance procedure, contends that Provost Eliot Stellar failed to implement the recommendations of the grievance faculty inquiry panel that found in favor of the grievant May 30, 1977. This case was the first time in the four-year history of the Faculty Grievance Commission in which the grievant's complaint was upheld. (See *Almanac*, December 13, 1977.)

As a result of the grievance panel report, the University negotiated a contract with Eisenberg, extending her teaching position for another year so that her application for tenure could again come under review. No agreement has been reached on the process of that review.

[Eisenberg filed a lawsuit against the University last August. The court judge gave an oral instruction Thursday, April 6, for individuals involved in the case not to discuss it, and since then *Almanac* has not approached any of the principals.—*The Editors*]

Guggenheims Awarded to Seven Penn Faculty

Seven University faculty members have been awarded fellowship grants from the John Simon Guggenheim Memorial Foundation for 1978. The awards, totaling \$4,569,500, were given to 292 scholars, scientists and artists selected from 3,073 applicants. The foundation has granted nearly \$75 million in fellowships over 54 years.

(Continued on page 6)

Report of the Senate Advisory Committee Board of Review for the Grievance Commission

Preface from the Senate Chairman

The following report presenting a plan for revised grievance machinery has been received by the Senate Advisory Committee and is being placed on the agenda for discussion at the regular Senate meeting on April 19. Since the proposal is still in outline form and there is an urgent need for the reestablishment of grievance machinery, which has not been functioning on our campus since last September, the Senate Advisory Committee will also present a motion for interim grievance machinery.

Two major points should be borne in mind in connection with this document:

1. It is intended to present the broad strategy of new grievance machinery. Some details are presented where it is necessary to do so in order to make the nature of the proposals clear, but there are many details and even important issues omitted (e.g., rules about confidentiality). If the reaction of the Senate is favorable enough to warrant it, arrangements will be made for the preparation of a complete set of proposed rules.

2. The broad strategy envisioned is one in which the grievance procedure is to provide an advisory mechanism for the provost to enable him to right injustices and inequities. It attempts to move farther away than the former machinery from the concept of an internal court system in which there are adversary procedures.

In view of the urgent need to reestablish the operation of grievance machinery, the Senate Advisory Committee has agreed to recommend to the Senate the following motion:

Resolved that the grievance machinery be restored on an interim basis subject to the revision that the three panel members shall be chosen as follows: one faculty member chosen by the grievant, one faculty member chosen by the respondent, and a third faculty member chosen by the first two from a list established by the Senate Advisory Committee.

—Irving B. Kravis
Chairman, Faculty Senate

I. Statement of Charge to the Senate Advisory Committee Board of Review for the Faculty Grievance Commission

On October 20, 1977, the then acting chairman of the Faculty Senate, Robert F. Lucid, appointed Professors Philip G. Mechanick, Covey Oliver, and Paul Taubman as members of the Senate Advisory Committee Board of Review for the Faculty Grievance Commission (hereafter referred to as the review board), and Professor Dorothea Hurvich was appointed to it on November 15.

The review board was charged by the Senate Advisory Committee "in the broadest terms, directing it to analyze the operation of the grievance machinery and ascertain whether conceptual or operational changes were called for. The review board is to submit its analysis and whatever recommendations it may produce to the Senate Advisory Committee as soon as its inquiry is complete, and no later than spring of 1978."

The review board has received extensive materials from the chairman of the academic Senate, including documents relating to the development of the present faculty grievance procedures, correspondence about problems which have arisen in the implementation of these procedures, and letters submitted to the grievance commission making suggestions and recommendations about the grievance mechanisms. In addition, the review board has met with members of the present faculty grievance commission. The chairman of the review board has met with the provost, with the general counsel of the University, with the present ombudsman, and with a past ombudsman, Professor James Freedman. The review board has also received from members of the faculty letters which were solicited through a notice in *Almanac* of January 17, 1978. On March 3, 1978, Professor Irving B. Kravis, chairman of the Faculty Senate, advised the review board of the following

motion, which was unanimously adopted on that date by the Senate Advisory Committee: "The attention of the Grievance Review Board should be called to the need to consider the appropriate recourse when a claim is made that the rules governing the faculty grievance procedure have been violated by participants in a case, by administrative officers, the parties who made the decision complained of, or others."

II. Basic Considerations

From its study and analysis of the grievance mechanism through the various written materials and through interviews, the review board has concluded that the availability of a grievance procedure which allows a faculty member to obtain a hearing from his or her peers has been important in solving many grievances. The faculty members who gave so much time and effort to make this mechanism work deserve our warmest appreciation. Our analysis also identified a number of basic considerations in regard to the way the grievance mechanism has evolved since conception.

The grievance procedure is fundamentally a conflict resolution process, and each case must be evaluated on its own merit. The procedure was devised to allow faculty members to obtain a hearing from their peers on issues related to working conditions, salary, and promotion. The grievance mechanism seeks to insure that employment or promotion is not denied individuals whose qualifications are at least equal to those of the particular peer group in question but who might have been excluded in the past because of prevailing cultural attitudes regarding national origin, race, religion, or sex. The grievance mechanism does not, however, seek to redress socially-caused disadvantage by recommending appointments and promotions for individuals who do not meet their peer group qualifications. Nor does the grievance mechanism limit the rights of departments to choose which subject areas are to be strengthened or not supported.

The original expectation in setting up the present grievance mechanism was that it would handle many cases which could be managed fairly readily and with dispatch. These expectations have proven to be incorrect. Although many grievance issues have been readily resolved by the ombudsman and also by the chairperson of the grievance commission, their efforts have not always sufficed. The resulting cases have developed into lengthy and onerous undertakings, and the hearings, which did not constitute the full amount of time spent on a case, often lasted for 40 or more hours. Moreover, on occasions the hearings have been associated with unfortunate complications. Thus, the expectation that a grievance commission and its grievance panels could operate on a collegial basis in a benign and cooperative academic society has not been uniformly realized. It is necessary, therefore, to analyze the reasons for the lack of fulfillment of the original expectations about grievance procedures, so that suitable remedies can be devised.

1. Budgetary constraints and promotion to tenure

At the present time a coalescence of significant social forces impinge on academic life that increase the likelihood of grievance issues. The University of Pennsylvania, like other major universities in this country, has emerged from an era of plenty when financial resources were ample and faculty expansion was taking place. In considering promotions to tenure, attention was primarily directed to the qualifications of candidates and to the needs of the University. During that financially favorable period, the University was less obligated to consider the financial aspect of appointments and promotions. Moreover, if a nontenured faculty member foresaw the possibility of difficulty with promotion to tenure, the job market was such that attractive positions were available elsewhere.

With the financial crisis in higher education of the current decade, this favorable and supportive climate abruptly changed. Expansion gave way to efforts to maintain the status quo and then

gave way further to determined efforts to reduce the size of the faculty. The direct impact of these changes was an inhibition of the ability of junior faculty members to achieve promotion to tenure. Not only have the criteria for promotion and tenure been made much more strict, but there have been changes in the nature of faculty appointments so as to limit the number of possible candidates for tenure. For example, the School of Medicine has lengthened the probationary period for the few clinical faculty on a tenure track and, for the majority of clinical faculty, has established a new clinician-educator track which does not carry a tenure commitment from the University. A parallel track in research is now in the process of being established in the School of Medicine in which the University will again require no commitments to tenure. Although such alternative paths may be available in some parts of the University, they do not exist in others, and the achievement of tenure remains critical for many faculty who wish to remain at the University.

With recent budgetary contraction, however, the number of available openings for tenured positions has dropped very sharply. This situation would not be so stressful for junior faculty members were it not for the fact that these unpromising circumstances are repeated at virtually all other universities. As a result, many candidates are faced with the grim prospect that, should they not achieve tenure here, the likelihood of their finding a desirable position elsewhere is quite limited. These circumstances make it most difficult for a candidate to view tenure decisions with objectivity, and the tenure evaluation process has become increasingly subject to misperceptions and misunderstandings which can be the basis for grievance complaints.

Concurrent with the contraction of opportunity for promotion to tenure, programs for affirmative action for women and members of minority groups have been inaugurated. These programs have raised the expectations of eligible individuals that they will eventually be promoted to tenure. These expectations conflict with the decreased availability of tenure positions, so that persons eligible for affirmative action may suffer disappointment and disillusionment, again creating additional occasions for grievance complaints.

These conflicting social currents have taken place at a time when the *Zeitgeist* is to seek relief and redress of wrong through legal action. In this country, at present, individuals who feel that their civil rights have been violated seek to secure these rights through the courts. As a result, the attorney has entered the arena of academic life. For example, only recently the Supreme Court decided whether a medical school had the right to determine criteria for graduation of a student, who complained that her rights were violated by dismissal prior to graduation. In the realm of faculty affairs, the attorney now stands in the wings in many instances when a faculty member feels aggrieved. If a faculty member's professional future is significantly threatened or jeopardized, the possibility of immediate or ultimate legal action has become a reality and colors internal grievance procedures. This additional source of tension has contributed to the difficulties in achieving a collegial approach to the resolution of serious cases.

2. Grievance procedures versus legal procedures

In this new setting, the review board believes that there may be some tendency to overestimate what can be achieved through any form of grievance procedure. In serious cases, when the principals have assumed adversary positions, procedural rules may not suffice to restore a collegial approach, no matter how carefully they are designed and constructed. An internal grievance procedure can work only when both parties involved want it to work. If either party wants to be litigious, it is likely that the matter will end up in the courts, which is an option open to the grievant at any point in the grievance process.

There was some reluctance in the construction of the present grievance mechanism to make the procedures too loose. At the same time, there was fear of making the system too legalistic. The present mechanism was a compromise between these opposing concerns.

The tendency for grievance procedures to gravitate towards an imitation of a trial has created multiple burdens for all those

involved, and the resulting legalistic atmosphere can generate a plague of legal problems. Not only can the original grievance become a matter for litigation, but the participants in the process itself can become subject to legal difficulties. In at least one instance, because of the hearings members of the grievance commission, a grievance panel, witnesses, and members of the administration have become potentially subject to litigation. Clearly, it is impossible for a group of peers not trained in the law and lacking the legal authority and stature of a court to offer a trial proceeding that provides the structure, control, and remedies available to a court. Accordingly, there is no gain in attempting a quasi-trial as a means of offering a lesser form of legal process in order to avoid a trial in the courts. If carefully undertaken peer review advisory to the provost will not suffice, a grievant who is minded to use the courts as a remedy had best do so.

In the course of its study of the grievance mechanism, the review board has considered a number of models for grievance procedures at various universities. These mechanisms range across the spectrum from informal peer review to procedures equivalent to a trial.

3. Arbitration: advisory function versus decision-making

The administration of this University has determined that compulsory arbitration is not acceptable for grievance issues. The chief academic officer will not relinquish the responsibility of the office of the provost in matters of faculty appointment, promotion, and tenure.

The administration of the University will not yield its authority, therefore, even in controversial cases, to decide personnel issues short of being required to do so by legal action. Accordingly, at this University, the only arbitration procedure available must be of non-binding nature.

The provost, as the chief academic officer of the University, makes the determination as to whether a grievant does or does not have a basis for complaint. The grievance procedure serves as a resource for the provost, providing factual information, an opinion of faculty peers as to whether or not there is a valid basis for a grievance complaint, and suggestions as to possible remedies. In actuality, the decision about a grievant's complaints is made by the provost, and the grievance process is not an alternative decision-making route.

The work of the grievance process need not necessarily end with rendering advice to the provost. The provost may seek further assistance from participating faculty, including their participation in mediation and their additional counsel.

III. Conclusions and Recommendations

1. The review board has considered the range of possible approaches in responding to grievance complaints, and it believes that peer group review remains the most appropriate and effective procedure. Such a review should necessarily be informal, flexible, and advisory, for the ultimate academic decision in faculty personnel matters remains that of the provost. Peer review cannot be binding or compulsory in nature, but rather serves to advise the provost of the perspective of faculty colleagues. At the same time, the review board recognizes the need for the faculty to be concerned with the sensitivity and responsiveness of administration to grievance issues. While the faculty does not have jurisdiction in adjudicating any given grievance complaint, which is the responsibility of the provost, a consistent pattern of difference between the recommendations of peer review and the ultimate decision by the provost merits consideration by the faculty. Under such circumstances, questions about the grievance procedure or about the responsiveness of administration would necessarily arise.

2. The present grievance procedure has unduly burdened the chairpersons of the grievance commission to act as the administrator of the grievance mechanism in advising grievants, in functioning as a mediator, in researching potential grievance cases, in constituting grievance panels, and in maintaining communication with the administration and Faculty Senate. The chairperson of the grievance commission has, at times, had difficulty in obtaining the authority to prepare a case, including access to necessary and relevant documents. In the present system the

chairperson must devote a vast amount of time, and tenure of office must be long enough to provide the chairperson with sufficient expertise and experience. These demands are unduly taxing and burdensome for a faculty member engaged in teaching and scholarly activity, particularly in view of the number of difficult and complicated cases that have arisen in recent years which have demanded extraordinary preparation.

3. When a grievance panel has been constituted because a grievance matter cannot be settled informally, the role of the panel has often been unclear because it has functioned as prosecutor, defender, judge, jury, counselor, and mediator. This mixed role and the various ways in which this role is perceived have made the functioning of such panels difficult both for the panel members and for others involved in the grievance hearings. Furthermore, the role of the grievance commission itself has not been entirely clear to its members, to grievance panels, and to administration, as well as to grievants and respondents. There has also been considerable confusion about the capacity of grievance panels to effect decisions in relation to grievances. Some members of the faculty have come to feel that legal representation, recorded testimony, and other trappings of legal proceedings enable a grievance panel to adjudicate the issue with certainty and finality.

In addition, members of some grievance panels have reported that they were subjected to criticism about their performance as panel members, and some non-tenured panel members have been concerned about the consequences of their serving in this capacity with respect to their professional futures. If the role of a grievance panel is clearly defined and it acts only as a "jury" in hearing prepared presentations and evidence, it seems less likely that its members would be subject to criticism. Panels serving a peer review role should be spared any functions other than those of hearing, weighing, and giving an opinion in regard to testimony and evidence.

4. The review board has concluded that the grievance procedure requires two part-time attorneys to serve in two distinct and separate capacities. The first attorney should serve as a grievance officer with the following functions: (a) to advise potential grievants about the grievance procedure as well as any collateral resources for assistance, particularly the ombudsman (b) to obtain documents and other information about a potential grievance case (c) to review the information developed and to determine its relevance to the particular case (d) to prepare the case for presentation to the grievance commission, which attempts its resolution through mediation. The grievance officer should have access to all University documents to which a University official is legally entitled and would be bound by absolute confidentiality. With the presentation of a case to the grievance commission, the grievance officer's association with the case would be ended.

For all grievance inquiry panels convened, a second attorney, the inquiry panel judge, should function as the presiding legal officer. A separate attorney is required for this purpose since the grievance officer might be viewed as having pre-judged the case or as being in some way partisan. For that reason, the grievance officer and the panel judge should not be members of the same legal firm or faculty. The panel judge would preside over the hearing and insure its conformity with grievance procedures. The panel judge would also provide continuity and experience for grievance inquiry panels.

Because the grievance officer would have ongoing responsibilities, compensation should be on the basis of an appropriate salary. Because the panel judge would function only when panels are convened, compensation should be on the basis of a retainer and time spent. Both attorneys should be independent outside counsel who are attached to the Senate Advisory Committee, appointed by the Senate Advisory Committee with the concurrence of the provost.

Recommended Modifications in the Grievance Mechanism

1. The grievance officer would confer with potential grievants and attempt informal resolution. If informal resolution is not possible, the grievance officer would prepare their cases, after having obtained all relevant documents, for presentation to the grievance commission.

2. The grievance commission would be reduced in size to three

members. When cases are presented to it by the grievance officer, the grievance commission would attempt mediation. If the grievance commission finds that mediation does not appear to be leading to a resolution of the grievance complaint, it will so advise the provost, who may make suggestions or recommendations as to additional courses the commission may wish to pursue in its mediation efforts. This notification of the provost would indicate the likelihood that the complaint will be referred to a grievance panel, if the complaint cannot be resolved.

3. If the grievance commission finds that all efforts to mediate and resolve the complaint have been unsuccessful, it will empanel a three member grievance panel consisting of one faculty member chosen by the grievant, one faculty member chosen by the respondent, and a third panel member chosen by the first two. Panel members could be chosen from any fully-affiliated faculty other than a person who is a member of the grievance commission, administration, or in the same department as the grievant, or, in a case involving termination at the end of a probationary period, an untenured person from the grievant's school.

4. The panel judge would convene the grievance panel constituted for a particular case, and the panel would determine whether or not there is probable cause for a grievance and would report its findings to the provost. The process would be a peer group review in which neither the grievant nor the respondent would have legal or other representation. The panel judge would present the relevant documents for review by the grievance panel and would call witnesses to appear before the panel to offer testimony. It would be the responsibility of the panel judge to determine the extent and relevance of that testimony. Panels would be conducted in private. Grievants would not be permitted to see any letters of recommendation. Grievants would be given a list of names of people that includes but is not limited to those who wrote letters of recommendation. Grievants could then indicate why anyone on list would be biased against him or her. The grievant and the party against whom the grievance is filed may pose questions to witnesses through the panel judge.

Any matters considered in the grievance procedure should be evaluated and an opinion rendered in a brief period of time. Prolonged hearings and meetings which have been required of panels undermine the very effectiveness of the grievance mechanism itself.

5. The grievance panel would report its conclusions to the provost and to the chairman of the Faculty Senate. The summary findings of the grievance panel would be limited to the statement that the panel had examined all written material and had heard witnesses for and against the grievant and that it had come to the conclusion that the preponderance of evidence does or does not support the claims of the grievant as specified. The detailed findings would list each of the claims made by the grievant, with the response of the panel to each claim and specification of the University regulation or policy violated, if any, in each instance.

Thus, the report would be confined to the conclusions of the panel with regard to each complaint and the operative reasons for the decision of the panel.

6. The review board was additionally charged with the "need to consider the appropriate recourse when a claim is made that the rules governing the faculty grievance procedure have been violated by participants in a case, by administrative officers, the parties who made the decision complained of, or others." It is the recommendation of the review board that such claims be directed to the grievance commission, which shall report them to the Senate Committee on Academic Freedom and Responsibility.

7. If an inquiry panel would uncover possible evidence of violation of University rules and procedures not directly related to the grievance matter itself, the panel would report such possible violations to the chairman of the academic Senate and, separately from its findings on the grievance complaint, to the provost.

8. The grievance officer would have the responsibility for keeping all records, both written and tape recorded, that are delivered at the conclusion of the work of each panel.

—Dorothea Hurvich, Philip Mechanick, Chairman,
Covey Oliver, Paul Taubman

Commentary

On Modifications in the Grievance Mechanism

by Robert E. Davies

I hope that the Report of the Senate Advisory Committee Board of Review for the Grievance Commission will be decisively rejected. In my view it is incomplete, inadequate and internally inconsistent. It clearly fails to offer acceptable due process and any real likelihood that a grievant could ever win a case against a hostile administration, nor is it responsive to the urgent request, many times repeated, of the Faculty Grievance Commission to the Senate Advisory Committee (August, 1977) to investigate why the commission wished to suspend operations because of the actions of Provost Stellar (actions that have finally resulted in the chairs of the Eisenberg inquiry panel and the commission filing a complaint against Provost Stellar with the Senate Committee on Academic Freedom and Responsibility).

Here are a few of the many comments that could be made. It is *incomplete* because, although the last section is headed "Recommended Modifications in the Grievance Mechanism" it is not stated whether any part of the present procedure should continue. Thus, even the grounds for a grievance are omitted and so is the way the grievance commission is appointed, who is eligible, how long its members serve, and who chairs the grievance panel. Nothing is stated about what the provost must do after receiving the report of the grievance panel. As it stands, there could be no response of any sort to anyone.

It is *inadequate* on very many grounds. The provost not only decides what to do without any procedure for appeal within the University, but even "makes the determination as to whether a grievant does or does not have a basis for complaint." I believe that this determination of whether there is a basis for the complaint is as much a necessary right for a grievance panel as for a Committee on Academic Freedom and Responsibility.

The involvement of two part-time attorneys who are appointed only with the concurrence of the provost raises severe dangers. Would they be fired if the provost decided, after receiving a report supporting a grievant, that there was no longer any "concurrence"? Only the grievance officer is "bound by absolute confidentiality," whatever that means (confidential to the provost, the chair of the Senate, the panel judge, a federal judge, or what?). Nothing is stated about the level of confidentiality required of other people involved.

Only the grievance officer and the panel judge would acquire information about all cases, and they have no tenure in the University and may well be transients. Who, therefore, can know whether they are performing adequately? Their powers are too

great to be delegated to people who do not necessarily have the good of the University at heart and who may serve only at the pleasure of the provost. They, not faculty members, determine what documents are relevant, what witnesses may be called, what questions may be asked. There is no procedure by which they may be challenged for cause. If this procedure had been used, it is extremely unlikely that the panel would have been able to obtain the evidence it needed to decide in favor of Dr. R. Eisenberg.

It is surely a travesty of due process and quite unacceptable to Committees on Academic Freedom and Responsibility that the grievant would not have "legal or other representation" and to call it a "peer review" does not mean we should abolish due process.

It is also *inadequate* because the grievance panel reports only to the provost and the chairman of the Faculty Senate. The panel does not report to the *grievant* even or the *grievance commission*, whose role is that of making a third attempt to mediate (i.e., normally the ombudsman, the grievance officer and then the three-member ghost of a commission), nor even to the grievance officer or the panel judge.

The report is *internally inconsistent* because "the grievance officer would have the responsibility for keeping all records" etc., but would not even get the grievance panel report nor the reply (if any) of the provost.

More important, II.3 mentions "suggestions" to the provost and, III.1, "recommendations of peer review," but the operative section Recommended Modifications in the Grievance Mechanism clearly ignores this and confines the panel report to "conclusions that the preponderance of evidence does or does not support the claims of the grievant as specified." No *recommendations* are allowed and anyway, according to II.3, the provost could reject even these conclusions.

To me, the report reads as though it had been drafted by some members of the administration to ensure that they would never lose another case, that no one would serve on the commission or on a panel, and that no one would even file a grievance.

No mention is made of the scores of hours of work of a subcommittee of the grievance commission that rewrote the procedures during the academic year 1976-77. The subcommittee was Sally Green, Cecilia Lee, Leo Levin, Florence Lief and myself. To the best of my knowledge, none of us was given a chance to comment on this report before it was sent to *Almanac* for publication. If it is debated on the floor of the Senate in its present form, I believe that there will be very strong objections to it.

Dr. Robert E. Davies, Benjamin Franklin and University Professor of Molecular Biology, is a former chairman of the Faculty Grievance Commission.

Report of the Faculty Grievance Commission July, 1976—March, 1978

I have not had ample opportunity to review or distribute to members of the Faculty Grievance Commission the report prepared by Dr. Mechanick's review board that appears in today's Almanac, and therefore cannot comment on it at this time.

—Sally Green, Chair
Faculty Grievance Commission

Because of events beginning August 27, 1977 and continuing to the present (reported in various issues of *Almanac*), the usual annual report of the work of the Faculty Grievance Commission has been delayed. Perhaps the best way to communicate effectively to the University community at this time is to divide the report into two sections: the first covering the period from our second year report (*Almanac*, November 2, 1976) until we ceased processing new cases (*Almanac*, September 20 and 27, 1977), generally our third year of operation; and the other, from that time to the present.

1. During our third year we processed and completed one additional case. The chart below (see next page) summarizes our work with formal complaints.

In addition, two other faculty members have filed formal grievances with us. These complaints were not processed because our request for suspension of the grievance machinery took place before they could be handled. These two cases have been referred to the chair of the Faculty Senate (as agreed on September 13, 1977, Lucid to Green).

2. Since our suspension of the grievance machinery, no cases (other than the two mentioned above) have been received by either the Faculty Grievance Commission or the office of the chair of the Faculty Senate. However, the commission has been active in several areas:

a. *Relationship to the Grievance Commission Review Board, an ad hoc Faculty Senate committee*

Acknowledging the differing agendas of the review board and the Faculty Grievance Commission, the two groups met on March 9, 1978. The charge of the review board to "analyze the operation of the grievance machinery and to ascertain whether conceptual or operational changes were

called for" (Lucid to Green, November 14, 1977), did not allow for the commission agenda. "I also ask that the causes of this requested suspension be investigated by some appropriate group within the Senate so that the challenges to the integrity of our members and our procedure are confronted and settled fairly." (Green to Lucid, August 27, 1977).

However, the Faculty Grievance Commission accepted the charge and agenda of the review board so that progress could be made in reinstating, as soon as possible, the grievance machinery necessary to process claims safely and appropriately. The work of five members of a Faculty Grievance Commission subcommittee revising the grievance machinery during the academic year 1976-1977 was shared with the review board, along with suggested changes that have been worked on by the entire commission.

b. Relationship to the administration

Attempts to settle the complaints of a grievance panel,

Grievances and Their Disposition, 1974-1978

| Case | Year of Filing | Sex | Title | School | Nature | Result |
|------|----------------|-----|------------------------|-------------|---------------------|--|
| 1 | 1974-75 | M | Full Professor | Vet. Med. | Salary | A negotiated settlement has been made. |
| 2 | 1974-75 | M | Instructor | None | Conditions of work | A negotiated settlement has been made. |
| 3 | 1974-75 | F | Former Asst. Prof. | F.A.S. | Tenure & promotion | The grievant lost the case. |
| 4 | 1974-75 | F | Assistant Prof. | F.A.S. | Reappointment | The grievant lost the case. |
| 5 | 1974-75 | M | Associate Prof. | Med. | Conditions of work | The grievant lost the case. |
| *6 | 1974-75 | M&F | All professional ranks | Grad. Educ. | Action & procedures | The case was withdrawn. |
| 7 | 1974-75 | M | Associate Prof. | Grad. Educ. | Promotion | The grievant lost the case. |
| 8 | 1975-76 | M | Assistant Prof. | F.A.S. | Tenure & promotion | The grievant lost the case. |
| 9 | 1976-77 | F | Assistant Prof. | Dental Med. | Tenure & promotion | The grievant won the case. |

*The grievances signed by many members of the Graduate School of Education were withdrawn in a letter that read in part: "Although the grievances are justifiable in our judgment, we now anticipate that redress will occur by means other than the formal grievance process."

(Continued from page 1)

The University matched the Universities of California at Los Angeles, Michigan and Toronto with respect to the number of faculty members chosen as fellows. Other universities with faculty receiving fellowships included: the University of California at Berkeley, 16; Yale University, 11; Stanford University, 9; Harvard University, 8; the University of California at San Diego, and Cornell, 6; the University of Chicago, Columbia University and the University of Illinois at Urbana-Champaign, 5.

The seven University fellows and their fields of research are:

Dr. Houston A. Baker, Jr., professor of English: the black narrative text and the anthropology of art.

Dr. E. Digby Baltzell, professor of sociology: political reform and cultural renaissance in Philadelphia, 1947-1976.

Dr. Sherman Frankel, professor of physics: experimental studies in high energy physics.

Dr. Lynn H. Lees, assistant professor of history: class, culture and community in English manufacturing towns between 1780 and 1910.

Dr. James D. Muhly, associate professor of ancient Near Eastern history: the beginnings of metallurgy in the ancient world.

Dr. David Premack, professor of psychology: comparative studies of cognition in primates.

Dr. Anthony F. C. Wallace, professor of anthropology: mechanical inventors and their role in the diffusion of industrial technology.

Of the 10 fellows from the Commonwealth of Pennsylvania, other institutions represented are the Philadelphia College of the Performing Arts, Pennsylvania State University and Bryn Mawr College.

and of the commission itself—concerning claims of alleged damage to the reputation of these faculty members—against the administration have failed. The commission had voted to file a formal complaint with the Senate Committee on Academic Freedom and Responsibility, if these negotiations broke down; the commission is now proceeding to file with this committee.

A hopeful outlook for the future of the Faculty Grievance Commission *must* include the reinstatement of grievance machinery and the reactivation of the commission in processing new cases. Differences with the administration must be resolved, otherwise no proposed procedure, no matter how well conceived and written, can work.

It is the commission's hope that this can be accomplished in the near future.

—Sally Green, Chair
Faculty Grievance Commission

Council Meeting Scheduled for April 12

The University Council will meet Wednesday, April 12 from 4 to 6 p.m. in the Council Room of the Furness Building. The agenda will include: reports from the president, provost and chairman of the Steering Committee; action on proposed revisions to the Guidelines on Open Expression (see *Almanac*, March 21, 1978) and a preliminary report by the Committee on Student Affairs on guidelines on the confidentiality of student records as related to a Philadelphia *Inquirer* request for divulgence of names of state senatorial scholarship holders (see *Almanac*, February 28 and April 4, 1978).

No Charges To Be Brought

Philadelphia District Attorney Edward G. Rendell announced Tuesday, April 4 that no evidence of a crime was found in the death of University sophomore Robert Bazile last April 21, and no criminal charges will be made. Bazile's death followed a fraternity initiation ritual.

According to Jerry Condon, director of student life, "We're taking a look at our policies regarding hazing and updating them to set up mechanisms to make sure that these policies are applied."

Nursing: An End and a Beginning

While the School of Nursing of the Hospital of the University of Pennsylvania (HUP) will close this week after 92 years in operation, the University's School of Nursing is accepting its first students for its doctoral program, to begin next fall.

HUP's School of Nursing, until now the oldest nursing school in Philadelphia still in existence, will hold its final graduation with 87 graduating students Saturday, April 15 at 2:30 p.m. in Irvine

Auditorium. Plans to close HUP's three-year diploma school were announced in 1974 by Dr. Thomas W. Langfitt, vice-president for health affairs. According to Dr. Langfitt, the decision to close HUP's diploma program was made so that full clinical resources could be concentrated on the college-level program.

The University's new doctoral program in nursing is the only one offered by an Ivy League school, and there are only 17 such programs in the country.

Library Snack Area Closes

The Van Pelt Library coffee and snack vending facility closed April 4 when the Macke company removed its machines upon the expiration of its contract with the University Dining Services. The director of libraries, in consultation with the University and Lippincott Library committees thus reaffirmed the library's traditional policy of not permitting the consumption of food and beverages in the building.

Closing the snack facility was not a decision that was lightly taken: the area was heavily used and much appreciated by many library users. However, experience during the four-year trial period of operation showed that library users could not be made to confine their eating and drinking to the vending area and lounge. Despite numerous signs and other attempts at control, coffee, soft drinks and food were freely carried from the vending area and consumed in all parts of the library—including the book stacks. Moreover, the Van Pelt Library became a popular place for eating brown bag lunches and food from street vendors, not only for library users but for non-users as well.

The library's corridors, reading rooms, and book stacks were daily littered with spilled and partly consumed food and drink, and trash cans were filled with garbage and food wrappings. With the recent severe reduction in the library's housekeeping staff, cleaning has deteriorated to token levels: trash cans go unemptied and floors go unswept for weeks at a time, particularly in the book stacks. The refuse and filth of food were becoming breeding places for cockroaches, ants, and other vermin, including silverfish, which feed on book paper and binding glue. Faced with deciding between satisfying the wishes of some users to eat and drink in the library and preserving the library's scholarly environment and collections, our choice had to be the latter. We hope and expect that the community of users will endorse that choice.

Vending machines are available in Houston Hall until midnight.

—Richard De Gennaro, Director of Libraries

HMO Deadlines: April 14

James Keller, associate director, personnel relations, reminds all eligible University faculty and employees that the enrollment period for the Health Maintenance Organization of Pennsylvania closes on April 14. Anyone wishing to change his or her health care coverage must fill out an enrollment application in the Personnel Benefits Office, Franklin Building, by April 14. Pennsylvania HMO coverage begins June 1, 1978.

Spring into Sports

"Take me out to the ball game!" and root for Ben. The newly formed Franklin Building softball team (members are of both sexes) will play in the Science Center League. The team is an expansion of the UMIS team. Team co-founder Bill Cloney hopes the Franklin Building example will "help spark the morale of the employees and to bring us all together for the purpose of recreation and exercise" in a University-wide league. Watch out, College Hall cronies! Get your arm in shape and call Bill Cloney (Ext. 4624) or Russell Jones (Ext. 4709).

Graduate Hospital: Mail Delivery

Effective immediately, Graduate Hospital has discontinued intramural mail deliveries and pickups to and from the University. Therefore, all correspondence to Graduate Hospital should be sent via U.S. mail, according to Steven D. Murray, director of transportation and communication.

Grant Deadlines

National Institutes of Health

6/1 Receipt date for individual and institutional research service awards, research career development awards, program projects and centers, all competing renewal applications and all supplemental applications.

National Science Foundation

5/15 Research on selected topics in science and technology (program solicitation NSF 78-14—contact NSF, 202/632-5990).

6/1 Scientist and Engineers in Economic Development (SEED) program (program brochure NSF 77-8) available from NSF, 202/632-7930.

6/1 Research proposals for the Division of Policy Research and Analysis (FY 1978 objectives available in NSF Directory at ORA).

Office of Education

• National Institute of Education announces a program of research grants on organizational processes in education. Applications for other than small grants—up to \$7,500—require preliminary proposal. Proposals accepted any time through 9/30/78.

Additional information is available from the Office of Research Administration, 409 Franklin Building, Ext. 7295.

—Alton E. Paddock

Openings

The following listings are condensed from the Personnel Office's Bulletin of April 6. Dates in parentheses refer to the Almanac issue in which a complete job description appeared. Bulletin boards in 13 locations throughout the campus list full descriptions. Those interested should contact Personnel Services, Ext. 7285. The University of Pennsylvania is an equal opportunity employer. The two figures in salary listings show minimum starting salary and maximum starting salary (midpoint). An asterisk (*) before a job title indicates that the department is considering promoting from within.

Administrative/Professional

Administrative Coordinator (2/21/78).

*Assistant Director of Residential Living/Area Director (4/4/78).

Assistant General Counsel (1/17/78).

Assistant Health Physicist (2/21/78).

Associate Development Officer I (3/21/78).

Associate Development Officer III (3/28/78).

Associate Director for Maintenance Operations (3/28/78).

Director, Small Animal Hospital (1/31/78).

Fiscal Coordinator (3/21/78).

Junior Research Specialist (two positions) (a) (3/28/78); *(b) coordinates and supervises activities involving recruiting of subjects, interviewers and facilities (bachelor's degree in management, experience). \$9,275-\$13,000.

Nurse Practitioner I (3/28/78)—see part-time positions.

Programmer Analyst I (3/7/78).

Programmer Analyst II coordinates, analyzes and programs computer applications in demographic research. Knowledge of statistics, Fortran IV, job control language and PL/I; four years' experience. \$13,250-\$18,575.

Program Director (3/21/78).

Research Specialist I (five positions) (a) (three positions—3/28/78); *(b) gathers and analyzes samples of dog and cat fecal deposits (master's degree in biomedical engineering, advanced skill in medical electronics and animal experimentation); *(c) performs research related to sperm maturation (Ph.D. degree in protein biochemistry). \$10,050-\$14,325.

*Research Specialist III supervises internal data bank operation, evaluates data handling systems, designs and implements systems changes. Master's degree in management, experience in systems design. \$13,250-\$18,575.

Senior Staff Writer (3/7/78).

Senior Systems Programmer (3/21/78).

Staff Writer II (3/28/78).

Support Staff

Administrative Assistant I (two positions—(3/28/78).

Cashier (2/7/78).

Clerk III maintains admissions records, keeps admissions statistics, answers telephones. High school graduate, accurate typing. \$6,225-\$7,975.

Clerk IV (3/28/78).

*Electronics Technician I assembles and constructs circuits, tests instruments using volt-ohm meter. At least one year's experience in electronic construction. \$7,650-\$9,800.

***Electron Microscope Technician II** prepares tissue for electron microscopy, prepares and develops autoradiograms. Experience in above. \$8,625-\$11,050.

Facilities Coordinator (3/21/78).

Groom cleans and disinfects animal housing facilities. Three years' experience in care and maintenance of large animals. \$5,200-\$6,650.

***Head Laboratory Assistant** (in *Kennett Square*) supervises laboratory assistants, does general research laboratory work. Bachelor's degree in science, experience in working with animals. \$5,979-\$7,650.

Histology Technician II (3/21/78).

Receptionist (3/28/78).

Recorder, Book Invoice (3/21/78).

Research Laboratory Technician II (two positions—3/28/78).

Research Laboratory Technician III (four positions—(3/28/78).

Secretary II (three positions) \$6,225-\$7,975.

Secretary III (10 positions) \$6,700-\$8,575.

Secretary IV handles secretarial assignments for associate dean and personnel. High school graduate, dictation, secretarial skills. \$7,700-\$9,850.

Secretary Medical/Technical (three positions) \$7,150-\$9,150.

Senior Admissions Assistant (3/28/78).

Senior Collection Assistant requires independent action in collecting delinquent accounts or account receivables. High school graduate, five years' experience in handling account receivables. \$7,150-\$9,150.

Stable Foreman coordinates and supervises grooms. Four years' experience in the care and maintenance of large animals. \$5,700-\$7,275.

Stack Attendant (three positions—2/21/78).

Stockkeeper II (3/21/78).

Student Records Assistant (2/21/78).

Typist II types stencils for news releases, drafts and types letters, performs other clerical functions. High school graduate, two years' experience. \$5,800-\$7,400.

Veterinary Anesthesia Technician I (3/21/78).

Five administrative/professional and 10 support staff positions are available. See bulletin boards for details.

Part-Time

Five administrative/professional and 10 support staff positions are available. See bulletin boards for details.

Hospital of the University of Pennsylvania

Several positions are available at HUP. For information, call the HUP employment office, 622-3175.

Celebrate Spring, April 13-15

I invite the University community to join the student celebration of Spring. Come to the Quad and enjoy the food, the entertainment, the arts and crafts and the games that will headline Penn's fifth annual Spring Fling on April 13-15. Be a part of the high spirits—in addition to continuous live entertainment, Spring Fling will feature performances by Quadramics, Mask and Wig, Glee Club and Jazz Band. A detailed listing of events and times will appear in the Wednesday, April 12 *Daily Pennsylvanian*. (See also *Almanac*, March 28 and April 4.) Our students and I invite you to take a break from your office and join the festivities at Spring Fling.

—Patricia McFate,

Vice-Provost for Undergraduate Studies and University Life

Things to Do

Lectures

Today at 4 p.m., Dr. Richard Fields of the National Bureau of Standards reviews **Cavity Shapes in Creep Fractured Iron** in the LRSM Building, Room 105, Auditorium. § At 7:30 p.m. this evening, Dr. Mark Blitz, assistant professor of political science, defines **The Meaning of the Liberal Arts** in a Loren Eiseley Memorial Lecture, Philomathean Room, fourth floor, College Hall. The Reverend Stanley Johnson will also provide an interpretive reading of Dr. Eiseley's poetry. § **Cochlear Implantation** is studied by Dr. William P. Potsic, Children's Hospital, April 12 at noon, 554 Moore Building. § **Dannie Abse**, author of *Funland* and *Collected Poems*, reads his poetry April 12, 4 p.m., in the Philomathean Room, fourth floor, College Hall. § Maggi Childs speaks on **Buddhist/Homosexual Love Stories of Medieval Japan**, April 12, 4 p.m., Williams Hall East Lounge. § **The Normalization of Relations among Taiwan, Mainland China and the United States** is explained by Lynn Shun Shen, a Ph.D. candidate in international relations, April 12, 4:15 p.m., 3508 Market Street, Science Center. § Leonard M. Leiman, partner in the New York law firm of Reavis and McGrath, examines **Federal Incorporation, Federal Regulation and Federalism** in the annual Thomas A. O'Boyle Lecture, April 13, 4 p.m., Room 100, Law School. § Dr. Sol Gordon, director of the Institute for

Family Research and Education and professor of child and family studies at Syracuse University, lectures on **Sexuality—Birth through Adolescence**, April 14, 9 a.m. to noon, Children's Hospital Auditorium (fee, \$25). Registration: Ext. 5629 or 4522. § **What the Brain Says to the Mind—A Study of Children's Metalinguistic Skills Studied through Ambiguity** is discussed by Kathy Hirsch-Pasek, April 14, noon, Room C-34, Education Building. § **Hospital-Sponsored Primary Care: Organizational Design Issues** is the topic for Dr. Stephen Shortell, director of the Center for Health Services Research at the University of Washington, April 14, 2:30 p.m., Colonial Penn Center, Boardroom. § Jack Famularo, a professor at Manhattan College, analyzes **Simulation of Adsorption Columns for Multi-Solute Systems**, April 17, 3:30 p.m., Alumni Hall, first floor Towne Building. § **Cultural Themes in Medical Innovation: the Case of Organ Transplants** will be the theme for Dr. Renee Fox, Annenberg Professor of Social Sciences, April 17, 4 p.m., Annenberg School. § **Cohesion in Metallic Systems** is reviewed by Professor C.D. Gelatt, physics department, Harvard University, April 18, 4 p.m., LRSM Building, Room 105, Auditorium. § Adrian Wilson, book designer and printer, explains **The Making of the Nuremberg Chronicle** of 1493, April 18, 4 p.m., Rosenwald Gallery, sixth floor, Van Pelt Library. § **Elie Wiesel**, author of *The Jews of Silence* and *Messenger of God: Biblical Portraits and Legends*, comes to Penn's campus April 18, 7:30 p.m., Irvine Auditorium.

Films

The Annenberg Cinematheque's Exploratory Cinema series features Agnes Varda on *Rue Daguerre: A Philadelphia Premiere of Daguerreotypes*, April 12, 7 and 9:30 p.m., Annenberg Center's Zellerbach Theater (students with I.D., \$1; others \$2). § **Controlling Interest: The World of the Multinational Corporation** premieres April 12, 8 p.m., Christian Association Auditorium (\$1). § **Black Orpheus** (April 13, 7:30 p.m.; April 14, 4 and 9:30 p.m.) and **Reed: Insurgent Mexico** (April 13, 9:30 p.m.; April 14, 7:30 p.m.) will be shown at International House's Hopkinson Hall (\$1.50; matinee, \$1). § Stanley Milgram's **The Bystander Problem** will be screened April 13, 6:30 p.m., April 14, 11 a.m., Vance Hall B-1. § The University Museum's selections are **Bakhtairi Migration** and **Grass** April 16, 2:30 p.m., Harrison Auditorium.

Music/Theater

Mary Ann Ballard will direct the Collegium Musicum in its third annual **Renaissance Bawdy Concert** April 12, 8 p.m., at the University Museum's Harrison Auditorium. Tickets are \$2 (\$1 for students and senior citizens), and are available at 518 Annenberg Center or at the door. § April 13 through April 15, the **Provisional Theater** performs its newest work, *Inching Through the Everglades*, Christian Association, 8 p.m. (\$4). § As part of Artsfest '78, Philomel perform **Baroque Music at Noon**, April 14 at Houston Hall's Bowl Room. **Penn Composers Guild** presents new works for chamber ensemble featuring William Parberry, tenor, on April 16, 8 p.m., in the Annenberg Center lobby.

Exhibits

The Women's Cultural Trust's crafts gallery will sponsor a show of **wind chimes** from April 14 through May 5. § **Paintings by Douglas Schiller and Sculpture by Bernard Mangiaracina** are on display at the Faculty Club April 17 through April 28. § In conjunction with its Eight Abstract Painters exhibition, the Institute of Contemporary Art offers **The Two-D Game**, a playing and workshop experience designed to help children understand the exhibition, April 15, 11 a.m. Information: Ext. 7108.

Mixed Bag

The Irish American Cultural Institute sponsors a week-long program of lectures and performances April 11 through April 16, Houston Hall's Ivy Room, 8 p.m. § **The University Hospital Antiques Show** is set for April 11 through April 15 at the 103rd Engineers Armory, 33rd Street north of Market Street. Information: LA 5-7514. § **A Hawaiian Luau** is offered at the Faculty Club on April 14, 5 p.m. Call Ext. 4618. § **A Mixed Media Art Show Benefit** takes place April 14 through April 16 at the Faculty Club. As part of the benefit, there will be a **fashion show by Nan Duskin** on April 15 at 8 p.m. § April 14 has been designated **Gay Blue Jeans Day** by Gays at Penn. § **Inside China**, a day-long program exploring the People's Republic of China as it is today, will be held April 15 at the University Museum. Call Ext. 7811. § **HERS**, Mid-Atlantic sponsors a conference on **New Jersey Women in Higher Education** April 20 at Trenton State College. For details, call Ext. 5426. § For employees who have been at Penn 25 years or more, the **25 Year Club** will host its annual reception and dinner, May 2, 5:15 p.m., in the Faculty Club. Reservations: Marion F. Pond, Ext. 6811.

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