

Report of the Task Force on Conduct and Misconduct

Letter of Transmittal (10/30/85)

Dear President Hackney and Provost Ehrlich:

The Task Force on Conduct and Misconduct is pleased to submit to you the enclosed Final Report of its work. Based upon your response to our Progress Report and Interim Reports, we are confident that the views and recommendations of our Final Report will also receive your careful and full consideration.

We hope that this report, like our earlier reports, will generate thought and discussion within the University community, and that our views and recommendations will produce definitive steps, such as those that grew out of University Council's discussions of and your decisive actions on our Interim recommendations.

Each of us greatly appreciates having been afforded the opportunity to serve on the Task Force. We are sure that our personal lessons will be of lasting value. We wish that our contributions will assist the University's ongoing efforts to reduce further attitudes and behaviors that adversely affect interactions on campus and prevent faculty members, students, staff and other community members from reaching their full potentials.

We appreciate your extending the Task Force's life through 1984-85 and your patience with our completing and submitting this Final Report. While our official work ends with this submission, we would very much like you and the University community to know of our willingness to discuss the views and recommendations of the report and to participate in campus discussions of the report and its related topics.

We respectfully request that the report be released to the University community by you through the Almanac, Penn Paper, Daily Pennsylvanian, and other campus sources. In any event, we hope that the report will be distributed to members of University Council in time for its discussions of steps the University might take in response to the Report of the Committee to Survey Harassment.

Dr. James J. Bishop Dr. Adelaide Delluva
Co-Chair Co-Chair

Introduction

During its second year, the Task Force on Conduct and Misconduct met on a weekly basis from early October 1984 until the end of May 1985. Its primary task for this period was to solicit and evaluate comments and opinions from the University community on its Interim Report, which appeared in *Almanac* September 25, 1984, and to revise its recommendations accordingly.*

This was done in a number of ways. Meetings were held by Task Force members with Provost Thomas Ehrlich; Dr. Barbara Lowery, Associate Professor of Nursing and Ombudsman; Dr. Ximena Bunster, the former Director of the Women's Center; Dr. Jacob Abel, Professor of Mechanical Engineering and former Chair of the Faculty Senate; Ms. Patricia Rose, Director of Career Planning and Placement; and the Women's Center Advisory Board. Suggestions and comments were requested from the Personnel Benefits Committee, the Student Affairs Committee of University Council, and the Faculty Senate, as well as from the community at large. Letters requesting information on sexual harassment policies and procedures were sent to 40 other institutions

and to the Deans of the various schools at Penn. Comments from the University community were also sought through an open letter to all University members by Professor Adelaide M. Delluva, Professor of Biochemistry (School of Veterinary Medicine) and Dr. James J. Bishop, Vice Provost for University Life, Co-Chairs of the Task Force for 1984-85.

University Council was the primary forum for discussions of the Task Force recommendations with the University community. Major portions of the Council's October, November and December meetings were devoted to consideration of specific Task Force recommendations.

At its October meeting, Council endorsed the recommendation extending the prohibition against sexual relations between faculty and students to include all individuals in a power or mentor role, including coaches, administrators, advisors, and residence staff. The President and Provost subsequently accepted the basic elements of the recommendation and amended the paragraphs of their Statement on Conduct and Misconduct referring to relationships between teacher and student so as to include others with supervisory responsibility for a student. Their statement now includes these paragraphs:

"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 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."

At the November Council meeting, the Task Force presented its proposal for an extensive campus survey on harassment. Following lengthy discussion, the proposal was endorsed by the Council, and Dr. Barry Cooperman, Vice Provost for Research established in January a committee of faculty members, students, and staff to conduct a survey of students, faculty and staff, on sexual harassment and harassment because of race, religion or sexual orientation. The Committee to Survey Harassment was co-chaired by Dr. John de Cani, Professor of Statistics (Wharton), and Dr. Philip Sagi, Professor of Sociology (School of Arts and Sciences), and included a member of the Task Force through whom the Task Force was kept informed of the committee's progress. The committee's report on its analysis of the 2,229 questionnaires from faculty, students, and staff was published in *Almanac's* supplement of September 24, 1985.

The December Council discussion centered on whether questions of discrimination and harassment should be included on course evaluation

* A progress report was published in *Almanac* February 28, 1984.

forms. The specific proposal proved controversial and was criticized by many Council members. However, the lively discussion led to a widely held view, shared by the Task Force, that each school should be responsible for developing its mechanisms for assisting faculty members as they strive to be more sensitive and responsive to students' concerns about potentially offensive actions.

Further discussion at University Council of the Interim Report was deferred until the results of the survey on harassment could be analyzed and presented to the Council.

The Co-Chairs of the Task Force wrote to the Personnel Benefits Committee, requesting that it "consider the proposal of extending to partners of gay or lesbian students, staff or faculty members, benefits now given to the spouses of married students, faculty or staff." Dr. Jerry S. Rosenbloom, Chair of the Personnel Benefits Committee and Professor of Finance (Wharton), placed the issue on the Committee's agenda where it was discussed in May. Professor Rosenbloom wrote to the Task Force that "it was the unanimous decision of the committee . . . that benefits for partners of gay or lesbian students, faculty or staff members could not be provided because of legal, economic and actuarial reasons. More specifically, the Committee felt that the legal definition of who is considered to be a spouse is quite clear. Moreover, even if the legal definition were changed, the enormous increase in cost as well as some very difficult actuarial rating issues, such as who would be included, would, in our judgment, make the proposal infeasible for the University to consider."

Upon receiving the letter from the Personnel Benefits Committee, the Task Force concluded that it would be helpful for the community if the Personnel Benefits Committee were to issue a more elaborate statement about its conclusion so that the University community can discuss the issue and the reasons for the Personnel Benefits Committee's decision. The Task Force did not have sufficient time to address this topic and therefore did not take a stand on the actual proposal for extending certain University benefits to the partners of gay or lesbian students, faculty or staff.

The 1984-85 academic year saw some problems and issues related to racism on the campus brought to the forefront. As a result, several major initiatives aimed at the study and ultimate resolution of racial problems in the Penn community took place. Among these are:

1. the re-establishment of the Steering Committee on Black Presence, as an advisory body to the Provost, charged to enhance the Black presence on campus;
2. the appointment of a committee to draft a Racial Harassment Policy;
3. plans for racial awareness programs within schools and administrative units;
4. a thorough study by the Administration to determine the means of implementing past recommendations made on Black Presence that were included in the "Minority Faculty and Students Working Paper" (1982), the "Second Century Fund Working Paper #1" (1980), "Opportunity and Leadership: Resources Needed for a More Vital Black Presence at the University of Pennsylvania" (1979), the "Provost's Commitments re: Report of the Task Force on Black Presence" (1978) and the "Report of the Task Force on Black Presence" (1977).

The aforementioned documents provided many ideas for resolving racial problems on the campus and improving the quality of life of Penn's racial minority groups. On March 29, 1985, the President and Provost submitted to Black faculty and administrators a working draft of a "status report" on specific steps the administration has thus far undertaken to implement the institutional commitments and recommendations set out in these documents. The matter of how the administration can continue its work to further implement these commitments and recommendations is now being studied in detail by the Steering Committee on Black Presence which was reestablished in April, 1985 and composed of all Black Standing Faculty.

In light of this development, the Task Force decided not to make any recommendations germane to matters of racial discrimination and harassment in the University and will defer to the above process and subsequent outcomes. However, we do urge that the administration hold to its public commitment to enhance Black presence on the Penn campus, and to continue to seek resolutions to the racial problems.

In addition to the above activities, the Task Force held extensive dis-

cussions on each recommendation contained in its Interim Report.

The following recommendations are presented to the University community by the Task Force of 1984-85. These recommendations were developed after careful consideration of the comments and information received by Task Force members throughout the 1983-85 academic years.

I. Recommendation on Women's Center

The Task Force Subcommittee on Women heard from many University community members about incidents of sexual harassment and discrimination of women students, faculty and staff; discrimination in hiring based on sex; discrepancies in the treatment and promotion of female and male faculty; and the subtle issues of harassment and discrimination evident in the form of course material presentation and faculty behavior in and out of the classroom.

These incidents of harassment and discrimination appear to be the legacy of a tradition of disregard for the unique contributions and competence of women students, staff and faculty. It appears that some members of the University community are unable to accept women students, staff and faculty as colleagues worthy of respect in accordance with basic standards of academic conduct.

Significant contributions to the eradication of sexual harassment and discrimination on the campus have been made through the ongoing support and activities provided by the Penn Women's Center. The central role taken by the Women's Center in promoting an awareness of the costs of sexual harassment and discrimination on campus is to be praised. Yet it is clear that much work must still be done to eradicate sexual harassment and discrimination from the University community.

In its Interim Report, the Task Force proposed a University Commission on the Status of Women, with responsibility for many of the tasks currently assigned to the Women's Center. We now believe that the Women's Center is the most effective locus for continuing efforts to eliminate acts of sexual harassment and discrimination from the University community. The Women's Center, however, is not adequately empowered to collect data describing the dimensions of problems for women at the University of Pennsylvania, a necessary step for identifying targets for action and areas of progress. We therefore present the following proposal in lieu of the previous one for a Commission:

The Task Force recommends a continued affirmation of the importance of the Women's Center's place in the University community. We recommend specifically that the Women's Center be mandated to *collect and publish regularly (in some cases, annually)*, information pertinent to the status of women at the University. To carry out this task, we ask that the President, Provost, Senior Vice President and other appropriate officers make available to the Director of the Women's Center all data necessary for the accurate presentation of information in the following areas:

1. admissions, attrition and graduation statistics for undergraduate and graduate/professional students by major, department, school, age, and home area for each sex separately. A profile of women students who leave the University prior to graduation should also be developed (in conjunction with undergraduate, graduate and professional school admissions offices);
2. the allocation of financial aid, fellowships, grants, and teaching assistantships, by major, department and school for undergraduate and graduate/professional students for each sex separately (in conjunction with the Office of Student Financial Aid and other appropriate offices);
3. the progress made on hiring, promotion, and remuneration of faculty and staff, of each sex separately, with special attention to differences which may appear due to race, ethnicity, or disability and on the workloads, advising and committee responsibilities assigned to women faculty and staff relative to those of their male counterparts (in conjunction with the University Affirmative Action Office, the Provost's Office, the Office of Human Resources, and other appropriate offices);
4. the availability of courses, programs and workshops relevant to issues of gender and changing gender roles (in conjunction with Women's Studies);
5. statistics on the number and types of incidents of sexual harassment and discrimination occurring in the University community, and accounts of the resolutions of sexual harassment and discrimination incidents brought before campus judicial systems (in conjunction with the Office of the Ombudsman, and the JIO).

The additional resources (i.e., computer, personnel) necessary to ensure the completion of these tasks must be made available to the Women's Center.

(continued)

II. Recommendations on Procedures to Deal with Sexual Harassment

In its interviews with women affected by sexual harassment and sex discrimination, it was apparent to the Task Force that procedures for those aggrieved to seek redress were incomplete, if not inadequate. Specifically, women who were harassed often did not know what actions they could take. Even when they were aware of them, they still had only formal mechanisms that many women were reluctant to use, confused about whether their situation warranted such drastic action, uncertain about the efficacy of their complaint or fearful of retaliation. Students often sought the counsel of women faculty, who were themselves vulnerable to retaliation, and for whom this counseling role represented a considerable burden in terms of time and emotional stress.

It seems advisable that there be an intermediate unit readily available to help women clarify their experiences and their options and, when possible, to help educate faculty, staff and students so as to prevent or resolve issues of sexual harassment without recourse to formal procedures.

In the interest of developing mechanisms which promote the efficient and effective resolution of sexual harassment issues within each school of the University, we recommend that the President and Provost ensure:

1. that each school adopt procedures for dealing with sexual harassment, tailored to the school's individual characteristics, such as size, complexity and sex distribution. (A school can also request specific procedures from sub-units such as sections or departments);

2. that the procedures be designed to deal with complaints from faculty, staff, administrators and students about those in all levels of authority and responsibility, including teaching assistants, research assistants, adjunct, clinical and all other categories of teaching, research and other personnel;

- 3.1. that a school's procedures include an informal level as well as a formal level for dealing with complaints. (People are often uncertain about how to proceed when they become concerned about an action or situation thought to be offensive, or indeed, whether they want to take action. Informal and confidential discussion may be helpful to them before or instead of formal action);

- 3.2. that the informal level for dealing with complaints through discussion and advice include informal mediation, including mediation of complaints by persons who will not permit their identities to be revealed to the respondent. (For example, while no investigation or sanctions could occur based on a complaint from someone who wishes to protect her/his identity, the complainant could ask the person responsible for handling informal complaints to discuss the situation informally with the respondent without identifying the complainant);

4. that there be specific prohibition of reprisals against any complainant or against any of those charged with hearing complaints, that any retaliation will be treated as a separate and very serious grievance, that the expected behavior for involved parties in the resolution of grievance be clearly explained, and that issues of confidentiality be specified for both informal and formal grievance resolutions;

- 5.1. that each school be responsible for distributing and publicizing prominently each year to all categories of faculty, staff, administrators and students:

- the University's definitions of sexual harassment;
- the procedures within the school for dealing with sexual harassment;
- the various channels outside the school for addressing harassment, e.g. Ombudsman's Office, Office of Student Life, Women's Center, Counseling Center (Schools may delegate this responsibility to subunits such as sections or departments.);

- 5.2. that the information distributed each year (discussed above in 5.1) include specific information to orient complainants about what to expect from each channel, information that the University might be expected to provide; and that literature publicizing procedures include definitions and illustrative examples of harassment situations;

6. that students or student organizations, as well as faculty, staff and administrative representatives, and a particularly strong representation by women, be involved in:

- developing the School's procedures;
- publicizing the procedures;
- serving in informal advising roles;
- serving on grievance panels (At the very least, panels should represent the categories of people involved as complainant and respondent);

7. that the utmost confidentiality be maintained at both the formal and informal levels to protect both the complainant and the respondent;

8. that, while protecting the confidentiality of the parties, the group charged with responsibility for hearing informal complaints should keep appropriate records, so that persons involved in repeated incidents are identified and their situations can be appropriately and effectively addressed;

- 9.1. that a School's formal procedures for dealing with harassment specify:

- who and how many persons will hear grievances;
- how these people will be selected;
- to whom and in what form they will report;
- what they are empowered to do, i.e., investigate, listen to both parties, give respondent chance to hear charges of complainant, mediate, and recommend sanctions;
- who will act on findings and recommendations;

- 9.2. relating to 9.1 above, that a specific person, preferably a tenured member of the group designated to hear either formal or informal complaints, be assigned the responsibilities to serve as liaison to the Ombudsman's Office and to seek information needed about the procedures in that office;

10. that, while developing and implementing their procedures for dealing with harassment, schools be urged to seek consultation from campus groups with experience and expertise in the area of sexual harassment, such as:

- Committee to Survey Harassment;
- Deputy Provost;
- Executive Board of WEOUP;
- Faculty Grievance Commission;
- Faculty Staff Assistance Program;
- Office of Affirmative Action;
- Office of Human Resources;
- Office of Student Life;
- Office of the General Counsel;
- Office of the Ombudsman;
- Student groups such as Lesbians and Gays at Penn, Graduate and Professional Women's Group, Sister Sister, etc.;
- Women's Center;
- Women's Center Advisory Board;
- Women's Studies Advisory Board.

11. that information be distributed to each school identifying those persons in all schools responsible for hearing informal complaints and that linkages be established between such persons in the various schools. (Thus, if a student came to a person in her/his own school regarding a complaint about a person in another school, the student could be directed to the appropriate people in the other school to deal with the complaint).

III. Recommendations on the Office of the Ombudsman

Based on our fact-finding, the Task Force members learned that because there are several separate channels for dealing with complaints of sexual harassment or discrimination, patterns of harassment of individuals or systems rarely become visible. A central collection place for information would begin to address this problem. To this end, we therefore recommend:

1. that the Ombudsman's Office be designated as the central collecting point for reports of harassment;

2. that a written summary of substantiated formal complaints and their resolutions be filed with the Office of the Ombudsman by the person who is designated within each school to respond to formal complaints;

3. that a semi-annual statistical report (without names or other specifically identifying information) of informal and unsubstantiated formal complaints also be filed by those hearing complaints with the Office of the Ombudsman and that these reports include the category of complainant (student, faculty, staff, administrator), the category of respondent and the nature of the offense;

4. and that, in addition, all deans and department heads who receive formal and/or informal complaints of sexual harassment file the same reports as indicated above in 2 and 3 with the Office of the Ombudsman.

These are the steps that we believe should be ensured by the University administration for all Schools of the University.

(continued)

IV. Procedures for Other Administrative Units

In addition, we ask that the President and Provost ensure that procedures similar to those we are recommending for schools be established for all other administrative units of the University. While there are defined procedures for dealing with sexual harassment, the elements lacking are (a) clearly identified persons within the division, unit or responsibility center known to be available and authorized to provide informal, confidential counseling, and (b) the appropriate central collecting of information.

V. Recommendation for Annual Publication by President and Provost

We recommend that the President and Provost, in addition to the annual publication in *Almanac* of the University's Policy on Sexual Harassment and Statement on Conduct and Misconduct, publicize prominently information about the University offices and resources available for dealing with complaints of harassment, and information about the procedures within Schools and administrative units for handling such matters, as well as the names of specific contact persons.

VI. Recommendation of School Responsibility for Educating for Diversity

In their letter of March, 1985, to the faculty, staff, and students who received the questionnaire regarding sexual harassment, the President and the Provost stated that the University is "a diverse community of faculty, staff, and students . . . committed both to enjoying the richness of our differences and to understanding problems that might divide us." We fully concur with this view. Because of the University's diversity, we wanted the faculty to use course evaluations as a method to become more sensitive to the concerns of this diverse community. We are aware, however, that our recommendation for course evaluations made in the Interim Report of the Task Force was for several reasons not favorably received on the campus. Upon consideration of the many views expressed on the topic and suggested alternative methods of increasing sensitivity of all community members to actions — whether intended or not — that are potentially offensive to others, the Task Force recommends:

1. that each school within the University develop its own mechanisms for sensitizing the faculty, staff, students, and administrators to issues of conduct that may interfere with the mission of the University.

Some people within the University are offended by the behavior (verbal and non-verbal) of others. We recognize that these behaviors may not have been intended to be offensive. We believe that if those people who offended others were aware of this behavior they would be more sensitive. The University is a place of learning and a place of change. We can all learn to be more sensitive to the diverse populations that are found at the University. Some examples of the mechanisms that Schools may use to sensitize the faculty, staff, students and administrators are:

- a. instructor evaluations to be made available to all instructors who may choose to administer them to their own classes for their own personal use and learning; such evaluation forms to include questions regarding the sensitivity of the instructor to our diverse student population on factors such as race, ethnic, national origin and religious backgrounds, disabilities, sexual orientation, and gender;
- b. voluntary workshops on racism, sexism, etc.;
- c. literature to be made available regarding sensitive issues of conduct that may interfere with University life;

- d. a University resource list of individuals and organizations who can discuss sensitive issues;
- e. invitations to individuals and organizations to discuss sensitive issues.

2. that the Provost review, once a year, the progress each school is making in the development of these mechanisms to sensitize its faculty, staff, students, and administrators.

Conclusion

The Task Force members hope that the comments and recommendations in our Final Report, like those of our Progress and Interim Reports, will stimulate thought and discussion about the interaction among members of this diverse community as well as produce definitive steps, such as the Sexual Harassment Survey and expansion of the Statement on Conduct and Misconduct, that our earlier set of recommendations produced.

We are very grateful to the University for affording us a magnificent opportunity to learn more about ourselves, our colleagues, our commonly shared values, and our University's need to ensure that, through the full respect and dignified treatment of each of our colleagues, our individual and collective potentials will be more fully realized. We would especially like to thank the many individuals and organizations who took the time to share with us orally and in writing their suggestions, their criticisms, their encouragement, and their experiences. Without such candid views, our increased understanding of campus interactions and our formulation of recommendations would not have occurred. We want very much to thank Dr. Angela Simeone for her fine administrative support to the Task Force during this past year, and to Ms. Robin Read for her numerous hours spent over two years scheduling meetings, collecting and reproducing materials, typing correspondence, and preparing many drafts of our several reports. Provost Thomas Ehrlich was highly encouraging, helpful and patient throughout our two years of deliberation. To him, to President Hackney, to the Faculty Senate Executive Committee leaders, and to the other members of our campus who assisted us in so many ways, we would like to offer our thanks and our public and grateful acknowledgement of their contributions to the work of the Task Force.

Dr. James J. Bishop, Vice Provost for University Life (Co-Chair 1983-85)

Dr. Adelaide Delluva, Professor of Biochemistry, School of Veterinary Medicine (Co-Chair 1984-85)

Dr. Diane Frey, Director of Advising, The College

Dr. Anne Linda Furstenberg, Assistant Professor, School of Social Work

Dr. Kenneth D. George, Professor, Graduate School of Education

Ms. Amy Lyman, Ph.D. Candidate, Graduate School of Education '86

Mr. Stephen Seckar, School of Engineering and Applied Science '86

Dr. Angela Simeone, Associate Director, Residential Living

Dr. Jacqueline Wade, Administrative Director, Afro-American Studies Program

Task Force Members for 1983-84 Only

Dr. Ann Burgess, Professor, School of Nursing

Dr. Peter Conn, Professor of English; Former Associate Dean, The College

Ms. Ilse de Veer, The College, '84

Mr. Arthur Morris, Graduate School of Fine Arts, '85

Comment on the *Report of the Task Force on Conduct and Misconduct* may be sent to:

President Sheldon Hackney
100 College Hall/6380

Provost Thomas Ehrlich
102 College Hall / 6381

Vice Provost James H. Bishop
112 College Hall/6303