

Almanac

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Release of Survey on Sexual Harassment

At a press conference for campus media Monday, the Committee to Survey Sexual Harassment at the University of Pennsylvania released its report, which appears as pages I through XII in this issue.

Co-chairs Dr. John de Cani and Dr. Philip Sagi said this report deliberately concentrates on the data, but that a follow-up will be prepared using the qualitative information provided by respondents. Some 1065 of the 2229 faculty, staff and students who filled out the 14-page questionnaire added comment as provided in the form, they said. Dr. Michelle Fine and Dr. Mark Stern of the committee were primarily responsible for study of comments.

In response to queries at the press conference, members of the committee said the results of the Penn survey did not differ significantly from those of an earlier Harvard Survey, though the population sampled at Penn was wider (including staff at Penn but not at Harvard), and that the Penn committee did not make comparisons with other, non-Ivy schools that have made surveys.

Some reporters questioned the inclusion of Type A harassment (jokes, looks, etc.) Members of the committee responded that they had used categories of behavior listed under law, as did Harvard. Their survey also asked what Penn respondents regarded as harassment; more women than men classified Type A as affecting their work or studies, Dr. Fine said.

Reporters also asked about Penn's next steps. VPUL James Bishop said the next stage is discussion: Council has the report on the agenda for October 8, and in the meantime it is published with a call for comment from all members of the University (see addresses, page II following the table of contents).

How to Read this Issue

For mechanical reasons, the October On Campus pullout is inside the report of the survey on sexual harassment. Once the calendar has been pulled out and hung on the office wall or the home refrigerator, the survey report makes a self-contained 12-page report for separate study or filing.

Indefinite Suspension of Primate Research

In a press release issued Monday, the President and Provost announced that the August suspension of research using primates in the Head Injury Clinical Research Laboratory will continue indefinitely, "regardless of the pending final NIH report on the lab." The release, based on a letter from President Sheldon Hackney and Provost Thomas Ehrlich which appears on pp. 2-3 of this issue, also cites a reprimand for "less than satisfactory discharge of . . . responsibilities" in regard to supervision, training and other matters relating to the operation of the lab.

The President and Provost set three requirements for resumption of experiments involving primates (given on page 3) and said Penn will revise the University committee that oversees research animal care and use.

In a response which also appears on page 3, Drs. Gennarelli and Langfitt accept the suspension and the requirements for resumption of work. They also spell out their views on the importance of the model developed for study of head injury, and the impacts of disruption since attacks on the lab began.

Chair in Animal Welfare: First in the U.S. is at Penn's Vet School

The Marie A. Moore Professorship in Human Ethics and Animal Welfare, named for one of the America's best-known animal welfare activists, has been established at Penn's School of Veterinary Medicine.

According to Dean Robert Marshak, the nation's first chair emphasizing ethics in relation to animals (including responsible pet ownership) will also have goals that range from study of the human/animal bond and the com-

plexity of animal behavior, to investigation of alternatives to animal experiments in medical research. The Moore Professor will be expected to develop measures for scientific observation and analysis of data as these relate to animal rights and other humane concerns.

Dean Marshak noted that Penn has been first in the country in such programs as the Center for Interaction of Animals and Society headed by Dr. Alan M. Beck, which led to others. Since the Center's establishment in 1977 at Penn, similar programs have been set up at Minnesota, California at Davis, and Tufts.

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Turnout for Nursing: Over 400 alumni and friends of the School of Nursing came to the convocation September 19. Piped through the heart of the campus, students carried the anniversary banner and alumnae who were here when it all began—the senior one Clara Barton DeOrsay from '37—carried class flags.

The Faculty Senate is Here to Serve

The purpose of the Faculty Senate in this university is, primarily, to serve, first the needs, concerns and aspirations of the faculty, and second of the University as a whole. In order to best serve this primary purpose the Faculty Senate should maintain as open communications with the faculty at large as is humanly possible. Similarly, it should maintain open channels of communication with the administration, and should have in operation mechanisms that continuously receive information and act on issues as they emerge. Above all, however, it should have a close relationship with the faculty members of all parts of the University, and of all ranks.

It is for this reason that I would like to extend a warm invitation to all members of our Faculty Senate to use every opportunity to get in touch with the Senate in order to express an opinion, present a concern, or secure a piece of information. In all cases, each member will be most welcome. The response in all cases will be sincere and as complete as it can be at that moment. The Senate does not have secrets, nor is it an auspicious and/or high-echelon unit that is separate from the faculty of this university. It is here, or, we are here, to serve. We cannot do this, however, without the help of the faculty, or, more specifically, without knowing what the faculty likes and dislikes, approves and disapproves, supports and opposes. In fact, many times we need the reflections of the rank and file of our members, the uninvolved and the detached, in order to better formulate accurate directions on many issues. So, do not hesitate to reflect with us on any of the important issues that confront us.

This invitation is of course, quite personal from me and the Office of the Faculty Senate in College Hall Room 15, Ext. 8-6943. Drop by, or call us, or write us a note. We will be happy seeing you or getting your message. However, I am sure that all the members of the Senate Executive Committee feel the same way, and extend a similar invitation, especially to the members of their own constituencies. Please find who represents you and openly give him or her a piece of your mind! They will be happy. I am sure, hearing from you!



Grants for Diabetes Research: December 6

The Diabetes Research Center of the University of Pennsylvania requests submission of applications for support to perform pilot and feasibility studies in diabetes related fields. Young investigators who wish to start a career in diabetes research or senior investigators who wish to take a new direction in their studies are encouraged to submit applications by December 6, 1985. The standard NIH form for RO1 grant applications should be used. Grants will be reviewed by the Diabetes Research Center Advisory Board and, if need be, by extramural consultant experts.

Maximum projected funding level is \$20,000 and grants will be made for one year with the possibility of extending funding to a second year depending on the progress report. Therefore, investigators who are currently in the 01 year of support through this Pilot and Feasibility program may reapply for an additional year of funding. Such continuation applications need to be carefully justified, however. Equipment requests are discouraged. Notification of an award will be made in March 1986. We anticipate sufficient funds to award five to seven grants.

We also expect to have funds available for supporting a Visiting Scientist to the Diabetes Research Center for a stay of about six months during 1986-87. We solicit suggestions or detailed proposals of potential candidates for this position as soon as possible.

—Franz M. Matschinsky, Director
Diabetes Research Center

On the Head Injury Laboratory

To The University Community

September 16, 1985

We have carefully studied the report of the Committee to Review the Head Injury Clinical Research Laboratory of the School of Medicine. After extensive consultation, we have written to Dr. Thomas A. Gennarelli and Dr. Thomas W. Langfitt the letter that follows concerning experiments involving the use of primates at the Head Injury Clinical Research Laboratory of the School of Medicine. Dr. Gennarelli has direct responsibility for supervising those experiments. Dr. Langfitt has overall charge of the Head Injury Center, of which the Laboratory is a part. The letter should be read in light of the important considerations discussed below.

The nation's universities have become the principal stewards of biomedical research. In discharging their responsibility for stewardship, universities have engaged in a fruitful, cooperative relationship with federal granting agencies whose funds and systems of peer review provide support and quality control for biomedical research. The foundation of all research is the quality of individual investigators, most of whom work as members of university faculties. The universities, on their part, create for their faculty members an environment that encourages free inquiry. Free inquiry is promoted when investigators are neither fettered with superfluous supervision nor constrained in their ability to pursue ideas. Our society has, in general, supported broad freedoms for investigators and benefitted from the products of research.

The management of this system of free inquiry by a university relies upon the responsible and professional behavior of its faculty and, especially, each faculty member's commitment to conform to the standards and norms of research articulated by funding agencies and other public bodies. The balance between a university's responsibility to maintain academic freedom and a faculty member's responsibility to provide professional supervision is of paramount importance to a successful research enterprise.

Finally, we reaffirm the University's strong support for the use of animals in biomedical research; that use is essential to the health of humans and animals as well. At the same time, the Medical School administration and the University administration must do all they can to ensure that research meets all applicable standards of the School, the University, and the relevant government agencies, although the primary responsibilities rest with the faculty directly in charge. In the case of the Head Injury Clinical Research Laboratory, the Medical School and University administrations must accept part of the blame for the failures to meet those standards. It is also evident that strengthened University-wide arrangements are needed in this area. The University is now reconstituting its Institutional Animal Care and Use Committee, which is one important step to that end.

—Sheldon Hackney

—Thomas Ehrlich

To the Principal Investigators

September 16, 1985

Dr. Thomas A. Gennarelli
Department of Neurosurgery
5th Floor, Silverstein/G12

Dr. Thomas W. Langfitt
Vice President for Health Affairs
119 College Hall/C0

Dear Dr. Gennarelli and Dr. Langfitt:

We write to you about experiments involving the use of primates at the Head Injury Clinical Research Laboratory of the School of Medicine.

As you know, this past July the University directed that experiments involving the use of primates in your Laboratory be halted. This action was taken on the basis of conclusions reached in a preliminary report of an investigation of the Laboratory conducted by the National Institutes of Health (NIH). More recently, the U.S. Department of Agriculture issued a complaint against the Laboratory for violations of the Animal Welfare Act. A final report from NIH is still pending. We have, in the

meantime, received the report of the University Ad Hoc Committee that we appointed in May to address allegations concerning these same experiments and to advise on the appropriate University response to the allegations. This report has been published (*Almanac*, September 3, 1985), and we have reviewed its contents with the University Committee on Consultation, the Council of Deans, senior officials within the University administration, and others. In addition, the Dean of the Medical School has consulted with appropriate faculty groups within that School.

Based on this review, and with the full concurrence of both the Dean of the Medical School and the Vice Provost for Research, we have reached the following judgments:

i. We accept the finding of the Ad Hoc Committee that the research "is of great importance to human welfare with the expectation that the information gained from the studies during the past year may lead to ways in which a significant reduction in the morbidity and mortality due to head trauma might be achieved." As affirmed in the Ad Hoc Committee's report, we recognize that head injuries are a major health problem affecting two million persons in this country each year, that studies in the Laboratory have made important contributions in the treatment of head injuries, and that grants awarded to the Laboratory have uniformly received meritorious peer reviews.

ii. We accept the conclusion of the Ad Hoc Committee that in general NIH guidelines were met "with regard to the humane treatment of the animals with the avoidance of unnecessary pain and suffering." Allegations of inhumane treatment, of course, were of primary concern, and the Ad Hoc Committee found no evidence to support those allegations.

iii. We accept the Ad Hoc Committee's conclusions that NIH guidelines were not met with respect to the supervision and training of laboratory personnel, sanitation, and other matters concerning the operation of the Laboratory. Specifically, that the Laboratory was in non-compliance with respect to: "Smoking in the operative suite, lack of aseptic surgical techniques, casual dress, a sub-standard recovery room, incomplete post-operative records, and inadequate supervision of the animals by a qualified veterinarian." We also take note of the Committee's finding that these deficiencies have now been corrected "save for those involving the case of chronically ill animals." Nonetheless, the failure to comply with NIH guidelines is particularly troublesome in view of worries about the experiments expressed to you as early as 1982 by the School of Medicine's Animal Care Committee. The suspension of the experiments for several months of the 1982-83 academic year by the Dean of the Medical School, on the advice of the School's Animal Care Committee, was tangible evidence of this concern. Although the University and the School of Medicine must accept responsibility for inadequate monitoring of the Laboratory once problems had been identified, the Laboratory director had primary responsibility to ensure conformity with NIH standards.

iv. While the Laboratory has sought to achieve compliance with NIH guidelines, the prior failure to conduct the research within those guidelines has shaken public confidence in this work, and harmed the reputation not only of the Laboratory but of the Medical School and the University as a whole.

v. In these circumstances, relying primarily on the advice of the University Ad Hoc Committee, we conclude that there has been a less than satisfactory discharge of the responsibilities expected of research faculty by the University. Regardless of the final NIH report, we are continuing the suspension of all research involving the use of primates in the Head Trauma Research Center. We recognize the scientific importance of the work, as judged by peers, and that the failures noted above are not intrinsically a part of the experimental design. Before any further experiments involving the use of primates will be permitted, however, we require that:

- a) a project request be submitted to, and favorably reviewed by, the University's Institutional Animal Care and Use Committee (IACUC); this Committee is currently being reconstituted to conform to new regulations of the U.S. Public Health Service;
- b) the Laboratory's facilities and experimental protocols satisfy all applicable guidelines of the NIH, the Department of Agriculture, and the University; and
- c) the NIH agree to continue support of the Laboratory. We emphasize

that the suspension of the Head Injury Research Center's Primate Project, under the immediate supervision of Dr. Gennarelli, does not apply to the other projects conducted in the Head Injury Clinical Research Center.

If either or both of you wish to comment on these conclusions in any respect, we will, of course, consider those comments with care. We plan to release this letter publicly, together with the enclosed cover statement, on Tuesday, September 24, and will at that time also release any comments you wish to make.

Sincerely,

—Sheldon Hackney

—Thomas Ehrlich

Response of Drs. Gennarelli and Langfitt

President Sheldon Hackney
Provost Thomas Ehrlich
100 College Hall

Dear President Hackney and Provost Ehrlich:

We are responding to your letter regarding the conduct of research with the primate head injury model in the Experimental Head Injury Laboratory. In your letter you state that you accept various findings of the University Ad Hoc Committee which you established to investigate charges made against the Laboratory. They include the conclusions of the Committee that the primate head injury model has made and can be expected to continue to make important contributions toward the reduction of the carnage produced by head injury, one of the nation's most important public health problems. You also accepted the conclusion of the Committee that the animals were treated humanely and that infractions of NIH guidelines that were identified by the Committee did not compromise either the validity of the research results or the humane treatment of the animals.

The Committee also concluded that the Laboratory was not in compliance with respect to various aspects of training and supervision of research staff and of animal record keeping. We acknowledge some of these deficiencies. Although we believe they are minor infractions compared to the allegations made against the Laboratory, we regret that they occurred, and we apologize to the University community for any embarrassment the Laboratory has caused it. Also, we understand the conditions you have set for resuming the research.

We have devoted ten years to the development of the primate model of head injury. There is general agreement that the information gained from the model has made a major contribution toward understanding the basic mechanisms responsible for brain damage in head-injured patients. One NIH peer review group stated: "the model developed at this Center is a definite biomedical resource for this nation." Also, there are many reasons to believe that in the future the model will prove to be a valuable resource for testing new treatments for head injury. We do not have those treatments now. They must be developed through more fundamental research in projects such as the squid model we are now studying.

Furthermore, the attacks on primate research in our laboratory and in other laboratories across the nation has made effective conduct of that research virtually impossible. Obscene letters and phone calls, threats of violence, distribution of false and distorted information to neighbors, and continual investigations of the Laboratory have been unsettling and dispiriting to the entire staff of the Head Injury Research Center.

In June of this year we voluntarily ceased all primate research until charges made against the Laboratory could be settled. The Laboratory is now in compliance with NIH guidelines. However, we believe permission to resume the primate research will not be forthcoming for a long time because the research has become too controversial and too much in the public domain. Meanwhile, funding for the entire Head Injury Center is in jeopardy because of the primate project which is only a small part of the Center grant.

For all of these reasons we have elected not to resume research with the primate model within our current NIH-supported Head Injury Research Center. However, we will not abandon the model because in the future it could be an even more important research resource for the field of head injury than it has been in the past, and at that time attitudes toward primate research might be different than they are today.

Sincerely yours,

—Thomas A. Gennarelli, M.D.

—Thomas W. Langfitt, M.D.

Senate Executive Committee Disclaimer

During the Senate Executive Committee meeting of May 22, 1985 the report of the Ad Hoc Committee on Behavioral Standards (below) was presented by the chair of the committee, Professor Jean Crockett.

The discussion in SEC was extensive and far reaching. At the end three major conclusions were reached: (a) The report should be published in the *Almanac* early in the fall so that the faculty at large can read it and discuss the various aspects of the problem and the recommendations of the committee. (b) SEC could not reach an agreement concerning the recommendations of the Crockett committee. The dissents were many and fundamental, ranging from a belief, pronounced by many, that there is no additional need to institute any new ad hoc system to adjudicate prospective faculty misdeeds, to a functional concern that the specific

measures recommended by the Crockett committee will tend to prove ineffectual and counterproductive within the University and the individual schools. (c) The publication of the Crockett committee report should be accompanied by a strong and clear disclaimer that makes the concerns and the dissents of the Senate Executive Committee apparent.

The issue of harassment will be the subject matter of at least three other reports during the early months of 1985-86. When all of these reports have been published and properly discussed by the Council, the SEC, and several Senate committees, then further steps will be considered by the Faculty Senate at large.

—Anthony R. Tomazinis, Chair, Faculty Senate

Report of the Ad Hoc Committee on Behavioral Standards

(April 26, 1985)

The Committee on Behavioral Standards was charged by the Senate Executive Committee to study the problem of sexual and other harassment at the University as it involves the faculty (either as victims or offenders) and to make appropriate recommendations.

In our judgment there is a need to establish procedures for dealing with complaints of harassment; and we took as our primary task the development of proposed procedures intended to be generally applicable to cases of sexual, racial and other harassment. It may be noted that there is no existing mechanism, other than a purely administrative one, for formal resolution of complaints when the complaining party is a student or staff member and the other party a faculty member. We believe that faculty should be involved in dealing with such cases and are concerned that procedures should afford due process and give adequate protection to academic freedom.

We recommend that the individual schools of the University be encouraged to set up three levels of procedures—(1) advice and consultation, (2) informal complaints, and (3) formal complaints—which would be available to students, faculty or staff members who believe themselves to be harassed. In the attached proposal, we suggest a general framework for such procedures. We would stress the importance of arrangements that allow for the informal resolution of complaints, to the extent possible. The services of the Ombudsman are already available for this purpose, but an alternative route within the school may be more comfortable for some complainants and more effective in some cases.

We further recommend the establishment of procedures for dealing with formal complaints at the overall University level, although we would hope and expect that it will rarely be necessary to make use of them. A University-wide body would be created with original jurisdiction in case no procedures for formal complaints exist within the relevant school and with appellate jurisdiction with respect to procedural error and severity of sanctions.

The working definition of harassment that we have used is a general one. As a judicial record develops over time, we would expect a consensus to emerge as to the specifics of what constitutes harassment (already spelled out in some detail for sexual harassment) and as to the severity of sanctions appropriate for particular types of offenses.

The details of our proposal are attached.

Senate Ad Hoc Committee on Behavioral Standards

Jean A. Crockett (finance), (Chair)
Daniel Perlmuter (chemical engineering)
Jack E. Reece (history)
Jose Regueiro (Romance languages)
Ann Strong (city and regional planning)
Nessa Wolfson (education)

Proposed Procedures in Harassment Cases

Academic freedom means the pursuit and communication of knowledge unconstrained by political or ideological pressures or by the threat of social or economic sanctions. Academic responsibility, while it has not been so rigorously or authoritatively defined, must encompass the establishment and maintenance of a professional relationship between teacher and student, into which neither may introduce prejudicial sexual, racial or ethnic dimensions. The rights that inhere in academic freedom as well as the duties that flow from academic responsibility must be acknowledged, defended and discharged by all members of the University community, but especially by members of the teaching corps, since they are inherently the more powerful party in faculty-student relationships and have a particular duty to avoid abuses of their power. Offenses against either of these two linked values—academic freedom and responsibility—must be resolutely resisted and rejected if the University of Pennsylvania is to remain a center of humane learning and civilized human relationships, with the free exchange of ideas and knowledge at the core of its institutional existence.

Nowhere is the issue of academic responsibility more urgently posed than in the spheres of sexual and other harassment—on the one hand, sexually suggestive behavior ranging from verbal comments, gestures and innuendo to solicitation of sexual favors and, on the other hand, the exhibition in language or behavior of demeaning racial, ethnic or other stereotypes. Either type of harassment undermines basic academic values and is destructive of the learning and working environment.

I. Definition Of Harassment

"Harassment" refers to any behavior that stigmatizes or victimizes individuals as a result of their identification with a categorical group based on gender, race, ethnic origin, religion, affectional preference or physical handicap and that (1) involves a stated or implicit threat to the victim's academic or employment status; (2) has the purpose or effect of interfering with an individual's academic or work performance; or (3) creates an intimidating or offensive academic, living or work environment.

II. Jurisdiction

These procedures will be available to any student, faculty member or staff member with a complaint of harassment against a faculty member and also to a faculty member with a complaint against a non-academic administrator.¹ Availability of these procedures shall not be construed to limit the possibility of administrative action in cases in which a criminal act is charged.

III. Suggested Framework for Procedures at the School Level

1. Advice and consultation regarding situations which may involve harassment are available to any student or faculty or staff member associated with the school, from any of three faculty members designated as counsellors by the Dean. The Dean may confer with the Ombudsman in the selection of

(continued past insert)

¹Complaints of students against students fall within the jurisdiction of the Student Judicial System. The recently revised Charter of this System appears to claim jurisdiction even in the case of complaints against students by faculty members, although it is not clear to us that this is appropriate when, for example, a relatively serious form of sexual harassment is charged. An alternative mechanism in the case of charges by faculty members against their peers would be an appeal to the Faculty Grievance Commission.

counsellors. This process of advice and consultation is entirely confidential and no records are kept. Alternative resources for assistance of this kind include the appropriate school administrators (department chair, assistant or associate dean), the Office of the Ombudsman, and in the case of sexual harassment the Women's Center.

2. Informal complaints may be made through any member of a three-person complaint panel. This panel will be distinct from the counsellors in III-1 and will be selected in a similar way. A panel member receiving a complaint will contact the person against whom the complaint is made and will keep a confidential written record of the incident and send copies thereof to the complainant and the respondent. This written record will provide background if a formal complaint is filed subsequently. Alternative resources for mediation of informal complaints include administrative officials and the Office of the Ombudsman.

3. Formal complaints may be initiated, within a reasonable time period (normally six months) after the alleged offense, through a written, signed statement submitted to the Dean. The Dean will then convene a hearing board consisting of three faculty members from the school plus two other persons, who shall be students, faculty members, A-1's or A-3's according to the status of the complainant.

- a. Members of the hearing board will be selected from a larger group drawn by a random process.
 - b. The complainant and the respondent each will be permitted three peremptory challenges.
 - c. The hearing board is empowered to hear evidence, make determination as to the validity of the complaint, and recommend sanctions to the Dean, if appropriate.
 - d. Each party is entitled to consult with an advisor of his/her choice during the hearings. The advisor, who must be a member of the University community, may be present at the hearings but may not address the hearing board.
4. The complainant, as well as the respondent, will be informed of any sanctions imposed by the Dean.

5. Any faculty member who feels that academic freedom has been infringed may take his/her case to the school's Committee on Academic Freedom and Responsibility.

IV. Maintenance of Records by the Ombudsman

1. Confidential written records of all complaints, whether formal or informal, whether handled through procedures such as those described herein or through administrative channels, will be submitted promptly to the Ombudsman. These records will include the names of the complainant and the person complained against, the nature of the charge and the disposition of the case. The Ombudsman will maintain these records for five years and examine them periodically to determine whether there is a pattern of multiple informal complaints against the same individual or an unusually high incidence of complaints within a particular school.

2. When three or more informal complaints are lodged against the same person within a three-year period, the Ombudsman will notify the appropriate Dean², without revealing the names of the complainants, and will request the Dean to discuss the matter with the individual complained against.

²In the event of multiple complaints against the Dean, notification will be to the Provost.

and to report the date on which the requested discussion occurred. This correspondence will become part of the confidential file.

3. If a formal complaint is lodged subsequently against an individual thus notified and if there is a finding for the complainant, the fact of multiple prior complaints and prior notification will be brought to the attention of the hearing board before sanctions are recommended.

4. No use other than that specified in IV-2 or IV-3 may be made of the Ombudsman's confidential files relating to informal complaints. Inactive files will be destroyed after five years.

5. The Ombudsman will prepare and publish an annual case-by-case summary of formal harassment complaints and their disposition with appropriate concern for confidentiality and the privacy of all concerned.

V. Formal Complaints at the University Level

1. Provision shall be made for a University-wide body to hear harassment cases.

2. This body will have original jurisdiction:

- a. In cases arising in a school that fails to provide a mechanism involving faculty for the resolution of formal complaints.
- b. In cases in which a high administrative official of the school (dean, associate or assistant dean, department chair) is the respondent.
- c. In cases in which the complainant and the respondent are affiliated with different schools or in cases where the complainant is a staff member not affiliated with a specific school.

3. This body will have appellate jurisdiction with respect to (a) procedural error in hearings at the school level and (b) the severity of sanctions imposed by a Dean.

4. Formal complaints may be initiated by submitting a written, signed statement to the Judicial Administrator (JA), who will determine whether the case lies within the jurisdiction of the University-wide body.

5. If jurisdiction is determined affirmatively, the JA will convene a hearing board consisting of three faculty members and two other persons, who will be students, faculty members, A-1's or A-3's according to the status of the complainant.

6. The faculty component of the hearing board will be drawn at random from a group of 15 selected by the Senate Executive Committee. This group shall not include academic administrators above the level of department chair. The student component will be randomly selected by the process specified in the Charter of the Student Judicial System. The A-1 or A-3 component will be drawn at random from a group selected by the A-1 or A-3 Assembly. There will be no challenge except for reasons of conflict of interest.

7. When the hearing board has original jurisdiction, it will be empowered to hear evidence, make a determination as to validity of the complaint, and, if appropriate, recommend sanctions to the Provost, who will report the disposition of the case to the hearing board. Advisors are permitted under the same conditions suggested for hearings at the school level.

8. When the hearing board has appellate jurisdiction it may remand the case to the school for a new hearing, if procedural error is found, and may recommend alternative sanctions to the Provost, if those imposed are determined to be inadequate or excessive.

9. Records of cases heard and findings shall be transmitted to the Ombudsman, who will maintain and examine them as in the case of records of school hearings and will include them in the annual summary described in paragraph V-5.

Annual Report of the Faculty Grievance Commission

I. Grievances. Two sets of hearings were conducted during the 1984-85 academic year.

A. One set of hearings was related to the tenure issue. The question was raised as to whether or not a Department properly followed its tenure evaluation procedure. After lengthy hearings, the grievance was terminated during its last session as the grievant received tenure.

B. The second set of hearings was related to denial of reappointment. The hearings are now complete and the panel's report has been sent to the Provost.

II. Cases Reviewed. Six members of the Faculty consulted with the commission's chair regarding initiating grievance procedures. Four had to do with the tenure question. One of those persons has since left the University and, therefore, will not be pursuing the grievance; the other three are at present exploring the possibility of filing a formal complaint. One other had to do with promotion and the last was a reappointment issue. These two people are still exploring the possibility of filing a formal complaint.

III. Faculty Grievance Commission. During the 1984-85 academic year the Faculty Grievance Commission consisted of four members, rather

than three members. Under normal circumstances, the Commission operates with a Chair, Past-Chair (who is also Presiding Officer), and the Chair-Elect. However, as of September 30, 1984, when the then Past-Chair, Dr. Delluva, was to leave the commission after having served the prescribed three years as provided for by the Faculty Grievance Procedure, no replacement for the Chair-Elect had been found. Dr. George had moved to Chair, and Dr. Zandi to Past-Chair; this left the position of Chair-Elect vacant. Moreover, two grievances had moved into the hearing stage in late October and early November, 1984, just concurrent with the selection of the Chair-Elect, Dr. Haugaard. This obligated the Past-Past-Chair, Dr. Delluva, to continue. Dr. George consulted with the Chair of the Faculty Senate at that time, Dr. Jacob Abel, who agreed with the above operating membership, in the interests of beginning and continuing with the hearings.

The Faculty Grievance Commission

Kenneth D. George, Chair

Niels Haugaard, Chair-Elect

Iraj Zandi, Past-Chair

Adelaide M. Delluva, Past-Past-Chair

Elliot B. Platt, Legal Officer

Speaking Out

'Star Wars' and Universities

General Eisenhower's most remembered phrase is "the military-industrial complex", the phrase he chose to describe how industrial companies and the military services were forming an irreversible alliance, their common interest serving to perpetuate a build-up of armaments in this country.

At that same time, just after the second world war, the military replaced industry as the chief source of basic research funds in the universities. This support came about, in part, because of the decisive contributions of scientists in bringing the war to an earlier close (the development of RADAR and the A-bomb) and also from the desire to have a technically trained citizenry. (It was the technical training of academic scientists that was a key asset of the country during the second world war.) Although the armed services provided the chief support for basic research, the research was primarily unclassified and largely uncoupled from the development of weapons systems. In that period there were, as now, scientists working at National Laboratories on weapons, but there was a sharp break between weapons laboratories and academia. There existed no military-university complex, no symbiotic relationship to blur their separate roles.

But what is happening now? The present administration claims that the United States is in as much peril as during WWII. Although we are not at war it wants our academic scientists to form consortia to work on research, the fruits of which will be directly applicable to new high technology weapons. In the words of James A. Ineson,

the Director of the Strategic Defense Initiative (SDI) Innovative Science and Technology Division, describing the new "Star Wars" program: "There will be many, many Manhattan projects in this." The "Manhattan Project," you may recall, was the wartime project to build the A-Bomb, with scientists and engineers leaving their universities to work on weapons.

Last spring the Pentagon invited several hundred deans and vice-provosts for research to a meeting on SDI funding, in a new approach, not seen before. Since Congress had not approved the defense budget (the final authorizations will still not go through Congress until this fall), the military could not call for proposals, as in the past, for funds that existed. And the reason funds did not exist was because many Congressmen were very worried about the requested build-up of the defense budget, with huge increases for the controversial "Star Wars" program, and had not appropriated the funds.

So the Pentagon came up with a new approach: Ask universities to submit "white papers" and proposals for hypothetical "Star Wars" funds. It then took these requests to Congressmen to make the political point that academia was behind the whole "Star Wars" program (although only a very small part of possible funding for that program would end up in grants to universities). Thus many faculty were drawn unwittingly into a political maneuver. They were, in effect, applying for "public relations" funds set aside from the present defense budget.

Another SDI step was to grant non-

classified projects to faculty members from present defense department funds and then announce to the press that the "Universities" were behind "Star Wars". This procedure was immediately recognized and decried by the Presidents of MIT and CalTech.

But how, you may ask, can the SDI get around the problem imposed by the fact that "classified research" has traditionally been forbidden by most Universities? This is done simply by redefining the meaning of the word, "unclassified." In the past, if a scientist had such a grant, there were no restrictions on his publishing his basic research results. Now, General Abrahamson, the Pentagon chief of the SDI project, says that this is not the way it will be. If the Pentagon determines that your research, after all, has strong military consequences, a Pentagon team can suppress it.

Another approach of the SDI is to fund the research through "consortia" of universities. Here, classified and unclassified projects will be intertwined, inevitably making it more difficult to distinguish the two and interposing a bureaucratic inter-university structure between the principle investigator and the government funding. Some of these consortia are even a further step removed, a university, institute, or company acting as the "prime contractor." This will surely weaken individual control of the faculty over the results of their work.

Many universities have not yet thought through the implications of the new approach. The Pentagon and the administration are treating the research community as though the United States is at war. And universities and faculty members, faced with a

Conduct and Misconduct on Campus

June 1985

Any community depends on trust. No set of rules and regulations, no codes of conduct, can legislate or take the place of mutual respect. A willingness to recognize the dignity and worth of each person at the University is essential for membership in our community.

Incidents have occurred in the past on the campus that are contrary to this minimal standard. Some of those incidents evinced racial, ethnic, religious, sexual, or sexual-preference intolerance. Some involved unwanted sexual acts and remarks. In all of these cases, the actions violated the personal obligations we must maintain toward other members of our community.

Racial, religious, sexual, and ethnic slurs are inconsistent with the responsibility of each person on campus to respect the personal dignity of others. We do not, of course, expect everyone to like everyone else. We do, however, expect members of our University community to demonstrate a basic generosity of spirit that precludes expressions of bigotry.

Penn properly celebrates the diversity of its community. We come from many different backgrounds and include different races, religions, sexual orientations, and ethnic ancestries. Learning to understand the differences among us, as well as the similarities, is an important dimension of education, one that continues for a lifetime. Tolerance alone, however, is not enough. Respect and understanding are also needed. We should delight in our differences, should seek to understand them and appreciate the richness such diversity provides for our community.

Treating others with respect for their personal dignity also precludes behavior that we define as sexual harassment, a frequently misunder-

stood term. We use the term here, following the University policy, to mean "any unwanted sexual attention that: (1) involves a stated or implicit threat to the victim's academic or employment status; (2) has the purpose or effect of interfering with an individual's academic or work performance; or (3) creates an intimidating or offensive academic or work environment." The University policy strongly condemns such behavior. Sexual harassment most frequently happens when one person has some power and authority over another; it can occur in a workplace, in an academic department, in a residence hall, in a classroom, or elsewhere.

Because the relationship between teacher and student is central to the academic mission of the University, we believe it is essential to establish that the standard of expected conduct in that relationship goes beyond the proscription against sexual harassment as defined in the University's policy. No nonacademic or personal ties should be allowed to interfere with the academic integrity of the teacher-student relation. That integrity is at risk when sexual relations occur between them. What might appear to be consensual, even to the parties involved, may in fact not be so. On this basis, we believe that any sexual relations between any teacher and a student of that teacher are inappropriate. In this category we include relations between a graduate student and an undergraduate when the graduate student has some supervisory academic responsibility for the undergraduate. In addition we include relations between an administrator, coach, advisor, program director, counselor, or residential staff member, who has supervisory responsibility for a student, and that

huge influx of funds for research, are tempted to seize the opportunity. What they are about to seize is the tail of a new way of life: "the military-university complex."

There are steps that the universities can take, independent of the merits or demerits of "Star Wars," to preserve their cherished and independent role. What is needed is wide-ranging discussion of the new events at all university levels.

Over the last third of a century the University of Pennsylvania has had an excellent record in preserving the academic nature of research on campus. This has come about because of the continual attention of the faculty and the administration. So here are some suggestions for renewed debate, and for official University action:

- 1) Ensure that there is no "classification loophole" in grants and contracts by incorporating explicit language ruling out ex post facto classification.

- 2) Require, in the proposal itself, that the SDI keep all proposals confidential until the wording of the contract has been approved and the funds are actually granted.

- 3) Inform the University community publicly of the constraints on SDI funding.

- 4) Discuss publicly with faculty the ramifications of the new university "consortia," and set up rules for the establishment of consortia and conditions for participating in them.

- 5) Set up guidelines for faculty use of "white papers" that do not conform to agreed-upon University policies.

- 6) Plan a University-wide program of debates, invited talks, seminars, and round-table discussions.

There is a pressing need for our community of scholars to understand more of the tech-

nical and political aspects of the Strategic Defense Initiative. The "Star Wars" program will revolutionize warfare far more than the introduction of nuclear weapons. It will penetrate many aspects of university life.

—*Sherman Frankel, Professor of Physics*

Two Questions for Senate

Two questions arise in connection with the report of the Ad Hoc Senate Committee on Behavioral Standards, which is published in this issue of *Almanac*. One question is substantive, the other procedural; both are important.

The substantive issue relates to the role of Academic Freedom and Responsibility Committees (AFRCs) in harassment cases. The ad hoc Committee concluded, after considerable thought, that some mechanism not involving the Academic Freedom Committee should be established at the school level to hear charges of harassment. However, there is support from rather diverse quarters for the opposing view that the Academic Freedom Committee should serve as the tribunal in such cases. This is an issue that warrants the serious concern of the Senate.

Members of the ad hoc Committee found two arguments persuasive in this connection. The Academic Freedom Committee is elected by the faculty of a school; it is an organ of the faculty and responsible to faculty members. Historically, its role has been to protect the freedom of faculty members to pursue and disseminate knowledge, constrained only by scholarly standards of integrity. To use it now in disciplining faculty members for various types of mis-

conduct unrelated to questions of intellectual integrity or academic freedom would be to enlarge its scope in a way that did not seem to us consistent with its historic function.

The second persuasive argument against the use of the AFRC as the hearing board in harassment cases is one of fairness to non-faculty complainants who make charges against faculty members. Such complainants may desire quite reasonably that constituencies other than the faculty be represented on the body that hears their charges.

The procedural issue that has arisen relates to the authority of the Senate Executive Committee to withhold from publication the reports of ad hoc Senate committees. Clearly substantial powers were delegated to the Senate Executive Committee when it replaced the Senate Advisory Committee. Did the Senate intend this delegation to include the power to delay indefinitely the release of reports of other Senate Committees? That was not my understanding at the time.

After considerable debate, SEC did vote last May, about a month after the submission of the report of the Committee on Behavioral Standards, to release this report for publication in the fall. But in the discussion there seemed to be general agreement that it was the prerogative of SEC to suppress the report indefinitely if it chose to do so. That was not at all the understanding of the committee which prepared the report. In the interest of the effectiveness of future Senate committees, this is a procedural point that should be clarified.

—*Jean A. Crockett, Professor of Finance and Chair, ad hoc Committee on Behavioral Standards*

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.

student. Although we do not have the means to enforce an absolute prohibition against such relations, our judgment is that they are unethical. The Provost and Deans should respond to reports brought to them of inappropriate and unethical behavior and act to help ensure that the integrity of the University is maintained.

In order to discourage such relations, in acting on complaints that come to our attention, we will presume that any complaint of sexual harassment by a student against an individual is valid if sexual relations have actually occurred between them while the individual was teaching the student. The presumption might be overcome, but the difficulties in doing so would be substantial. In short, any teacher enters at peril into sexual relations with a student.

Many situations involving administrators, advisors, coaches and others serving in mentor relationships also create the potential for abuses. By focusing particular attention on teachers and students, naturally we do not suggest that we countenance those abuses.

Student sexual misconduct in relation to other students is governed by the General Conduct Policy of the University: "All students of the University must conduct themselves at all times in a mature and responsible manner. The rights and property of all persons are to be respected regardless of time or place."

We call on everyone at Penn to help strengthen the human bonds of our community.

Sheldon Hackney

Thomas Ehrlich

Policy Statement on Equal Opportunity/Affirmative Action

The University of Pennsylvania, which includes the hospital, does not discriminate on the basis of race, color, sex, sexual or affectional preference, age, religion, national or ethnic origin, or handicap. The University's policy applies to faculty and other employees, applicants for faculty positions and other employment, students, and applicants in educational programs and activities.

Such a policy in recruitment, appointment, promotion, transfer, compensation, benefits, training, tuition assistance, lay-offs, terminations and social and recreation programs and in all educational programs and activities is fundamental to the effective functioning of an institution of teaching, scholarship, and public service. However, simple absence of discrimination is not sufficient. The task is to act positively toward the elimination of all patterns of unequal treatment. The University's affirmative action policies are dedicated to the full realization of equal opportunity for all.

As required by law and its own policies, the University maintains written affirmative action plans for women and minorities; for handicapped individuals; and for disabled and Vietnam Era Veterans. The affirmative action plans of the University of Pennsylvania are available from the Office of Affirmative Action.

Any concerns related to these policies should be directed to the Office of Affirmative Action located in Bennett Hall, Room 4.

Cancellation: *The John Curry Skaters*, scheduled for October 1-6 at the Class of '23 Rink. Refunds through Annenberg Center box office.

FITNESS/LEARNING

F/S Assistance Program

26 *What Everyone Should Know About Therapy But is Afraid to Ask*; Shari Sobel, staff counselor, leads a two-session workshop noon-1 p.m., Room 1227 Blockley Hall. Second session October 3. To register: Ext. 7910.

Marriage Council

28 *Growth and Development of the Remarried Family: An Experiential and Didactic Workshop for Remarried Couples*; Terry Marek and Stephen Treat, both senior therapists; 9 a.m.-5 p.m., Marriage Council. Fee \$100. Call 382-6680 to register.

Career Planning/Placement

30 *Interviewing for Academic Jobs*; Dr. Marsha Lester, assistant professor of chemistry; Dr. Peter Conn, professor of English; and Dr. Margaret Mills, assistant professor of folklore and folklife; 4:30-6 p.m., Benjamin Franklin Room, Houston Hall. Call Ext. 7530 to register. (Career Planning and Placement Services).

MEMORIAL SERVICE

October 1 for the late Dr. David R. Goddard, 4 p.m., Harrison Auditorium, University Museum.

TALKS

24 *Architecture and Environment of the Ottoman Palace: Topkapi*; Dr. Feliz Ozer, Istanbul Technical University; 4 p.m., Room B-5, Meyerson Hall (Middle East Center).

26 *Biomedical Imaging with Ultrasound*; John M. Reid, Biomedical Engineering and Science Institute, Drexel University; 11 a.m., Alumni Hall, Towne Building (Department of Bioengineering).

Palaces and Castles: The Loci of Muslim Rule; Jere Bacharach, Near Eastern Center, University of Washington; noon-1:30 p.m., 4th floor lounge, Williams Hall (Middle East Center).

Age and Pneumococcal Infection; Robert Austrian, research medicine, Penn; 3:30-5 p.m., D-104, Medical Education Building (Center for the Study of Aging).

Biochemical Genetics of Metastasis; Dr. Lance Liotta, National Cancer Institute Section of Pathology; 4 p.m., Auditorium, Wistar Institute (The Wistar Institute).

27 *Arabic Language Circle: Development Work in Egypt* (in Arabic); Rachel Kranton; 11 a.m., 8th floor Williams Hall (Middle East Center).

Synthesis and DNA Binding of Carcinogenic Hydrocarbon Diol-epoxide Metabolites; Ronald G. Harvey, Ben May Laboratory for Cancer Research, University of Chicago; 4 p.m., Pharmacology Seminar Suite, Rooms 100-101, Medical Laboratories Building (Department of Pharmacology).

Nicaragua Up-to-Date: A First-hand Report; Henry Wells, professor emeritus of political science; 4 p.m., Anspach Lounge, B-32, Stiteler Hall (Political Science—International Relations Faculty-Graduate Student Colloquium Series).

30 *Architecture, Adventure, and Enterprise*—the first lecture of three on Stephen Girard; Roger Kennedy, National Museum of American History; 4 p.m., Room 200, College Hall (Philadelphia Center for Early American Studies).

A History of Vietnam; Retired General William Westmoreland; 7:30 p.m., Irvine Auditorium (Connaissance).



Becky Young

Restoration of Furness

One of the major works of the 19th-Century Architect Frank Furness is slated for restoration in time for the building's centennial in 1991. Recently designated a National Historic Landmark, the Furness Building was Penn's main library until Van Pelt opened in 1962 and Furness became the Fine Arts Library. It now also houses the Arthur Ross Gallery, and the Louis I. Kahn Collection. The Clio Group, Inc.—specialists in historic preservation, headed by Dr. George Thomas, a lecturer at GSFA—and the architectural firm of Venturi, Rauch and Scott Brown will oversee the project.

DEATHS

Margaret Ashmeid, former library assistant in the business office of Van Pelt Library, died July 3 at the age of 83. Mrs. Ashmeid originally came to the business office in November 1945 and remained there until her retirement in July 1968. She is survived by a nephew, Edward W. Ashmeid, Jr.

Richard F. Deutsch, an employee in the Office of Residential Living, died May 2 at the age of 77 after a long illness. Mr. Deutsch had worked at the University from 1971 to 1976. He is survived by his wife, Mrs. Una Deutsch—the administrative assistant to the University Chaplain from 1950 to 1983, and by his daughter, Louise—currently a librarian in Van Pelt Library.

Alice Sterling Flinn, a 40-year employee in Van Pelt Library, died August 10 at the age of 84. Miss Flinn was employed in the catalog department in Van Pelt in July of 1926, and in 1966 retired as the head of that department. She graduated from Wilmington Friends School in 1919, and continued her education at the University of Delaware. She is survived by a brother, Lewis W. Flinn.

Gladys Griffiths, an employee in the personnel department from May 1969 until her retirement in May 1979, died September 9 at the age of 70. Miss Griffiths began as a secretary in personnel and was later promoted to administrative assistant in the same department. There are no surviving relatives.

Leonids Kosolapovs, a lab technician at the University from 1961 until his retirement in 1968, died on August 21 at the age of 76. Mr. Kosolapovs had worked in the department of medicine. He is survived by his wife, Mrs. Lidia Kosolapovs.

Andrew C. Makovec, a research lab technician in the department of anatomy, died July 22 after a short illness. He was 26 years old. Mr. Makovec had been employed by the University since September 1983. He is survived by his parents, Mr. and Mrs. Frank P. Makovec.

Anthony Walter March, a research technician in LRSM from 1951 until his retirement in 1981, died

July 25 at the age of 67. Mr. March was a World War II Navy veteran, and had been active in the American Legion, holding the position of service officer for his local post for 10 years. Surviving are his wife, Florence; his sons Walter W. Hebert, Michael and Richard; his daughters Elizabeth Rupert, Linda Mangold, Kathy Eckert, and Jeanne Bendele; 11 grandchildren; and a sister.

Doris T. Smyrl, a secretary in the Dental School since October 1979, died August 15 at the age of 53. Mrs. Smyrl came to the University as a part-time secretary in the department of oral medicine, and in 1980 became a full-time secretary with the department of hospital affairs. She is survived by her husband, William M. Smyrl, two sons, William M. and Stephen T.; and a daughter, Karen Smyrl Terwilliger. Contributions can be made to her church Memorial Fund, Trinity United Methodist Church, Pembroke & Lexington Streets, East Lansdowne, PA. 19050.

Almanac

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