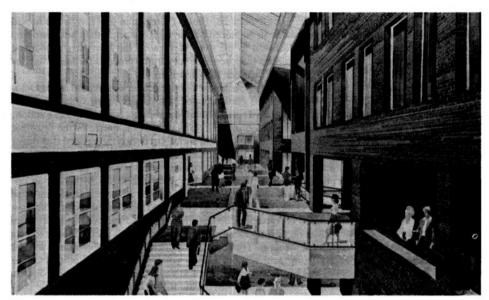
# Almanac

Tuesday, November 18, 1980

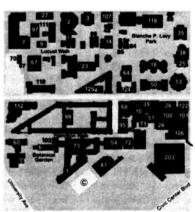
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# Where to Find the Wharton School in its 100th Year



Dietrich Hall's present facade (above, left) forms the south wall of an atrium as a new wing and skylight are added to what is now the building's front lawn. While construction is on, leading to the reopening in 1982 as the climax of the Wharton Centennial, the School's location will be hard to find on campus maps: Centenary Hall is not shown. At right, the C marks the spot alongside the Nursing Education Building (#81). The Centennial, not yet formally opened despite the banner already stretched across Walnut Street, will feature half a dozen conferences and symposia, and a mini-celebration of the 50th anniversary of the statistics department. But there will also be jazz, and in February a dance marathon to raise funds toward the renovation.



# Council: Action Completed on Academic Integrity

At its November 12 meeting, Council passed a revised Code of Academic Integrity which eliminates the controversial "X" grade. With its companion piece, the revised Judiciary Charter adopted at the October 15 meeting, the new Code is now in the hands of the administration. Vice Provost for University Life Janis Somerville said the two items' implementation will be expedited because of a backlog of cases. Both will be published in Almanac December 2.

(On pages 5-9 of this issue, the two-year report of Ombudsman John Keene analyzes experience with the judiciary courts as they have operated in the past; he recommends a comprehensive look at all University mechanisms for norm enforcement.)

At the November 12 meeting, Council also adopted the Report of the Ad Hoc Committee on Commencement, which restores Ivy Day as a celebration for seniors (who have shared the juniors' Hey Day in recent years) and specifies that Commencement speakers should ordinarily receive the unanimous support of the selection committee. The Steering Committee is now developing language for an amendment which will require written explanation when selection is not unanimous.

The Wharton School will spend its hundredth birthday year in a home away from home: the former PGH Nurses' Residence, now renamed Centenary Hall in honor of the landmark year of America's first undergraduate school of business.

Moving week is December 8 through 12, phased to leave Dietrich Hall's classrooms intact for final examinations. After the building is cleared, construction can begin for the \$14.7 million renovation and expansion of the hall. Windows and roof will be altered for energy conservation, and a new wing will add some 37,300 square feet to the present 140,000. The new wing, parallel to Locust Walk and linking the present north/south extensions that flank the entry, will create a  $3\frac{1}{2}$ -story skylit court (left) containing tiered ampitheatres and a paved promenade.

Locust Walk will be unimpeded during the construction, which will take until June 1982 to complete.

Meanwhile, Wharton faculty will make their offices in what used to be nurses' bedrooms in the 14-story building left vacant by the closing of Philadelphia General Hospital. The \$4.5 million structure, built in 1964 partly with Hill-Burton funds and thus carrying an obligation for health-related uses, has been considered for long-term use either by the School of Medicine, or by Residential Life as a residence hall for health students. Pending City Council action which would permit the University to purchase the property and its adjacent 54-car parking lot, the University has entered into a lease-purchase arrangement with a first-year rental of \$195,000 and a fixed purchase price of \$1,950,000. Rental and some \$1,275,000 in leasehold improvements will be paid by the Wharton School.

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# SENATE

#### From the Chair

# Recent Senate Business

The following is a report to Senate members on the business of the Faculty Senate during the late spring, summer and fall of 1980. A summary of this report was presented at the regular fall Senate meeting on November 5.

1. Senate Executive Committee Last year the Senate reorganized the Senate Advisory Committee (SAC) into a new, expanded Senate Executive Committee (SEC). The new SEC is composed of the members of the old Advisory Committee (the Senate Officers and 12 members elected at large by the Senate) plus 27 faculty constituency representatives and 4 assistant professors on University Council. The purpose of the reorganization was to try to provide a more effective and representative executive body for the Senate.

So far the SEC experiment seems to be working well. SEC has had three regular meetings so far this semester (as well as three special meetings occasioned by the events surrounding the selection of a new president for the University.) Attendance at meetings has been representative and good, averaging more than 30 members. I have begun a practice of inviting the chairs of standing Senate Committees\* to these meetings, whether or not they are SEC members, in order to facilitate better coordination of Senate activities. We have also made it a practice at each regular SEC meeting to discuss the upcoming agenda at University Council, so as to help increase the effectiveness of faculty participation in that body. Discussions at SEC meetings have been lively and informative. I have the impression that a wider variety of faculty voices is being heard than had been the case in recent years in the Advisory Committee, where attendance was often very poor. Fears that the new enlarged body would be unwieldy have not been confirmed. A problem continues to exist, however, in University Council, where faculty participation remains poor, even though issues of importance to the faculty are often discussed and decided.

- 2. New Senate Office In January of this year the Senate moved its offices from an inaccessible corner on the top floor of College Hall to a much more convenient location on the ground floor (Room 15). We now have our own comfortable and attractively furnished meeting room where most Senate Committee meetings take place. The University Museum store has kindly lent us interesting decorative materials for our walls. Please drop by.
- 3. Consultation Meetings with the President and Provost Over the summer the Senate leadership (the past-Chair, the Chair and the Chair-elect) has resumed the practice of holding regular, bi-weekly informal consultation meetings with the President and Provost. These informal meetings give us a very useful chance to stay in touch with the administration on a broad range of matters that are of interest to the faculty, whether or not formal action is contemplated or has occurred. They also tend to insure that more formal consultation will occur, when that is necessary or appropriate. Many of the matters discussed in the remainder of this report were first raised with the administration through these consultation meetings. We have also met, and plan to meet again, with President-elect Hackney.
- 4. Presidential Search Process At its October 14 special meeting, the Senate directed the Senate leadership to work to have Provost Gregorian's name placed before the Trustees as a nominee for president. At an SEC meeting the next day advice was obtained about how best to implement this resolution. The Chair, past-Chair and Chair-elect then

met with the Chairman of the Trustees, Paul Miller, who undertook to begin the process within the Trustees necessary to implement the Senate resolution. When I informed the Provost of these developments, however, he said that he wished to make a statement to the faculty on the subject, and he asked me to convene a group of faculty and deans for this purpose. On October 20, Provost Gregorian told this group he did not wish his name to be placed before the Trustees. I then informed Mr. Miller that it seemed to me that, in view of the Provost's announced wishes, it would be inappropriate for him to proceed further to implement the Senate's October 14 resolution.

Although no further Senate or Trustee action with regard to the October 14 resolution was contemplated, the danger of possible misunderstandings among the Trustees about the reasons for the Senate's action, and possible confusion in the Trustees about the nature of the principal grounds of faculty disagreement about that action, suggested that direct communication between the Senate leadership and the Trustees on these and related subjects might nevertheless serve a useful purpose. Therefore, the past-Chair, the Chair-elect and I asked Mr. Miller for an opportunity to talk to the full body of Trustees at some time during their two-day October 23-24 meeting. He agreed, and we met with more than 35 Trustees on October 23, just after they had received a report from Mr. Miller on the presidential search process. This seemed to me to be a very useful meeting. Trustees do not often have the opportunity to hear directly from faculty about faculty concerns, ideas and attitudes. The administration, I believe, has not always been an effective conduit on these subjects. I sensed, both during the meeting and in individual conversations with Trustees afterwards, a substantial degree of receptivity within the Trustees to working toward codification (and possible revision) of presidential search processes, and also to more general ideas for narrowing gaps in perception, attitudes and objectives that may now exist between Trustees, on the one hand, and faculty, on the other.

At its regular meeting on November 5, the Senate adopted a resolution calling for the prompt codification of presidential search procedures. A similar resolution has been pending before the Steering Committee of University Council. A subcommittee of the Steering Committee is now considering how best to move forward with codification, with a view toward presenting a plan to Council at its December 10 meeting.

5. Faculty Compensation At its regular fall meeting on November 5 the Senate adopted a resolution calling upon the administration to provide for increases in faculty compensation this year that will both keep pace with inflation and begin to restore substantial losses in real income that have occurred during the past several years. The resolution



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<sup>\*</sup> Presently, the Senate has the following active standing committees: the Faculty; Administration; Education; Publication Policy for *Almanac*; the Economic Status of the Faculty; Academic Freedom and Responsibility.

The members of the latter two committees are elected by the Senate membership. The members of the other committees are selected by SEC.

calls for an increase of 14 percent for the forthcoming academic year. The Senate Committee on the Economic Status of the Faculty is charged with implementing this resolution. By the time this report is published the Committee will have had its first meeting with the administration in pursuit of this objective. The Committee will report regularly back to the Senate Executive Committee on the progress of its negotiations, and I will use *Almanac* to keep the Senate membership aware of developments when that seems appropriate. In addition, as reported by the Economic Status Committee at the November 5 meeting, the administration has agreed to resume the practice of publishing the full University budget in the *Almanac* each fall. An attempt will be made to publish this year's budget before the Christmas recess.

6. Faculty Grievance Procedures The restoration of useful and effective faculty grievance procedures has been a high priority of the Senate leadership over the past several months. Serious problems arose in connection with faculty grievance procedures a few years ago, leading to the breakdown of the process as it existed at that time. The grievance procedures were rewritten and the new procedures approved by the Senate in 1978, and a new Grievance Commission and hearings panel list were thereafter constituted. The new Commission has been in a position to accept grievances for several months. One case has proceeded to a panel decision (with a recommendation now before the Acting Provost) and a second proceeding is in its initial stages.

The process of restarting the grievance mechanism was impeded to a significant extent by positions taken by the University's then-General Counsel. Specifically, the General Counsel took the position that certain faculty members (those who were lawyers) could not serve as faculty colleagues to grievants (even though the grievants wished them to do so), and also took the position that an internal faculty grievance proceeding could not go forward if the grievant had also filed a lawsuit on the same subject in a state or federal court. Neither of these positions had any support either in law or in the grievance rules and both were ultimately rejected by both the Grievance Commission and the Senate Committee on Academic Freedom and Responsibility. Nevertheless, in one case vigorous expression of the General Counsel's views - including opinions offered to a grievant and a federal court about the supposed non-availability of the grievance machinery — resulted in substantial difficulties for the grievant as well as delay in initiation of the grievance process. When these matters were brought to the attention of the administration by the Senate leadership, cooperation was secured in taking the steps necessary to have the grievance proceed (including a change of University position in a pending court proceeding). The administration also agreed to instruct the General Counsel's Office not to take public or formal positions about the scope or meaning of the grievance procedures without first confirming the correctness of those positions with the faculty bodies charged by the Senate with the duty to interpret the procedures.

7. Consultation Procedures for Appointment of Deans and Administrators For more than two years the Senate has been negotiating with the administration about a set of procedures for consultation preceding the appointment and reappointment of deans and administrators. These procedures would include rules about the nature and extent of the required consultation with faculty, students and others, the terms of appointment and reappointment, and related matters. The administration has consulted with the Executive Board of the Trustees on certain parts of the proposal. On several occasions it appeared that agreement between the Senate and the administration might not be forthcoming, but an acceptable proposal now seems to have emerged. This proposal will be discussed at an Executive Board meeting later this month. There is reason to hope that it will then be ready for formal adoption and promulgation by the administration.

8. Almanac Two important developments concerning Almanac have taken place over the last several months. Last spring the Almanac Advisory Board, composed of the members of the Senate's Almanac Committee and representatives of the other constituencies served by Almanac, secured agreement by the administration to shift the budgetary authority over Almanac from the University's Office of Communications Services to the Office of the President. (The advisory board sets publication policy for Almanac.) This change is intended to secure editorial independence for Almanac to the maximum extent possible. Then, last summer, the Almanac Advisory Board and the administra-

tion succeeded in persuading Karen Gaines to resume the vacant post of Almanac editor\*. The present Almanac seems to be what the Senate has envisioned for such a publication: a lively open forum for opinion on significant matters related to the University, as well as a responsible and readable journal of record.

9. The Reliance Professorship/Deanship In June 1979, the University entered into an agreement with Reliance Group, Inc., a group of insurance companies, whereby Reliance donated a \$1.5 million fund to endow the office of the dean of the Wharton School. Pursuant to this agreement, each future Wharton dean was to be known as the Reliance Professor of Private Enterprise. The agreement was signed by the President of the University for the Trustees and by the Chairman of Reliance, and the fact that the agreement had been concluded was publicly announced.

After this announcement, concerns about the agreement were expressed by faculty members to the Senate Committee on Academic Freedom and Responsibility. In October, 1979, that Committee requested and obtained a copy of the agreement from the Provost. The Committee also obtained other information relating to the agreement, including some of the circumstances and correspondence leading up to and surrounding its adoption and information about similar endowments at other universities.

After examination of this information and discussion the Committee found itself deeply concerned about several aspects of the agreement, some of which had not been publicly announced. Among these concerns were provisions of the agreement relating to criteria for the deanship, obligations imposed on the dean and his successors by the agreement, provisions relating to the process for selecting future deans, and the name of the professorship.

In January 1980, the Committee composed and sent to the President a letter explaining these concerns and asking for a meeting to discuss them. The Senate leadership separately informed the President that, in their view, it would be necessary to redraft the agreement in order to maintain consistency with University rules and practices.

The President ultimately referred the matter to Paul Miller, Chairman of the Trustees, who had played an important role in initially soliciting the Reliance gift. Mr. Miller met with the members of the Academic Freedom Committee and the Senate leadership to discuss their concerns. He then undertook to begin the process of negotiating a new agreement with Reliance to replace the existing one and all related undertakings. The new agreement was to be in full compliance with University rules and considerations relating to academic freedom. Reliance was sensitive to the problems that had been raised and was receptive to these changes. The negotiations proceeded satisfactorily.

Near the end of the summer, the Committee was presented with a draft of a new agreement, prepared by the University's General Counsel, which was in accordance with general University procedures and which the Committee found acceptable from the standpoint of academic freedom. The agreement was sent to Reliance for approval. Reliance has raised one reservation regarding the new draft, and their concern is now before the Academic Freedom Committee. The title of the professorship created by the new agreement would be "Reliance Professor of Management and Private Enterprise." Provisions relating to criteria for the deanship, responsibilities of the dean, and the decanal selection process have been substantially modified. I expect prompt conclusion of the pending replacement agreement.

This episode suggests to me the existence of important problems relating to the proper supervision of endowment and similar agreements in order to ensure that they are in full compliance with the letter and spirit of University rules. There was, for example, no regular review process applicable to the Reliance agreement, and an agreement in clear conflict with these rules was actually entered into before any review took place outside the University administration. The Senate Executive Committee has begun discussions about steps that should be considered in order to correct this situation.

Pave Genden

<sup>\*</sup> Anne Vitullo had acted extremely ably as acting editor in the interim.

# SPEAKING OUT-

#### **Twenty-Year Perspective**

I wish to add my voice to those that have been heard on the controversy which has surrounded the rejection of Vartan Gregorian by the Trustees — not simply to echo my own deep disappointment at the board's questionable judgment in measuring the balance between human qualities and institutional needs, directions and goals but, chiefly, to try to express an all-pervading sense I have, a feeling tone which has not yet been expressed as far as I know.

It needs to be said that central to the purely human issue of the board's unfortunate perceptions is the unique phenomenon of a colleague who, both as a member of the faculty and later a leading university administrator, drew to himself a degree of personal affection and loyalty from students and colleagues rarely, if ever, witnessed or experienced in academia. In my twenty years at Penn I cannot recall anyone as visible to the University community as he became, who was the object of as much universally expressed love and admiration reflected from so many and often disparate sides as Vartan. This in itself warrants thought and reflection, simply because it is so rare, and in purely human terms, a true phenomenon anywhere and anytime, let alone on a university campus.

As important as this is, there is a still more significant aspect to the tragic turn events took (I do not wish to over-dramatize; but in what follows I hope to make clear why I use as strong a word as "tragic"). Vartan's quality of presence was the flowering of an institutional aliveness, an openness, an adventurousness which began at Penn around 1960. He crystallized in his person all that had happened to Penn over two decades which made it a truly major educational force on the national scene. He conveyed in his attitude and manner of approach to all the problems he dealt with as dean of FAS and then provost, the very characteristics which had slowly awakened and finally taken shape from 1960 to 1980 in the life of this university: an energy, a vitality, a flexibility, a love and striving for solid, serious accomplishment, a capacity for good judgment while still willing to consider the gamble of a

When Vartan was passed over for the presidency of Penn, the tragic turn I referred to occurred. It reflects the conscious giving up of vision and settling for retrenchment, self-imposed inhibition and the wrong kind of institutional conservatism.

I am suggesting unequivocally that with the events that denied Vartan the presidency a twenty-year chapter in the history of Penn as a human institution came to an abrupt end. With them a new epoch has begun, one whose tone is now set and will undoubtedly be felt more and more as the 80's move on into the 90's. I am not suggesting that this is the end of the University. Far from it. It will go on, to be sure; but without the warmth, the venturousness, the driving energies and personalities of the period which started about 1960. And here also, to my mind, lies the tragic cast: to have been moved suddenly by the procedures and attitudes of the Trustees from a condition of vitality, humaneness and enthusiasm - all expressed by and symbolized in

Vartan Gregorian and which he would have continued — to a new condition whose temperature will be considerably colder; where the university community will indeed return to business-as-usual and bureaucracy-above-all.

-George Rochberg Annenberg Professor of the Humanities

#### **Minority Rule**

One reads with astonishment Professor Philip Rieff's mention of "an active minority that always rules us," referring to those who vigorously supported Gregorian in the recent controversy—a curious case of transference in view of the obvious facts. As Trustees Chairman Paul Miller pointed out in his remarks to the faculty, 'the defeated faction to which Reiff refers succeeded only in "politicizing" the University by challenging the decisions made by those with real power (who, in Miller's preferred language, have kindly assumed "responsibility" for their unruly children). Rieff has confused the minority who politicize with the minority who rule.

-Edward S. Herman Professor of Finance

#### The 14% Solution

The Coordinating Committee of the A-3 Assembly is in complete agreement with the "Resolution on Faculty Compensation," endorsed by the Faculty Senate at their November 5, 1980, meeting. We support all of the points so adequately stated in the resolution, and feel that they are applicable to all University employees.

Over the past three years, the number of A-3 employees has been substantially reduced by attrition, leaving an increased workload on the shoulders of those who are left. And each year after salary increases are awarded, numerous complaints from A-3's are received by the Coordinating Committee. We believe that these complaints are generated by feelings of unfair treatment in some departments, and lack of information on what was intended by the administration. These complaints cannot be discounted. They are registered, in some cases, by employees who assist in administering the increases.

We are particularly concerned that no employee group be granted salary increases at the expense of another. Therefore we urge the administration to consider the following suggestions.

- Allocate the necessary funds in the 1980-81 budget for a minimum of 14% salary increase for A-3 employees.
- 2. Publish a statement of University policy on salary distribution each fiscal year in Almanac.
- 3. Require that all salary increase monies given to various responsibility centers be used to increase salaries during that current period. None should be held for "contingencies" or used for anything other than salary increases.
- 4. Provide separate pools of monies for A-1 salary increases and A-3 salary increases to preclude tendencies to award greater A-1 increases at the expense of A-3s.

These suggestions resulted from many discussions in the Coordinating Committee, responding to specific complaints to our group.

-Joseph F. Kane, Spokesman
A-3 Assembly

#### For the Record

The A-3 Assembly has brought to the attention of the present editors an Almanac omission last May: the failure to publish the annual salary statement of the president and the provost. This is the text of the memo sent May 9, 1980, to the academic deans, indicating salary increase policies that took effect July 1, 1980, for both nonacademic and academic personnel:

In fiscal year 1981, a nine percent pool for salary increases is reserved and built into the budget of each school. The deans are allowed to use two percent of the above amount (in rare instances, the Provost may concur in a deviation) for correction of gross inequities, affirmative action, and/or a reward for exceptional performance.

The remainder (seven percent) is the normal increase to be expected by individual faculty members whose performance has been satisfactory. Faculty members are entitled, as usual, to an explanation of their salary by their chairperson and/or dean. The provost's approval must be received in those instances where no raises will be given.

In addition, a one percent fund has been budgeted centrally for approved promotions among academic ranks for individuals, and for interschool base adjustments awarded by the provost and approved by the president.

To meet market demands, in extraordinary instances, deans will be permitted, upon special request and with the approval of the provost, to use funds available to their schools to give increases that may exceed the above provisions.

For administrative, professional and support staff, a range of individual increases averaging 9 percent for continuing personnel will be given to reflect special merit, market adjustments, or other factors. The normal increase will be seven percent. Individual increases below that level for A-3 staff must be cleared with the Personnel Relations Office. Individual increases for A-1 staff, after approval by the relevant supervisor, must be reported to the Personnel Relations Office by June 1, 1980.

-Martin Meyerson -Vartan Gregorian

#### No Almanac November 25

To adjust for printers' holidays Thanksgiving week, Almanac will skip the November 25 issue and use its production time toward a December 2 number. All calendar items and long articles must be received by Friday, November 21, for publication on December 2. Speaking Out letters and urgent announcements or corrections can be accepted up to noon Monday, November 24.

There is also a heavy backlog of reports, articles and inserts that were crowded out by the information surge of September and October. Contributors are urged to plan ahead and consult with the editor if they expect to publish notices or reports in the December 9 or 16 issues. (For budgetary reasons Almanac suspends after December 16, publishing only if emergencies arise during the winter break. Weekly publication resumes with the January 13 issue, for which the deadline is January 6.)—K.C.G.

SPEAKING OUT welcomes the contributions of readers. Almanac's normal Tuesday deadline for unsolicited material is extended to THURSDAY NOON for short, timely letters on University issues. Advance notice of intent to submit is always appreciated.—Ed.

# Reflections on Conflict Resolution and Norm Enforcement at the University of Pennsylvania

by John C. Keene

Over the years, the University of Pennsylvania has established a surprisingly complex set of judicial and quasi-judicial institutions and procedures for enforcing its regulations and resolving the conflicts that arise between it and its employees and students. My experience as Ombudsman for the last two years and my professional interests as a lawyer/professor have led me to present this analysis of these institutions. My objective is twofold: first, to provide the members of the Penn community with a succinct guide to the various procedures that are available to them and second, to raise some fundamental questions about the structure and operation of these institutions in order to stimulate a comprehensive review and reform of them.

When thinking about the University's formal judicial and quasi-judicial procedures, we must keep before us the context within which they operate. On the one hand there are numerous informal mechanisms which serve to facilitate decision-making or to resolve conflicts at an early stage. Some are administrative in nature and provide information and advice to senior officials who must make important decisions. They include search committees for high faculty and non-faculty administrative positions, and departmental review committees. Others are available when something goes wrong, whether it be trouble with a roommate, problems with a tuition bill, a lower than expected grade, an unsatisfactory job evaluation, failure to receive tenure or any of the thousand and one controversial events that can occur in a person's university life. This second category operates at two levels. At the first level are internal processes through the offices of the department chairmen, the deans' staffs, residential advisors, school personnel officers and academic advisors. At the second level are University-wide offices such as the Office of Equal Opportunity, the Director of Student Life, the Provost's staff, the Office of Personnel Relations, the Women's Center, the Student Advocate, the AAUP, and the Office of the Ombudsman. These individuals and offices handle most of the conflicts which come along and resolve most of them informally and successfully. If they did not, the formal institutions would be overwhelmed with disputes.

Outside the University, there are the formal judicial and quasi-judicial institutions of the larger society: the courts and administrative agencies, such as the U.S. Equal Employment Opportunities Commission, Philadelphia's Human Relations Commission and the U.S. Department of Education. The fact that members of the University community have parallel avenues of redress often complicates the administration of our internal conflict resolution procedures.

The University has created judicial or quasi-judicial procedures for:

- Suspending or terminating the appointment of a tenured faculty member,
- Determining whether students have violated the University's regulations, other than the Code of Academic Integrity,
- Determining whether faculty members or administrators have violated the University's regulations,
- Determining whether a student has violated the Code of Academic Integrity,
- 5. Reviewing Faculty Grievances,
- 6. Reviewing Non-Academic Staff Grievances,
- 7. Reviewing Student Grievances.

The characteristics of these different procedures, as they have operated in the past, are set out in a guide on the following two pages. (The guide does not reflect changes now in progress with respect to the Judiciary System; see note after the Honor Court, page 6.)

#### Observations and Issues

An inspection of the guide reveals several characteristics of the congeries of procedures which make up the University's judicial system:

- It is complex because it is divided into a number of parts according to (1) whether the University, a student, or academic or nonacademic staff member is pressing the charge, (2) the nature of the charge and (3) the status of the claimant and the respondent.
- In some cases, the jurisdictions of the various panels overlap. For instance, the school Committees on Academic Freedom and Responsibility and the University Court have concurrent jurisdiction over claims that faculty members violated University regulations. The only distinction is that the former can recommend sanctions of suspension or termination while the latter can only impose fines and require restitution. It is of course possible that the appropriate sanction cannot be determined until after the hearing.
- In some cases, the procedures are inordinately time-consuming. For example, suppose that an undergraduate student alleges that she got a C in a course because she rebuffed the sexual advances of her professor. He argues that she got the C because of the poor quality of her work. Where does she go with her complaint? The student grievance procedures specifically exclude issues concerning the assignment of grades. Let us assume that since this case involves accusations of wrongdoing, it belongs in Grievance. What can the student look forward to? First there will be a preliminary investigation by the Director of Student Life to determine whether there is reasonable cause to believe that a violation has occurred. Then the panel must be appointed, hold its hearings and make its recommendations to the Provost or to the Vice Provost for University Life. Assume that the panel finds in favor of the student, and, in addition, that the professor has engaged frequently in similar conduct. It recommends to the Provost that he be suspended for one year. To do this, it is necessary to institute an action for suspension of a faculty member. The student and faculty member would have to appear before the school Committee on Academic Freedom and Responsibility, and possibly the school faculty and the Trustees. Such a cumbersome and lengthy procedure is simply unworkable.
- Provisions for preserving the status quo are found in some procedures, but not in others. The Faculty Removal, Grievance, and Honor Court Proceedings are components of the University's administrative decision process, in that the tribunals serve to gather and process evidence for the Trustees, the Provost or other high administrator, or a school executive committee, but have no power to make a final decision. Nonacademic employees are protected against change in status during the pendency of the proceedings, except in cases of termination for cause if proper procedures have been followed. Faculty members and students who are filing grievances and students who have been disciplined by their instructor for Honor Code violations are not so protected. Thus the University has no incentive to move quickly in the matter, and the full burden of nonpayment of salary or other change of status rests on the employee or the student.
- The methods of creation and the composition of the panels vary significantly depending on the nature of the proceeding and the status of the parties.
- The definitions of grievable actions vary among the three grievance procedures.
- The procedures rely completely on donated time of faculty, administration and students, who are inclined to view service as something of an intrusion into their regular work and study obligations. At

the same time, panel members do not hear enough cases to enable them to develop expertise in conflict resolution.

Turning to the actual operations of the formal judicial procedures, we find that during the last two years panel were constituted as follows:

	1978-79	1979-80
Suspension or Termination of Faculty	0	0
Primary Court (excluding graduate school courts)	6	1
University Court	1	0
Honor Court (excluding graduate school courts)	5	6
Faculty Grievance	0	1
Nonacademic Staff Grievance	2	1
Student Grievance	_0	<u>o</u>
Totals	14	9

Without further analysis of the number of complaints and their disposition before creation of a panel, we cannot determine whether these various judicial systems are operating at an appropriate level or not.

#### Recommendations

I recommend that a broadly representative committee be created and given the task of conducting a comprehensive review of the ways in which the judicial function is performed at the University. It should gather data on the types of violations of University regulations, and the capacity of existing institutions to handle them. It should consider the feasibility of merging the various processes which now exist into one judicial system, while taking into account both the need to protect academic freedom and the varying characteristics of the faculty, non-faculty employee and student constituencies.

At the least, it should consider rationalizing the jurisdictions of the various tribunals. It should determine whether additional resources should be allocated to the administration of the judicial system. For instance, it should consider whether a few individuals should be given

A Guide to Judicial and Q.

### Where the University Seeks to Impose a Sanction

# A. Procedures for Suspension or Termination of a Faculty Member

(Source: Faculty Handbook, pages 22 and 54 to 62.)

Subject Matter Jurisdiction: Members of the standing faculty.

**Primary Tribunal:** The Committee on Academic Freedom and Responsibility of the school to which the faculty member belongs.

**Method of Creation of Primary Tribunal:** The faculty of each school elects the members of its committee annually.

**Powers:** The Committee acts in an advisory capacity to the University's Board of Trustees. It has no power to impose sanctions.

**Appeals:** Both the complainant and the faculty member may appeal the decision of the Committee to the faculty of the school concerned which can review the transcript of the hearing and the Committee's report, and hear statements from the complainant and the faculty member. If the Committee and, if there is an appeal, the faculty, vote to recommend to the Board the suspension or termination of the faculty member's appointment, he or she may appeal to the Trustees.

Status During Pendency of Proceedings: The faculty member's salary continues during the proceedings and for one year after the date of receipt of notification by the Trustees of termination of his or her appointment, except in cases of gross personal misconduct.

Since its creation in 1959, this procedure has not been used to suspend a faculty member or terminate an appointment. It has, however, provided the context within which deans have convinced faculty members who suffer from a disabling condition, such as senility or alcoholism, that they should resign rather than undergo the humiliation of a trial by their peers.

# B. Procedures in the University Judicial System The Primary Court

(Source: Intro to Penn)

Subject Matter Jurisdiction: Infractions of the University's regulations other than the code of Academic Integrity

Status Jurisdiction: Undergraduate and post-baccalaureate students.

**Method of Creation:** Following carefuly prescribed procedures, the Judicial Administrator selects three students, two faculty members and an administrator from a randomly selected pool. One of the Presiding Judges of the Primary Court serves as the seventh member, but votes only in the event of a tie.

**Powers:** The Primary Court may impose the following sanctions: warning, conduct probation, term suspension, fines, restitution and withdrawal of privileges.

Appeals: Parties may appeal to the University Court.

In the 1979-80 academic year, only one of the 110 cases resolved in the Primary Court went to a panel. The rest were handled by the Judicial Inquiry Officer (JIO), D. Elton Cochran-Fikes. The JIO determined that approximately 80 percent of the respondents had violated a university regulation and entered into formal settlements with all but one of them. (See the Judicial Inquiry Officer's Report on Primary Court Cases.)

#### The University Court

(Source: Intro to Penn)

**Subject Matter Jurisdiction:** Original Jurisdiction: Infractions of University Regulations by faculty and administrators; infractions of Guidelines on Open Expression. Appellate Jurisdiction: Appeals from the Primary Court and school primary courts.

**Status Jurisdiction:** Original Jurisdiction: Faculty and administrators; cases where a single charge is made against respondents who would be under the jurisdiction of two or more courts; all persons charged with infractions of the Guidelines for Open Expression. (Note: The Court does not have jurisdiction over A-3, A-4 or A-5 employees, nor does any other tribunal except for the Vehicular Court discussed below.) Appellate Jurisdiction: Undergraduate and post-baccalaureate students.

**Method of Creation:** Following the same procedures as those used for the Primary Court, the Judicial Administrator selects four students, three faculty members and one administrator. The Presiding Judge is nominated by the Committee on Committees and approved by the Steering Committee.

**Powers:** The University Court has the power to impose the same sanctions as those that the Primary Court may impose.

**Appeals:** When the University Court acts as a court of original jurisdiction, the parties have an appeal as of right to the President, or at the President's discretion, to the Provost. When it acts as an appellate court, the President has discretion as to whether or not hear an appeal.

There was one University Court panel in 1978-79 and none in 1979-80.

#### The Honor Court

(Source: Intro to Penn)

Subject Matter Jurisdiction: Infractions of the Code of Academic Integrity.

Status Jurisdiction: Undergraduate students.

**Method of Creation:** Following carefully specified procedures, the Judicial Administrator selects three students, three faculty members and a chairman, from a randomly selected pool. He selects the chairman from those students who served as panel members in their junior year.

**Powers:** The Honor Court may dismiss the case, affirm the action of the instructor, or recommend disciplinary probation, a mark of X, or suspension of the student, to the Executive Committee of the appropriate school.

**Appeals:** If the Court dismisses the case or affirms the action of the instructor, the parties may appeal the decision of the Court to the appropriate Executive Committee. There is no appeal from its decision.

Five Honor Court hearings were held in 1978-79, and six in 1979-80.

Each of the six schools that has a Primary Court also has an Honor Court or its equivalent.

NOTE: At its October 15, 1980, meeting the University Council approved a new Charter of the University Student Judicial System and recommended its adoption to the Provost. This new system would have jurisdiction solely over students. Students would make up its panels. The present Primary, Honor and Undergraduate Affairs Courts would be consolidated into a University Court which would have original jurisdiction over all student infractions of University regulations. Students on whom sanctions have been imposed by this court would be able to appeal to the University Appeals Court. This proposal is now under review in the Provost's Office.

continuing responsibility for participating in the hearing of cases, so as to enable them to develop a competence in the procedural aspects of the hearings. It should review the recommendations of last year's Judicial Inquiry Officer that that office be strengthened. It should familiarize itself with the provisions of the Civil Rights, Education and other relevant acts which require expeditious and fair procedures for handling complaints of discrimination. In consultation with legal counsel, it should review University policies concerning the effect on pending judicial procedures of the lodging of a complaint with the Equal Employment Opportunities Commission or the institution of a lawsuit.

It should amend procedures concerning faculty and students so as to protect their status until the completion of the appropriate procedures.

Finally, it should prepare recommendations for a judicial system which would serve a community of some 35,000 people and recognize the unique qualities which characterize an academic institution.

#### Notes on the Guide Below

Penn has two basic types of tribunals. In the first, the University, usually through one of its administrators, seeks to impose sanctions on a member of the academic or nonacademic staff or a student. In the second, an academic or nonacademic staff member or a student seeks to compel a University administrator, faculty member or other employee to comply with a University norm.

In addition to those described below, there is a Vehicular Court, with jurisdiction over faculty, staff, and students; and an Undergraduate Affairs Court, with jurisdiction over controversies among undergraduate organizations.

Graduate and professional schools may create their own Primary Courts. The Wharton School, the School of Veterinary Medicine, the Law School, the Medical School, the School of Dental Medicine and the School of Engineering and Applied Sciences have done so.

uasi-Judicial Procedures =

# Where a Student or Academic or Non-Academic Staff Member Seeks to Compel University Personnel to Comply with a Law or Regulation

#### A. Faculty Grievance Commission

(Source: Faculty Handbook, pages 68 to 77)

Subject Matter Jurisdiction: Actions by the University or its employees which affect a faculty member's status or conditions of employment which are (1) arbitrary and capricious; (2) discriminatory with regard to race, color, sex, sexual or affectional preference, age, religion, national or ethnic origin or handicap; or (3) not in compliance with University procedures or regulations.

Status Jurisdiction: Members of the standing and associated faculties.

Primary Tribunal: A Grievance Panel.

**Method of Creation:** The Faculty Grievance Commission, composed of three full professors who are appointed by the Senate Advisory Committee, is responsible for the administration of the grievance procedure. Individual cases are heard by three person panels, whose members are drawn at random from a hearings list of at least twenty faculty members selected by the Senate Advisory Committee. The past chair of the Grievance Commission presides over the hearing.

Powers: The panel's report and findings are advisory to the Provost.

**Appeals:** In cases involving reappointment, promotion or tenure, where the Provost has failed to implement the recommendations of the panel, the grievant may appeal to the Senate Committee on Academic Freedom and Responsibility (SCAFR). The SCAFR is not empowered to take action and can only report its recommendations to the Provost.

Status During Pendency of Proceedings: There are no provisions for maintaining the status quo ante.

One grievance panel was convened in the 1978-79 and 1979-80 academic years.

#### B. School Committee on Academic Freedom and Responsibility

(Source: Faculty Handbook, pages 22, 68-77)

Subject Matter Jurisdiction: Faculty grievances which involve matters of academic freedom as determined by the Senate Committee on Academic Freedom and Responsibility (SCAFR). SCAFR has jurisdiction over questions of tenure

Status Jurisdiction: Members of the standing and associated faculties.

**Method of Creation:** The faculty of each school elects the members of its Committee Annually.

Powers: To investigate and make recommendations.

Appeals: No provisions.

Almanac November 18, 1980

#### C. Grievance Mechanism for Nonacademic Staff

(Source: Almanac, May 23, 1978)

**Subject Matter Jurisdiction:** Employee grievances (presumably including claims of discrimination on the basis of race, color, sex, sexual or affectional preference, age, religion, national or ethnic origin or handicap).

**Status Jurisdiction:** All University employees except teaching staff and those whose employment is covered by a collective bargaining agreement.

Primary Tribunal: A Complaint Appeals Panel.

Method of Creation of Primary Tribunal: If the grievance cannot be resolved informally through the offices of the Administrator of the Office of Equal Opportunity, the Executive Director of Personnel Relations, or the Ombudsman, the grievance is referred to a Complaint Appeals Panel. The panel has three members, one chosen by the senior administrative officer ultimately responsible for the grievant, one by the grievant and the third, by the first two, from a list compiled by the Senior Vice President for Management (now the Vice President for Budget and Finance).

**Powers:** The Panel's recommendations are advisory to the Provost or the [Vice President for Budget and Finance].

Appeals: There are no appeals.

**Status During Pendency of Proceedings:** No change is to be made in the grievant's employment status until the completion of the grievance process, except where the complainant has been dismissed for cause and the University termination procedures have been followed.

Three panels were convened during the 1978-79 and 1979-80 academic years.

#### **D. Student Grievance Procedure**

(Title IX, Education Act Amendments of 1972) (Source: Almanac, November 9, 1976)

**Subject Matter Jurisdiction:** Discrimination on the basis of race, color, sex, sexual or affectional preference, age, religion, national or ethnic origin or handicap, excluding complaints over the assignment of grades.

Status Jurisdiction: Students and applicants for admission.

Primary Tribunal: A grievance panel.

**Method of Creation:** If the grievance cannot be resolved informally, it is referred to a panel of three persons, a student, a faculty member and an administrator, who are selected randomly by the Judicial Administrator from the lists maintained for the judicial pool of the University Judicial System.

**Powers:** The panel's findings and recommendations are advisory to the Vice Provost for Undergraduate Studies, (now the Vice Provost for University Life), the Vice Provost for Research, the [Vice President for Budget and Finance] or the Provost, whichever is appropriate.

Appeals: There are no appeals.

Status During Pendency of Proceedings: There are no provisions for maintaining the status quo ante.

No grievance panels have been convened in the last two years.

#### -Statistical Report of the Ombudsman

		1978-	79			1	979	-80	
	Total Number of Cases Frequency of Complain					Total Number of Cases Frequency of Complaint			
•••	Academic	133	Faculty Status	9	3575		130	Benefits	7
	Residence (including		Fees	9	į.	Job Problems	59	Academic Integrity	6
	fraternities)	48	Seeking Information	9		Residence (including		Parking	6
	Job Problems	45	Problems with			fraternities)	54	Registration	6
	Miscellaneous	28	people outside			Procedures	38	Fees	5
	Procedures (administrati	ve	the University	8		Financial Aid (including		Physical Plant	5
	errors, delays)	27	Health	7		work/study) and Bursar	28	Recreation/	
	Financial Aid (including		Parking	6		Personal	21	Athletics	5
	work/study)	14	Library	4		Faculty Status	20	Health	3
	Personal	12	AP/Transfer Credit	4		Miscellaneous	12	Penn Student	
	Benefits	12	Dining Service	3		Safety	8	Agencies	3
	Registration/Registrar	12	Safety/Security/			W1-12000-0-F0		Dining Service	3
	Academic Integrity	10	Judiciary	2				Library	1
			Bookstore	1	III.	Complainants			
			Recreation/		100000	190 Undergraduates		111 Graduate Students	S
			Athletics	1	1	FAS	117		47
						Wharton	39		23
III.	Complainants					CEAS	15		10
	236 Undergraduates		72 Graduate Students	3		Nursing	7	GSFA	8
	FAS	146	FAS	32		CGS	6	Medical	8
	Wharton	54	Wharton	14		Wharton Eve.	2	Law	6 4 3
	CEAS	15	GSFA	9		Dental Hygiene	2	Dental	4
	CGS	15	SSW	5		SAMP	2	SSW	
	Nursing	5	GSE, Medical	3 each				Veterinary	2
	Wharton Eve.	1	Law, Annenberg Dental, Veterinary	2 each 1 each		24 A-1 Personnel 30 A-2 Personnel 12 Medical		38 A-3 Personnel 4 A-4 Personnel 10 Alumni/ae	
	21 A-1 Personnel		27 A-3 Personnel			5 Dental		13 Others (former stu	idents or
	21 A-2 Personnel		12 A-4 Personnel			4 FAS		employees, non-U	
	12 Medical		9 Alumni/ae	- A		2 Wharton		employees, non-o	voi oity
	4 FAS 2 GSE		8 Others (former stu employees, non-U			2 GSE 2 SSW		*	
	1 Veterinary 1 GSFA		este en 🗣 jage 🗣 entre autre 2.5 Sant 2019 A			1 Veterinary 1 SAMP 1 GSFA			

#### **Analysis**

Since the creation of the Ombudsman's Office in 1971, the number of cases handled each year has, as one would expect, increased as the office became better known around the campus. It now seems to have stabilized around 400.

Number of	Cases	Handled	<b>Each Year</b>
1971-72			164
1972-73			223
1973-74			234
1974-75			368
1975-76			416
1976-77			302
1977-78			340
1978-79			404
1979-80			420

The analysis which follows presents some of the more significant characteristics of the caseload for the 1978-79 and 1979-80 academic years. They are remarkably consistent with the data for prior years.

#### A. Average Annual Caseload: 412

% of	<b>Total Cases</b>
Complainant was a student	74%
Complainant was an employee	22%
Other type of complainant	4%

#### **B.** Type of Complaint

	% of Total Cases
Academic	32%
Job	13%
Residence	12%
Procedures	8%

5%
4%
4%
uting 22
15 com-

#### C. Analysis of Student Complaints Average no. undergraduate

complaints/year

Average no. gr complaints/y Type of Comp	ear	91 (30%
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	% Undergraduate Complaints	% Graduate Complaints
Academic	45%	36%
Residence	16%	18%
Procedures	7%	11%
Financial Aid	5%	6%
Job	4%	4%
Other	23%	24%

213 (70%)

# D. Analysis of Employee Complaints Average number per year 89 Classification of Employee

	op.o, o
A-1	25%
A-2	29%
A-3	36%
A-4	9%

#### Type of Complaint

Surprisingly, only 44 percent of the employee grievance involved job problems. Eleven percent concerned procedures and the rest were distributed evenly in most other categories.

#### **General Observations**

The pattern of complaints has been remarkably stable over the years with one exception.

Last year, the number of graduate student complaints increased about 60% over the average for the preceding five years, perhaps in response to Jacob Abel's trenchant observations concerning the plight of "the most vulnerable species" (graduate students) in his Ombudsman's Report (Almanac, January 23, 1979).

There has been a significant decline in the number of complaints about fees, fines, refunds and tuition — from 27 in 1975-76 to only five last year.

Finally, I should note that the office has received relatively few complaints about discrimination on the basis of race (0), sex (10), national origin (0), age (1), or handicap (2) in the last two years. James H. Robinson, the Director of the Office of Equal Opportunity, has advised me that over the same two-year period his office received sixteen complaints of discrimination based on race, fifteen on sex, six on religion, two on physical handicap, and one on age. Some of these are included in my figures. These data suggest either that little discrimination actually occurs at the University or that potential grievants refrain from asserting their complaints.

# 1979-80 Report of the Steering Committee

The report of the Council Review Committee, which was adopted by the University Council in April of 1979, included among its recommendations toward the improvement of the Council and Steering Committee, the following: "The Steering Committee will publish an annual report to the University community. This report, to be published early in the academic year, will include a review of the previous year's Council deliberations (highlighting both significant discussions and the formal votes taken on matters of substance) and a survey of major issues to be taken up by Council during the coming year." This is the first annual report of the Steering Committee.

In accordance with another recommendation of the Council Review Committee, the Steering Committee met in June, 1979, "to formulate the basic, long-range agenda for Council for the coming year." Among the major agenda items identified were the report of the Task Force on University Governance, the University's financial present and future, admissions and financial aid, revision of the Judicial System, recreation and intercollegiate athletics, policy on the conduct of sponsored research, and undergraduate and graduate/professional education. Many of these items were taken up during the past year, along with others which were not foreseen in that June meeting, while others were not treated, primarily because of an agenda that became more crowded as the year progressed.

**September Meeting:** Willis J. Stetson, Jr., director of admissions, reported on the freshman class and transfers. Discussion began on the report of the 1978 Task Force on University Governance.

October Meeting: Richard H. Buford, director of real estate development, reviewed the campus development plan, reflecting the need to conserve and enhance the campus and to relate to the development of areas adjacent to the campus. Robert M. Zemsky, director of planning analysis, discussed the relationship of academic planning to campus planning. The Council endorsed the report of the 1978 Task Force on University Governance, although recommending variations in the procedures for selecting the president and in the consultation procedures for administrators, and tabling the recommendation on Young Alumni Trustees.

November Meeting: Louis A. Girifalco, vice provost for research; Dennis F. Dougherty, comptroller; and Anthony Merritt, director of research administration, informed the Council on the primary effects of implementation of OMB Circular A-21. They described the personnel activity reporting system which was designed to meet the requirement of effort reporting, and new problems in the support of graduate students which will arise from the requirement that graduate student tuition be charged directly to research contracts. Janis I. Somerville, vice provost for University Life, and Martin J. Stamm, director of fraternity affairs, discussed the status of fraternities on the campus in the context of problems in the conduct of some fraternity members. Extensive amendments were made to the Council bylaws to make effective the recommendations of the Council Review Committee. The Council adopted a variation on the recommendation of the 1978 Task Force on University Governance on Young Alumni Trustees. A resolution introduced by the Graduate and Professional Student Assembly (GAPSA) was adopted recommending that "the deans of the various schools consult with the student governments and their faculties on their schools' financial situation before tuitions are established.'

**December Meeting:** The entire session was devoted to presentations by Jon C. Strauss, vice president for budget and finance, Benja-

min S. P. Shen, associate provost, and Professor Zemsky on the budget and long-range planning. They discussed the composition of the budget and the difficulties involved in bringing it into balance and the use of long-range planning in identifying decisions which have to be made for the future successful operation of the University.

**January:** No meeting was held because major items intended for the agenda were not ready for presentation.

**February Meeting:** An amendment to the Council bylaws was adopted specifying the requirement for a roll call vote. The report of the Committee on Committees, recommending significant changes in the Council committee structure, was adopted. Proposed guidelines on the conduct of sponsored research were introduced.

March Meeting: Discussion of the guidelines on research continued. Divisions appeared among Council members on various provisions of the report. The University's relationship to United Way was discussed in light of problems perceived in United Way's approach to determining which organizations become member agencies.

April 9 Meeting: Fred A. Shabel, vice president for operational services, reported on energy management, the costs of fuel consumption to the University, and conservation measures being taken. Professor Girifalco commented on the work of the Academic Energy Management Committee to identify and evaluate methods of reducing energy usage. Carol Tracy, chair of the Safety and Security Committee, discussed measures being taken to improve safety both in the residence halls and in the off-campus apartments where University students and employees live. Louise P. Shoemaker, chair of the Community Relations Committee, commented on her committee's concern that the West Philadelphia community needs help in maintaining its economic and social viability and suggested that the University could provide a focus to rally forces to counteract the growth of "gentrification." The Council considered three different resolutions on United Way which had been prepared by the Steering Committee but did not take action. The president indicated that he would make the Council's concerns known to United Way.

April 30 Meeting: A resolution was adopted endorsing the president's memorandum which had expressed the Council's concerns to United Way. A newly revised version of the guidelines on the conduct of sponsored research was presented and discussed. The guidelines, as amended in the discussion, were accepted, with the understanding that editorial changes would be made and the final version sent to the Council membership. A bylaws amendment to increase the number of voting graduate/professional students on the Council, thereby providing votes to all of the student representatives from the graduate/professional schools, was adopted. A presentation on admissions and financial aid and action on a proposed new Judicial System and Code of Academic Integrity were on the agenda but were not reached before adjournment.

1980-81 Council Agenda: Issues which are already on the Council agenda for this academic year or are seen by the Steering Committee as likely agenda items are the judicial system charter, code of academic integrity, organization of Commencement and related ceremonies, monitoring of the University's participation in the United Way campaign, admissions policy, the presidential search process, athletic policy, affirmative action policy, and the University's responsibility in relation to external issues. We have asked the chairs of the Council committees to suggest additional items that may be appropriate for the agenda.

#### City Wage Tax Refunds

A significant number of University employees may be eligible for a refund of a portion of the City Wage Tax that has been deducted from their paychecks. The main qualifications are that you must not be a resident of Philadelphia, and that you were required to work at various times outside Philadelphia.

To initiate the refund procedure you should furnish the Comptroller's Office with a typed statement signed by yourself and your department chairman or budget administrator, that includes the following information:

- 1. Residence You must clearly establish that you are not a resident of Philadelphia.
- Job Description Describe your position at the University and the duties requiring travel.
- Dates List each date on which services were performed outside Philadelphia and why the work could not be performed in Philadelphia.
- 4. Expense Reimbursements If the University reimbursed you for travel expenses, so state, since this helps demonstrate that the University considered the trip essential to your job.
- 5. Compensation State specifically that you were not separately compensated by anyone other than the University for any of the days on which the refund is based. If you did receive additional compensation, please list the dates involved. No refund can be processed for these days because the City has ruled that the extra compensation demonstrates that the consulting was not essential to your duties at the University.
- 6. Paid Leave Vacation, holidays and sick leave should be listed. If you have only a nine-month academic appointment, you may only claim a refund for days worked outside Philadelphia during the academic year even though your salary may be paid over twelve months.

Work at home is not exempt from the tax when space and support is available at the University. The Philadelphia Department of Revenue has ruled that the taxpayer's use of his home is for his convenience when space and support is available on campus.

Requests for a refund for the current calendar year must be received no later than December 1, 1980. If your request is received after this date, the refund cannot be made through your paycheck and the additional form mentioned below must be completed. These late requests are subject to lengthy delays because of the time it takes the City to process the forms. Consequently, your refund is delayed.

If you are requesting a refund after the above date or for a prior calendar year, you must complete form No. 83-A-7 (Combined Employer/Employee Statement Supporting Wage Tax Refund). Copies of this form are available in Payroll Accounting, 116 Franklin Building-I6.

-Dennis F. Dougherty, Comptroller

# OF RECORD

# Protocol of Agreement, Paris 6

In accordance with the "Guidelines and Integrated Statement of the University Policy on Conduct of Research Programs" (Almanac, April 24, 1979), the Coordinator of International Programs offers the following information concerning the protocol agreement between the University of Pennsylvania and the Universite Pierre et Marie Curie (Paris 6) France.

The agreement calls for the development of cooperation between the two universities within the disciplines of Biological Science, Physical Science, Engineering Science and Medical Science, primarily through the exchange of faculty and students, and also through the exchange of publications, information and scholarly documentation of common interest. Faculty members will receive their salary in full from their home university during their tenure at the host university, and will also be invited to request travel subventions according to the terms of the Fulbright University Exchange Program. The agreement is concluded for the academic year 1980-81 and is renewable in periods of three years beginning with July 1st after the date of the signing.

The agreement is available for inspection in the Office of International Programs, 133 Bennett Hall. In accordance with the Guidelines, members of the University community have two weeks in which to raise questions or objections concerning the agreement. Unless objections are raised, the agreement will then be forwarded for final approval to the President and the Provost.

-Humphrey Tonkin

#### In Case of Bomb Threats

All University members are reminded of emergency procedures in the event of bomb threats involving University buildings. These instructions are particularly relevant during exam time.

The emergency instructions repeated here, as well as many others, are found in the "Safer Living Guide" published by the Department of Public Safety. Please call 243-4481 if you have not received your copy.

What to do in the event of a bomb threat

If you receive information that a bomb is in a University building, notify University Police (243) 7333. Give accurate information, if possible, particularly the reported location of the object.

The University Police will notify Philadelphia Police, and all available Campus Police units will be dispatched to the threatened building to conduct a quiet search.

The building administrator will be notified, advised that this call must be kept confidential, and briefed on the status of the incident until the investigation is concluded.

If a suspicious object is discovered, the Philadelphia Police will notify their Bomb Squad for an investigation. The area where the suspicious object is found will be evacuated immediately, until such time as the building is declared safe by the Bomb Squad.

Evacuation will not be put into effect unless ordered by the director of Public Safety or the Philadelphia Police Department.

-David L. Johnston Director, Department of Public Safety

#### In Case of Term Paper Salespersons

The vendors of "research papers" come in cycles, according to Student Activities Director Andrew J. Condon; they were here last fall and tend to return toward semester's end as term-paper deadlines draw near. Last fall, a vendor punched a University staff member in the jaw when she attempted to return his sales card, prompting *Almanac* to publish the first of these five information items on University policy and procedure with respect to research paper vending:

1. Vendors can be removed from University property by the campus Security Officers, since they operate without permits. Their presence should be reported first to the Office of Student Activities, Ext. 6533, which then requests their removal by the Department of Public Safety.

2. The Vice Provost for University Life has secured a current catalog of the offerings of the major vendor which operated on campus last fall. It is available for examination by the faculty, and lists by discipline some 4500 titles and synopses of research papers being promoted, along with a sample of the style in which the papers are purportedly prepared.

3. An intensive investigation two years ago showed that the papers are for the most part in the "low C" or lower range of quality, according to Dr. James E. Davis, then Executive Assistant to the Provost.

4. The use of material not one's own exposes a student to disciplinary action under the Code of Academic Integrity.

5. An advisory letter issued two years ago by then-Counsel Stephen B. Burbank remains in force, and has been reissued by Counsel Matthew W. Hall:

I am concerned that members of this community may not be aware that the sale of term papers is, in certain circumstances, a crime in the Commonwealth of Pennsylvania. Specifically, 18 P.S. Section 7324 renders illegal the sale or offer for distribution of "any dissertation, thesis, term paper, essay, report or other written assignment" to a student enrolled at the University if the person selling or offering for distribution knows or has reason to know that "said assignment is intended for submission either in whole or substantial part under said student's name to such educational institution in fulfillment of the requirements for a degree, diploma, certificate or course of study." Section 7324 also renders illegal the sale or offer for sale of assistance in the preparation, research or writing of a dissertation, etc. in the same circumstances.

The University has been cooperating, and will continue to cooperate with the Commonwealth's Department of Justice in an attempt to bring to an end activities which are prohibited by Section 7324. One important aspect of our efforts is to make students and others aware of the law.

-Stephen B. Burbank

# OPPORTUNITIES-

Listings are condensed from the personnel bulletin of November 13 and therefore cannot be considered official. Some positions may no longer be available. New listings are posted Thursdays on personnel bulletin boards at:

Anatomy-Chemistry Building: near Room 358;

College Hall: basement; Dental School: first floor;

Dietrich Hall: first floor, outside E-108;

Franklin Building: near Personnel (Room 130);

Johnson Pavillon: first floor, next to directory;

Law School: Room 28, basement;

Leidy Labs: first floor, outside Room 102; Logan Hall: first floor, near Room 117;

LRSM: first floor, opposite elevator;

Richards Building: first floor, near mailroom; Social Work/Caster Building: first floor; Rittenhouse Lab: east staircase, second floor;

Towne Building: mezzanine lobby;

Veterinary School: first floor, next to directory.

For further information, call personnel services, 243-7284. The University is an equal opportunity employer. Where qualifications include formal education or train-ing, significant experience in the field may be substituted. The two figures in salary listings show minimum starting salary and maximum starting salary (midpoint). Some positions listed may have strong internal candidates. If you would like to know more about a particular position, please ask at the time of the interview with a personnel counselor or hiring department representative. Openings listed without salaries are those in which salary is yet to be

#### Administrative/Professional Staff

Archivist, Museum (3453) \$16,325-\$22,000. Assistant Area Director for Operations and Mainte-nance (B0386) \$11,400-\$15,800.

Assistant Director (03055) \$23,600-\$33,250. Assistant Director (3347) \$17,725-\$25,000.

Assistant Director (3567) reviews applications and proposals for external support to assure adherence to University policy; negotiates grant and contract terms; acts as liaison with sponsors; provides assistance to faculty members and departmental administrators in preparation and processing of applications and proposals, and in administration of grants and contracts; guides school administrators in accomplishing their responsibilities; supervises activities of contract administrators (degree; ability to communicate effectively; maturity to effectively represent University and its sponsors; experience) \$17,725-\$25,000.

Assistant Director, Alumni Relations (3342) \$14,200-\$19.625

Assistant Director, Merchandise (3461) \$14,200-

Assistant Director, Telecommunications (3257) \$14.200-\$19.625

Assistant General Counsel (3332) \$20,475-\$28,875. Assistant Librarian for Public Services (3527) \$16,325-\$22,600.

Assistant Secretary (3427).

Associate Development Officer I (3273) \$14,200-\$19 625

Associate Director for Administration (3394) \$16,325-\$22,600.

Business Administrator (B0641) \$11,400-\$15,800.

Business Manager (B0681) \$16,325-\$22,600. Chief Medical Librarian (3327) \$27,125-\$38,225.

Collection Manager (3530) \$16,325-\$22,600. Coordinator, Curricular Affairs I (3446) \$12,375-

Coordinator, Off-Campus Living (3479).

Corporate Placement Counselor (3364) \$14,200-

Data Communications Administrator (2959) \$16,325-

Director (03206) \$23,600-\$33,250.

Director, Faculty Club (B0695) \$20,475-\$28,875. Junior Research Specialist (4 positions) \$11,400-\$15,800.

Language Specialist (3352) \$11,400-\$15,800. Librarian II (3 positions) \$14,200-\$19,625. Manager (03170) \$14,200-\$19,625.

Nurse Practitioner I (B0748) assists senior research coordinator in the entry, evaluation and treatment of patients participating in studies of experimental therapies for stroke; administers experimental treatments and performs neurological examinations under the supervision of medical staff (nursing program graduate; R.N. certification; bachelor's degree desirable) \$14,200-\$19.625.

Nurse Technician (3474) \$12,375-\$17,425.

Office Manager, Collections (3529) \$11,400-\$15,800. Production Control Technician (3376) \$14,200-

Programmer Analyst I (2 positions) \$14,200-\$19,625.
Project Coordinator (B0719) \$17,725-\$25,000.
Publications Editor/Writer (3519) \$14,200-\$19,625.
Research Administrator (3465) \$17,725-\$25,000.

Research Specialist I (3 positions) \$12,375-\$17,425. Senior Research Coordinator (B0750) manages research studies investigating various therapies for acute cerebral ischemia (stroke); coordinates patient flow and data collection; administers experimental therapies under the supervision of the principal and co-investigators; supervises other research personnel (nursing program graduate; R.N. certification; special training in neurobehavioral examination in humans; 10 years experience and training in performance of clinical research, especially the collection and analysing of data) \$16,325-\$22,600.

Staff Dentist (3473) \$31,150-\$43,925. Vice-Dean, Law School (3434).

#### Support Staff

Abstractor I (3485) \$7,700-\$9,425.

Accounting Clerk (B0709) \$7,700-\$9,425.
Administrative Assistant I (4 positions) \$8,775-\$10,850.
Administrative Assistant II (2 positions) \$9,400-

Administrative Secretary II (03015) \$10,700-\$13,450. Animal Laboratory Technician (3528) \$9,136,-\$10,046. Apprentice Plumber (3425) Union wages.

Bookkeeper (3563) prepares and processes all requisitions related to budget administation; posts into ledgers; maintains ledgers and files; codes, processes, deposits all checks and cash; reconciles office ledgers against monthly summaries; initiates and handles calls about charges and transactions (high school graduate; college level courses in bookkeeping; two to four years' experience; ability to perform detailed work accurately and neatly) \$8,250-\$10,150.

Bookstore Clerk I (2 positions) (3533) (3349) \$6,725-

Buyer II (3509) \$9,400-\$11,675.

Clerk I (3508) \$6,325-\$7,625.

Clerk II (2 positions) (3462) (3357) \$7,200-\$8,750. Clerk III (3095) \$7,200-\$8,750. Clerk IV (2 positions) \$8,250-\$10,150. Coordinator Assistant I (B0745) prepares materials for

all programs's committee meetings, workshops; attends meeting to record proceedings and distribute materials; screens incoming inquiries and handles routine matters.

responsible for record keeping (excellent typing and shorthand, mature attitude; two years' secretarial experience) \$9,400-\$11,675.

Coordinator Assistant II (03197) \$10,700-\$13,450. Coordinator of Visitor Services (03123) \$8,775-\$10.850

Custodian (3499) cleans floors, walls, stairs, windows; uses and maintains cleaning equipment (normal health and physical fitness; ability to speak and understand English language) Union wages.

Duplicating Machine Operator I (3 positions) \$6,325-

Electrician (2 positions) Union wages. Electronic Technician I (B0399) \$9,600-\$11,700. Electronic Technician II (3254) \$10,700-\$13,125 Electron Microscope Technician I (B0738) \$9,600-\$11,700.

Foreman, Farm Unit (B0518) \$6 900-\$8 825 Herdsman I (B0739) \$5,650-\$7,050.

Histology Technician II (B0697) \$10,700-\$13,125. Information Systems Technician (B0696) \$10,125-\$12.525

Junior Accountant (03065) \$8,775-\$10,850.

Limited Service Clerk (3470) \$7,700-\$9,425.
Limited Service Secretary (3523) Hourly wages.
Medical/Dental Receptionist (2 positions) \$7,700-

Pipefitter (3 positions) Union wages.
Project Budget Assistant (3498) \$8,775-\$10,850.
Psychology Technician I (80715) \$10,700-\$13,125.
Receptionist (3 positions) \$6,725-\$8,175.

Research Bibliographer I (3559) takes shorthand, types and xeroxes manuscripts, keeps files of foreign

translation rights; researches articles in library; orders supplies; answers phone (ability to take dictation; good typing ability; familiarity with library; good command of English language) \$8,775-\$10,850.

Research Laboratory Technician II (B0751) performs varied lab analyses using standardized methods; assists in advanced lab procedures; operates and maintains lasers; supervises others (high school graduate; two years' college courses in science) \$9,600-\$11,700.

Research Laboratory Technician III (14 positions) \$10,700-\$13,125.

Secretary | \$7,200-\$8,750.

Secretary II (9 positions) \$7,700-\$9,425. Secretary III (17 positions) \$8,250-\$10,150. Secretary IV (3469) \$9,400-\$11,675.

Secretary, Computer Facility (3489) \$9,400-\$11,675. Secretary, Medical/Technical (7 positions) \$8,775-

Secretary, Technical/Word Processing (6 positions) \$8 775-\$10 150

Secretary/Receptionist, Medical/Academic (3566) answers phones, receives clients, supervises completion of record forms and directs forms to proper locations; maintains liaison between veterinarians and billing office to assure appropriate billing; types (high school graduate, training or college level work and experience in medical/animal field preferred; maturity, capability of exercising judgment) \$9,400-\$11,675.

Steam Operator (3323) Union wages

Supervisor, Accounts Payable (3350) \$9,400-\$11,675. Supervisor, Herdsman (3422) \$10,025-\$12,850. Supervisor, Mechanical Systems (3507) \$13,450-

Truck Driver (3346) Union wages.

#### **Part-Time Positions**

#### Administrative/Professional

Continuing Education Person (3525) Hourly wages.

Nurse (2 positions) Hourly wages. Outreach Coordinator (B0690) \$11,400-\$15,800.

Physician (2 positions). Research Coordinator (B0734) \$14,200-\$19,625 (pro-

rated).

#### **Support Staff**

Custodian (3499) Union wages. Extra Person (3 positions) Hourly wages.

Junior Accountant (B0741) assists in preparing commitment and expenditure reports for grants, contracts and budgets; verifies expense allocations; maintains associated files (one to two years' experience in accounting; some formal education in accounting and bookkeeping; high degree of accuracy and an aptitude for figures; ability to type accurately; knowledge of University accounting system helpful) Hourly wages

Laboratory Assistant (2 positions) Hourly wages.

Office Help, (3464) Hourly wages. Programmer, (3524) Hourly wages.

Research Technician (B0747) determines body composition with different traces under the supervision of the nuclear medicine physician (knowledge of working with

radionuclides) Hourly wages.
Secretary (4 positions) Hourly wages.

#### To Save Money On Large Purchases

Before you buy a television, a set of luggage, furniture or even a car pick up a new Purchase Power brochure from the University Purchasing Office. The brochure explains the purchase plan for products that retail for at least \$150. This consumer group, sponsored by the Administrative Assembly, attempts to provide the lowest possible prices for faculty and staff. There is no membership charge. This is the tenth year that the University has participated in this money-saving program. For more information: Purchasing Office, P-204 Franklin Building, or call Ext. 7216.

# ON CAMPUS-

## November 18-29

#### **Exhibits**

Through November 20 Photographs by David Staebler at the Philomathean Art Gallery, 4th floor of College

Hall. Monday-Friday, noon-5 p.m. November 23-January 25 *Made in Philadelphia IV* at the ICA features work by emerging Philadelphia artists

and photographers.

November 25-December 19 An exhibit of sculpture by Yarrott Benz and Eiko Fan, and photographs of British Columbia by Daniel Conrad. At the Faculty Club, 200 S. 36th St. Opening reception: November 25, 4:30-6:30 p.m.

Through December An exhibit on Presidential Elec-tions, 1789-1980, at the rotunda of the Law School building.

Manuscripts, letters and books of H. L. Mencken, honoring the Mencken centennial; includes his corres-

pondence with Dreiser, at Van Pelt Library.

Through December 6 Fiber sculpture and textile construction by two native Philadelphia artists, Sue Brandon and Alice Beresin at the Houston Hall Gallery.

Through 1981 A Century of Black Presence at the University of Pennsylvania, 1879-1980, Van Pelt Library. Through August 31, 1981 The Egyptian Mummy: Secrets and Science. Possibly the largest exhibition on mummification ever mounted in the U.S., this show examines Egyptian ideas about life after death and the health and disease patterns of these ancient people as revealed through x-ray and autopsy studies of mummified remains. At the University Museum.

ICA Gallery Hours Tuesday 10 a.m.-7:30 p.m., Wednes-day-Friday, 10 a.m.-5 p.m., Saturday and Sunday, noon-

5 p.m. Closed Monday.

University Museum Hours Tuesday-Saturday 10 a.m.-5 p.m., Sunday 1-5 p.m. Closed Monday and holidays. Houston Hall Gallery Hours Monday-Friday, noon-6 p.m., Saturday and Sunday noon-4 p.m.



African maidens may have adorned their hair with ornaments like this wooden comb with the man on horseback carved atop it. This is part of African Sculpture from the Collections at the Sharpe Gallery of the University Museum. More than 20 masks and statues from Sub-Saharan Africa selected for their beauty and significance will be on exhibit through February 15, 1981.

## **Films**

#### **Exploratory Cinema**

November 19 Ian Hugo's Jazz of Lights; Lionel Rogosin's Come Back Africa.

December 3 Chronicle of a Summer.

All scieenings at the Annenberg Center's Studio Theatre on Wednesdays at 7 and 9:30 p.m. Admission: \$2 for students with I.D. and \$3 for others.

#### International Cinema

November 19-21 Radio On, the Philadelphia premiere, at International House, 7:30 and 9:30 p.m., with 4 p.m. matinee on Friday. Tickets are \$2, and \$1 for the matinee.

#### **University Museum** Children's Film Program

November 22 The Amazing Mr. Blunden December 6 The Thief of Baghdad December 13 The King and I

December 20 It's a Wonderful Life!

Films are free, screened Saturdays at 10:30 a.m. in Harrison Auditorium of the University Museum.

#### **University Museum** Sunday Film Series

November 23 El Super December 14 Blaise Pascal

**December 21** Swing Time

Films are free, screened Sundays at 2:30 p.m. in Harrison Auditorium of the University Museum.

## Meetings

Faculty Tea Club Tuesday, November 25, 1:30 p.m. at the Faculty Club, monthly meeting featuring Dr. Mark E. Giesecke, Director of Student Health Psychiatry on "Emotional Aspects of Being a Faculty Spouse."

#### Music

November 21 The University Symphony Orchestra presents Mozart's Overture to Don Giovanni and Charles Ives' Symphony No. 2. Guest conductor Jane Wilkinson conducts Brahms' Variations on a Theme by Havdn, 8:30 p.m. in Irvine Auditorium.

November 22 Penn Composers' Guild, a group of graduate composers devoted to the performance of recent music and 20th century classics, presents new music for small ensembles. At the Music Building Annex (behind

201 S. 34th Street) at 8 p.m.

Rock band Chicken Legs strut their stuff, 8 and 11 p.m. at Hardees in Houston Hall. Tickets are \$8.50 and can be purchased at the Houston Hall ticket agency or at the door.

December 2 University Choral Society, conducted by William Parberry performs Bach's Magnificat and Schubeit's Mass in G, at the Tabernacle Church, 8:30 p.m.

## Religion

Ecumenical Eucharist 12:15 p.m. Fridays at the Christian Association, 3601 Locust Walk. A gathering for new and informal ways of sharing the bread and wine of communion

Episcopal Weekly services at St. Mary's Church, 3916 Locust Walk. Information: 222-8556.

Jewish Conservative, Orthodox and Reform services are held at Hillel, 202 S. 36th St., at 4:30 p.m. Fridays. Shabbat morning services (Conservative and Orthodox) are held at Hillel each Saturday at 9:30 a.m.

Lutheran Eucharist service Sundays at II a.m., Lutheran Student Center, 3637 Chestnut Street.

Muslim The Muslim Student Association hosts Jumaa congregational prayer and meeting, Fridays at 1 p.m. in the Harrison-Smith-Penniman room, Houston Hall. Roman Catholic Midnight mass Saturdays; masses at 9:30 a.m., 11 a.m. and 5 p.m. on Sundays; daily mass at 12:05 p.m. Holy days at 12:05 p.m., 5:15 p.m. and 8 p.m.,

# Special Events

Newman Center, 3720 Chestnut Street,

Fast for a World Harvest sponsored by Penn Hunger Action Committee 9 p.m., Wednesday, November 19 to 9 p.m., Thursday, November 20; seminar at 8 p.m., November 19 at the Christian Association, break-fast at 9:15 p.m., November 20 at the Eatery. Information: 386-1530.

University Museum Tours November 19, Peru Before the Incas: November 23, You Can Take it With You; November 26, Highlights of the Collections. All tours begin at I p.m. at the Museum's main entrance and last approximately 45 minutes.

#### Talks

November 18 Professor Arthur Green, religious studies, on Aspects of Kabbalistic Symbolism, Van Pelt Library's first floor conference room at 4:30 p.m. Harvard Law professor Derrick A. Bell, Jr. on Ameri-

can Racism on the Rise, Law School 100 at 7 p.m. November 19 Barbara Connolly of the University of Tennessee Child Development Center presents a lecture on physical therapy. NEB 208 at 4 p.m.
Professor Gerard 't Hooft, Universiteit, The Nether-

lands, on Gauge Theories for the Elementary Particles, Rittenhouse Labs Auditorium A at 4 p.m. Tea at 3:30 p.m. in the Faculty Lounge, 2E17.

November 20 Benjamin Hrushvski, editor of Poetics Today and director of the Porter Institute for Poetics and Semiotics: talk cancelled.

Second H. Markarian Memorial International Symposium on Armenian Culture, Armenians in the Holy Land in Room 295 McNeil, 9 a.m.-5 p.m.

November 21 Update in Clinical Neurosurgery, spon-sored by the School of Medicine Continuing Medical Education Program. For information, call Nancy Wink at Ext. 8006.

Professor Joseph Lee, National University of Ireland, on Patterns of Peasant Revolt in 19th Century Ireland, the Grad Lounge on the 2nd floor of College Hall at 3

November 25 In Vitro Fertilization: As a Clinical Tool As a Research Tool, symposium sponsored by the Analysis of Development Training Program. At the Wistar auditorium, 9 a.m.-5 p.m. Information: Dr. L. Lampson,

#### Theatre

November 20, 21, 22 Brecht's The Private Life of the Master Race produced by Intuitons, at the Houston Hall Auditorium. Tickets \$2.50, available on Locust Walk and at the door.

lovember 24, 25 German theatre director Heinz-Uwe Haus directs a production of Bertolt Brecht's The Caucasian Chalk Circle at the Annenberg Center's Harold Prince Theatre. Ticket information: Call the Annenberg Center box office at Ext. 6791.

November 27-December 14 Peter Nichols' Joe Egg. produced by the Philadelphia Drama Guild, at the Annenberg Center's Zellerbach Theatre. Ticket information: Ext. 6791.

Through December 6 The Mask and Wig Club's 93rd annual production, Hire and Higher, at the Mask and Wig clubhouse, 310 South Quince Street. Plays Thursdays, Fridays and Saturdays. For ticket information: call the Annenberg Center box office at Ext. 6791 or the clubhouse at WA3-4229.



Pat Carroll, Pat Carroll, Pat Carroll ... in her award-winning, one-woman show, Gertrude Stein, Gertrude Stein, Gertrude Stein. Written by Marty Martin and directed by Milton Moss, the production plays at the Annenberg School Theatre December 2-6. Ticket information: call the Annenberg Center box office at Ext. 6791.

#### To list an event

Information for the weekly Almanac calendar should reach our offices at 3533 Locust Walk at least one week before desired date of publication.