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**Pullout: Summer at Penn** 

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Wanda Gordon and Mary Vafa





David Loomar and Henry Trowbridge

# **Dental School Teaching Awards**

The Earle Banks Hoyt Award of the School of Dental Medicine, awarded each year for excellence in teaching, goes this year to *Dr. Wanda Gordon*. The award, named after a 1918 Penn Dental alumnus, was established by a grateful patient in appreciation of Dr. Hoyt's dedication and excellence in teaching and is awarded to a full-time faculty member who best typifies the teaching spirit for which Dr. Hoyt was well known.

The recipient of the Dental School's 1991 Robert E. De Revere award for excellence in pre-clinical teaching by a part-time faculty member is *Dr. Mary Vafa*. First awarded in 1982 by the Student Council, the award, named after a 1945 Penn Dental alumnus who was both a faculty member at Children's Heart Hospital and Philadelphia General Hospital as well as secretary of the Penn Dental alumni association, has come to be a coveted recognition for outstanding teaching.

The School's 1991 Joseph L. T. Appleton Award for excellence in clinical teaching by a part-time faculty member goes to *Dr. David Loomar*. The Appleton Award, named for a

1914 graduate of the Penn Dental School who later went on to become both a faculty member and Dean of the School, was first awarded in 1979 by the Student Council.

The Dental School's Basic Science award for 1991 goes to *Dr. Henry Trowbridge*. The award, presented by the Student Council to a faculty member who typifies excellence in the teaching of basic sciences, is awarded each year to a member of the Dental School's basic science faculty.

#### Wharton TA Teaching Awards

The Wharton Undergraduate Activities Council Outstanding Teaching Award will be given to teaching assistants Kathryn McQueen, accounting and Anthony Wolles, marketing. Thomas Love was named the recipient of the Donald S. Murray Memorial Prize for a teaching assistant in statistics. (See Almanac May 21 for Wharton teaching awards to faculty members.)

# Vet Med Teaching, Research Awards

Twelve awards were announced this week by the School of Veterinary Medicine, ten of them given specifically for teaching. Two others were given for research and clinical activity.

Dr. Deborah M. Gillette, assistant professor of pathology, received the Carl J. Norden Distinguished Teacher Award established in 1963 to recognize outstanding teachers who, through their ability, dedication, character and leadership, contribute significantly to the advancement of the profession.

The Dr. Jules Silver Bedside Manner Award was presented to Dr. Beth Ann Brockman.

Dr. Celeste Boatwright, junior surgery clinician, received the William B. Boucher Award for Outstanding Teaching at the New Bolton Center by a House Officer. The Resident's Award for Outstanding Teaching by a Faculty Member was presented to Dr. Robert Washabau, assistant professor of medicine.

The Student Government Teaching Awards, which enable each of the four classes of the School honor a faculty or staff member who has shown "extraordinary teaching ability" and "exemplifies the highest degree of proficiency" in teaching, were given in April at a dinner-dance. The classes and their choices:

1994: Dr. Mark E. Haskins, professor of pathology.

1993: Dr. Thomas J. Van Winkle, assistant professor of pathology.

1992: Dr. Charles F. Reid, professor of radiology.

1991: Dr. Lesley King, lecturer in medicine.

Class of 1991 Student Government Teaching Awards were also presented to Donna Oakley, head nurse, VHUP; Dr. Beth Ann Brockman, an intern at VHUP; and to Dr. Marjan Govers, a resident at VHUP.

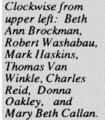
For "...innovative research, on which the scientific advancement of the profession depends," Dr. John H. Wolfe, assistant professor of pathology and medical genetics, received the SmithKline Beecham Research Award which was established in 1985. A resident in medicine, Dr. Mary Beth Callan, received the Iams Small Animal Clinician Award.



















## OF RECORD -

The Pennsylvania English Fluency in Higher Education Act, signed into law last summer by Governor Casey, requires that the University evaluate and annually certify to the Commonwealth as fluent in English in the classroom all new undergraduate instructional personnel. At the request of the Deans of the undergraduate schools, the Provost's Office has undertaken over the past academic year to develop a single, University-wide standard of fluency and uniform procedures for the evaluation and certification of English fluency in the classroom. After extensive consultation with the Council of Graduate Deans, the Council of Undergraduate Deans, department chairpersons, graduate group chairpersons, undergraduate chairpersons, affected departments, GAPSA and GSAC representatives, graduates of the International Teaching Assistants Program, the University Council Committee on International Programs, the Academic Planning and Budget Committee, and specialists from the English Language Programs, the following policy has been adopted by the Provost. In addition to publication in Almanac, it is being distributed as a Provost's Memorandum to academic deans, department chairpersons, and graduate group chairpersons.

# Procedures for the Evaluation and Certification of the English Fluency of Undergraduate Instructional Personnel

Pursuant to the requirements of the Pennsylvania English Fluency in Higher Education Act, the following procedures for the evaluation and certification of English fluency in the classroom of all undergraduate instructional personnel (as defined below) shall be effective as of July 1, 1991, and supersede previous school or University procedures.

#### I. Undergraduate Instructional Personnel

All persons hired on or after July 1, 1991, as members of the Standing or Associated Faculties, Academic Support Staff, graduate and professional student teaching staff, or as tutors, or for other undergraduate instructional duties (including, for example, leading laboratory or discussion sections or holding office hours), regardless of rank or title, in the Schools of Arts and Sciences, Engineering and Applied Science, or Nursing, the Annenberg or Wharton Schools, or the Graduate Schools of Education or Fine Arts, must be evaluated and certified as having met the University's standard of English fluency in the classroom before completion of the hiring process. In addition, all individuals who hold appointments elsewhere in the University and who are to be engaged in the teaching, tutoring, or other instruction of undergraduates must also be evaluated and certified before appointment. Only members of the Visiting Faculty, instructional personnel whose entire undergraduate instruction (including office hours) will be conducted in a language other than English, and graduate students who have no direct instructional contact (including office hours) with undergraduates (e.g., some graders or research assistants) are exempt from this requirement.

In order to facilitate the implementation of these procedures in certain departments, graduate students hired as laboratory instructors for the 1991-92 academic year will not require evaluation and certification. However, all such laboratory instructors hired for the Fall 1992 term and thereafter shall be evaluated and certified as outlined below.

#### II. Standard of English Fluency in the Classroom

To be certified by the University of Pennsylvania as "fluent in the English language in the classroom," a speaker must always be intelligible to a non-specialist in the topic under discussion, despite an accent or occasional grammatical errors. General and field-specific vocabulary must be broad enough so that the speaker rarely has to grope for words. Listening comprehension must be sufficiently high so that misunderstandings rarely occur when responding to students' questions or answers. While teaching, the speaker should be able to use transitions to show the relationships between ideas, and to set main points apart from added details. When asked an ambiguous question, the speaker should be able to clarify the question through discussion with the student. When asked to restate a main point, the speaker should be able to paraphrase clearly. When challenged, the speaker should be able to defend his or her position effectively and appropriately.

Prospective instructional personnel, regardless of rank or title, who do not meet the above criteria shall not be certified and may not be assigned to any undergraduate instructional responsibilities.

#### III. Evaluation and Certification Procedures

Department chairpersons shall certify to their Dean, or to the Dean's designee (generally, the Undergraduate Dean), and the Dean shall certify

to the Provost, the English fluency in the classroom of all prospective undergraduate instructional personnel (except those prospective graduate teaching assistants whose native language is other than English and are not certified on the basis of scores on the Test of Spoken English or the ACTFL Oral Proficiency Interview, as provided below). Department chairpersons and deans shall certify only those prospective instructional personnel whose English fluency in the classroom has been evaluated using one or more of the means of evaluation listed below and has been found to meet or exceed the standard set forth in section II, above.

The following methods of evaluation may be used as the basis for a departmental certification:

- A score of 270 or above on the ETS Test of Spoken English (TSE).
- A score of Superior on the ACTFL Oral Proficiency Interview.
- Academic presentation and discussion (such as a colloquium, lecture, seminar, or scholarly conference presentation) evaluated by two or more members of the standing faculty and/or the English Language Programs staff.
- Extended, in-person discussion with two or more members of the standing faculty, and/or the English Language Programs staff, of the candidate's past and future research interests and teaching plans or experience.
- Observation and evaluation of teaching performance in the classroom by two or more members of the standing faculty and/or the English Language Programs staff.
- Videotape of classroom teaching or academic presentation evaluated by two or more members of the standing faculty and/or the English Language Programs staff.

In order to facilitate the certification of all prospective graduate teaching assistants who are fluent in English in the classroom, schools and departments outside of SAS are strongly encouraged to adopt the existing teaching fellowship policy of the School of Arts and Sciences, and to require that prospective teaching assistants whose native language is other than English take the Test of Spoken English prior to appointment to undergraduate instructional duties:

"In order to hold an appointment as a teaching assistant in the School of Arts and Sciences, a student whose native language is not English must submit scores from the Test of Spoken English (TSE)," [1989-91 Graduate Admissions Catalog, p. 58].

Prospective graduate teaching assistants whose native language is other than English who have not taken either the Test of Spoken English or the ACTFL Oral Proficiency Interview, or who score below 270 on the TSE or below Superior on the ACTFL, shall be referred by their department chairperson to the English Language Programs for professional evaluation of their English fluency in the classroom. (Registration deadlines for evaluation by the English Language Programs are May 1 for the Fall term, November 1 for the Spring term, and March 1 for the Summer term, except for those prospective teaching assistants from abroad who are par-

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ticipating in the summer International Teaching Assistants Program or for whom departments have made special arrangements with the Director of English Language Programs.)

Department Chairpersons and Deans (or the Dean's designce) may, on the basis of departmental evaluations, either certify to the Provost that prospective faculty members or other undergraduate instructional personnel are fluent in English in the classroom, or refer them to the English Language Programs (ELP) for further evaluation. The Department Chairperson or Dean may find it useful, especially where the native language of prospective faculty members or instructional personnel is other than English, to consult with the Director of the English Language Programs regarding the advisability of further evaluation before certification of English fluency.

#### IV. Further Evaluation and Training

Prospective instructional personnel who are not certified under section III, above, shall be referred to the University's English Language Programs for further evaluation. Such evaluation may include individual interviews, the Test of Spoken English, a formal performance test administered by ELP, or other means. It should be borne in mind that native English speakers may also be referred, at the discretion of the Department Chairperson or the Dean, to the English Language Programs for further evaluation before certification of English fluency.

Though it is anticipated that most graduate students whose native language is other than English will not be sufficiently fluent in the use of English in the classroom to undertake undergraduate instructional responsibilities during their first year of graduate enrollment at Penn, those receiving scores from 220 to 260 (inclusive) on the Test of Spoken English may be certified by means of an English fluency performance test administered by the English Language Programs, or be able to acquire fluency in English in the classroom by enrolling in ELP's summer International Teaching Assistants Program.

In the case of graduate students, the Director of ELP (or designee) may place the candidate for instructional responsibilities in the ELP's International Teaching Assistants Program, ELP's intensive English language and cultural familiarization courses, or alternative programs appropriate to the student's needs. Graduate students placed in any of the above programs must be re-evaluated by ELP before the Director may certify to the Provost that they are fluent in English in the classroom.

Appeals of certification decisions made by Department Chairpersons may be directed to the appropriate Dean, and appeals of certification decisions made by Deans or by the Director of English Language Programs may be directed to the Provost.

#### V. Deadlines for Certification and Reporting

In the case of appointments to the Standing or Associated Faculties, all submissions to the Provost's Staff Conference or Mini-Conference for appointments in SAS, Wharton, SEAS, Nursing, ASC, GSE, or GSFA (and for any faculty members in other schools who will ever teach undergraduates) shall include in the required documentation a certification by the Dean stating that the candidate's fluency in the English language in the classroom has been evaluated and found to meet or exceed the University's standard of fluency. The Dean's certification shall also include a brief description of the means used to evaluate such fluency and the results of such evaluation. (The Provost's Memorandum of October 13, 1988, outlining required documentation for Provost's Staff Conference submissions will be updated and reissued to reflect this requirement.)

In all other cases, including graduate teaching assistants and academic support staff, the certification must be approved by the Provost before final approval of the appointment in the school or department and prior to the start of the term for which the individual is first hired for undergraduate instructional duties (specifically, by September 1 for the Fall term, by January 1 for the Spring term, and by May 1 for the Summer term).

Each Dean shall report to the Provost, no later than August 1 of each year, that all faculty and other undergraduate instructional personnel (as defined in section I, above) hired since the Dean's previous certification have been evaluated for English fluency in the classroom prior to their appointment and were found to meet or exceed the University's standard of fluency.

#### VI.Monitoring and Reporting of Complaints

Each school shall put in place, no later than the start of the Fall 1991 term, one of the following procedures for the on-going monitoring of English fluency in the classroom of all undergraduate instructional personnel:

- A systematic program of classroom observation by faculty members or English language specialists.
- Inclusion of questions about the instructor's English fluency on student course evaluations. (Student evaluations may also be supplemented by peer, alumni, or other teaching evaluation mechanisms.)
- Other monitoring mechanisms proposed by the Dean and approved by the Provost.

In addition, each school shall ensure that all complaints regarding the English fluency of instructional personnel are reported (with the chair-person's evaluation of the complaint) to the Dean and Undergraduate Dean, and by the Dean (with a description of the resolution of the complaint) to the Provost, via the Deputy Provost in the case of faculty, and via the Vice Provost for Graduate Education in the case of graduate students.

#### VII. Review of English Fluency Standards and Procedures

These standards and procedures will be reviewed periodically by the Provost's Council on Undergraduate Education, and in the light of Pennsylvania Department of Education regulations, when issued. It should also be noted that each school, at its option, may institute English fluency requirements more stringent than the *minimum* standards outlined above.

Please feel free to contact the Office of the Provost or the Director of English Language Programs should you have questions regarding the above.

# Ivy Schools: Consent Decree in Student Financial Aid

The following is the text of a news release issued by Penn News and Public Affairs.

PENN REACHES AGREEMENT WITH JUSTICE DEPARTMENT ON STUDENT FINANCIAL AID DECISION POLICY

The University of Pennsylvania, along with seven other Ivy League schools, has entered into an agreement with the U.S. Department of Justice that will change current practices in awarding financial aid, University officials announced today.

The agreement concludes a federal antitrust investigation that began in August 1989.

The decree will require universities to discontinue an almost 40-year-old practice known as financial aid overlap. Under this process, financial aid officers from eight participating schools met annually to exchange information on individual candidates who had been admitted to more than one institution. The overlap process assured that financial aid awards were being made accurately, fairly and only on the basis of need.

"Penn enters into this decree most reluctantly and solely to avoid the substantial expense of protracted litigation with the Justice Department. We believe that the Ivy League schools' agreement among themselves to award finanacial aid exclusively on the basis of need was not only lawful but sound. It helped broaden access to the best education without regard for a prospective student's economic status," said Shelley Z. Green, General Counsel of the University.

[Ms.] Green said the overlap process has served a useful purpose over the years. By assuring need-based awards, financial aid resources were distributed most equitably.

Notwithstanding this action by the Justice Department, Penn unilaterally remains committed to the principle of need-based financial aid and will adhere to this principle with regard to individual financial aid decisions for future students, University officials said.

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# In the PC Wars, a Message from the Front by Sheldon Hackney

Chairman Shoemaker, Trustees, and colleagues; honored guests; parents, grandparents, siblings, spouses, partners, significant others, offspring, and friends; last—but certainly not least—candidates for degrees: Welcome to the 235th Commencement of the University of Pennsylvania!

Allow me to make a public service announcement before I proceed: Philadelphia residents who have not yet voted are reminded that this is Primary Election Day, and there will still be ample time to vote after we have done with you here.

One of the classic forms of Commencement Address is the "passing the torch" speech in which some grizzled veteran of the world of affairs ceremoniously passes the torch of leadership and responsibility from one generation to the next, saying (usually at great length) "my generation has left the world in something of a huge mess, please devote your every waking hour to see what you can do to set things right." Then there is the Bob Hope variant: "As I look out at your bright and eager faces as you are about to go forth into the cold, cruel world, I have but one bit of advice: don't go."

Alas, the cold cruel world is no longer out there, it is in here.

For the past decade, a lively debate has been raging over the content and purposes of American education. Today, this debate continues, not only in the pages of scholarly journals and in the discussions of curriculum committees across the country, but in *Time, Newsweek*, and the *Reader's Digest*; on the editorial pages of the *Wall Street Journal* and television talk shows (some of them very late at night); and even in the White House.

The public manifestations of this debate are well-known. Beginning with the attacks of former Secretary of Education, William Bennett, universities have been increasingly portrayed in the media as clitist, unresponsive, greedy, and arrogant. Allan Bloom, with his book, The Closing of the American Mind, precipitated a torrent of criticism of higher education as having lost its way educationally, as having prostituted the core of its soul by straying from a core curriculum rooted in the classics of western social and political thought, and adopting instead the latest fad of social activism. More recently, Profscam, by Charles J. Sykes, has appealed to a public attuned to scandal by fulminating against a professorate that he portrays as "selfish, wayward, and corrupt" themes which have now been picked-up by Congressman Dingell's sub-committce. The spate of recent press accounts concerning misconduct in scientific research, alleged abuse of indirect cost recovery on Federal research grants, and attempts to restrict racist speech, attest to the fact that even private universities are no longer truly self-governing "Ivory Towers," isolated from the challenges and distortions of the political process. The university is no longer merely one of the side-shows warming up customers outside the Big Top of life, it has moved inside to become one of the star performers in the three-ring circus of public affairs. And like all stars, it attracts its share of intellectual "paparrazi" and scandalmongers.

Indeed, universities are now the surrogate battlefields for contending social and political forces in a society riven with fundamental conflicts. Both Congress and state legislatures are beginning to regulate universities and intellectual life, much as they have transportation, securities markets, and waste disposal. Recent attempts to restrict the National Endowment for the Arts, and a new Pennsylvania law regulating the English fluency of faculty members are cases in point, as are rules requiring that we educate our students about drug and alcohol abuse.

The irony in this is that as the university has become much more important to society, it is losing the special place it once held in the scheme of things. Knowledge has become much more central to society and to the economy, yet universities are increasingly pictured as just another snout at the public trough, just another political football or price-

fixing monopoly, just another combination in restraint of trade or likely source of tax revenues.

Something is terribly wrong here.

Perhaps the most serious manifestation of these environmental changes is the current debate over "PC," which means "Political Correctness," not "Personal Computer." It is a term of derision, used to mock the sheeplike conformity of college communities to the latest orthodoxies handed down by advocates for minority groups, and by "progressive scholars" engaged in critical literary theory, critical legal studies, post-structuralism, deconstructionism, and cultural studies, in general.

A few weeks ago, in Ann Arbor, Michigan, President Bush himself summoned up visions of "thought police" and "political extremists" roaming the campuses, "abusing the privilege of free speech, setting citizens against one another on the basis of their class or race." The hottest things in print, after Kitty Kelly's "deconstruction" of Nancy Reagan, are the Atlantic Monthly article and the book, Illiberal Education, by Dinesh D'Souza, that make it seem as if the storm troopers of the politically correct have captured university faculties and administrations. Happily, I am able to point out that such fears are greatly exaggerated.

There are basically three warring factions. The cultural dissidents generally support programs and policies that improve the status of previously oppressed groups; they wish to liberate the curriculum from the stultifying dominion of Dead White European Males (DWEM's) in favor of the history, culture, and literature of the third world and minority groups; they place greater value on the rights and expressed needs of minority groups than on unfettered speech; they sometimes assert that the only legitimate purpose of the university is to transform society from its current state of oppression by upper class, white, Eurocentric, heterosexual males to a state of unspecified social justice; their epistemology stresses that truth is in the eyes of the beholder, that every statement is a political statement so there are no objective standards to help us choose among the competing claims, and each claim must be evaluated relative to the race, class and gender of its author, and perhaps relative to its effect on the political agenda; they hold that language is so subjective that we can never be sure we know what other people intend to mean, as contemporary British novelist David Lodge has a character say in Small World, his send-up of deconstructionism, "every decoding is an encoding." It is an endless loop of noncommunication.

Indeed, the situation has gotten so bad that Garry Trudeau has had Doonesbury come back to the college campus just recently, where he pictures a college president looking suspiciously like the late president of one of those other universities here on the eastern seaboard, one that we regularly domolish in this very spot. This president is standing, as I am now, before a Commnement crowd and he is saying ...[see cartoon].

For their part, the traditionalists think not only that this is all nonsense, but that it is dangerous nonsense. For them, there was a golden age in the past when faculties had enough self-confidence to prescribe a curriculum that would provide each student with what every educated person should know; that curriculum was centered on the history and art and thought of Europe from ancient Greece and Rome to the present; that while discrimination on the basis of gender, race, religion, nationality, or sexual orientation is terrible, neither those groups nor any group should be privileged, because the university, above all, is a place where undifferentiated individuals should meet as equals and be judged by universalistic standards; that the value of free speech takes precedence over the desire for civility on campus or the desire to shield target groups from verbal terrorism; that the purpose of the university is to seek the truth, and it does not need to be justified by having a morally acceptable effect; indeed, it is a threat to the basic tenets of the university to judge knowledge by its effect rather than by its truth; that the tradition in Western universities of rationalism and empiricism provides tests for

truth on which scholars and scientists can agree; that however imperfect our knowledge of it is, there is an objective reality that exists outside our minds and beyond its social and cultural construction. The third faction, the broad middle ground of liberals and centrists, is battered from both sides, finding large grains of truth among the arguments of the cultural dissidents and the traditionalists. As the battle is being waged on three levels, with some overlapping and elisions, I can summarize the position of administrators and most faculty, at least at Penn.

On the most obvious level, the classroom is not a place for political indoctrination. There are longstanding principles of professional responsibility that bind teachers in that regard, and faculty violate those ethical precepts at their own peril. Though there is a danger of indoctrination, and perhaps even isolated instances of it, the real frequency of it is exceedingly low. The much greater worry is that an overwhelming campus consensus on some issue that has some emotional content will intimidate into silence those who disagree, thus depriving the university of the sort of debate that ensures its vitality. We must protect ourselves against that, and for that reason the traditionalists are a healthy recent phenomenon.

We must also be clear that the purpose of the university is not to transform society in any direct sense, but to enable individuals to transform themselves. The outcome of our research, whether it be scientific or humanistic, must not be tailored to fit a political agenda or someone's conception of social justice.

On a second level, the argument is about the primacy of Western Civilization in the contemporary curriculum. Though this is a very interesting and important discussion in its particulars, its solution is theoretically easy for all who do not think compromise is a dirty word. Clearly, we cannot lose sight of the great works and large themes of European history, but just as clearly we need to familiarize our students with the language, literature, history and culture of American minority groups and non-Western peoples. Race, class, and gender cannot be our only subjects, nor the only categories of analysis, but there is still much legitmate scholarship to do in those areas. Contrary to popular opinion, the curriculum has never stood still. It has always developed in response to new needs and new knowledge.

The third level, the epistemological level, is the most serious because the dissidents' insistence on a radical relativism might lead to a destructive nihilism. If every statement is political, and no communication can be trusted, then no knowledge is verifiable, and no university is possible.

Ironically, the critique of traditional values and concepts that is at the core of the PC onslaught against Eurocentrism is really the product of Western thought, a result of Western thought's emphasis upon intellectual freedom and self-criticism.

Our commitment to the *traditional* values of freedom of inquiry requires tolerance of those who may seem to challenge or even reject those values. Thus, the search for truth requires openness to the

possibility of many truths, the search for understanding requires openness to competing—and long unrepresented—understandings. There is a terribly important point to be made here regarding the composition of the contemporary college faculty, climate and curriculum: Here at Penn, as elsewhere, both PC and anti-PC views are well represented on the faculty, in the curriculum, and amongst students and administrators.

That is the kind of intellectual diversity that a great research university ought to contain. For it is in the classrooms, seminar rooms, journals, and books of academic discourse that the debate over fundamental values and ideas should go on.

One suspects that some of the participants in the debate in the popular press are not seeking an open university, but a university captured by their particular political views.

The iconoclastic philosopher of science Paul Feyerabend—one of those who has criticized, almost gleefully, our traditional notions of scientific knowledge and method—has also pointed to a solution of this problem of closed systems at war with each other. "A society [Feyerabend writes] that is based on a set of well-defined and restrictive rules so that being a man [or we would say "person"] becomes synonymous with obeying these rules, forces the dissenter into a no-man's land of no rules at all and thus robs him of his reason and his humanity. It is the paradox of modern irrationalism that its proponents silently identify rationalism with order and articulate speech and thus see themselves forced to promote stammering and absurdity....Remove the principles, admit the possibility of many different forms of life, and such phenomena will disappear like a bad dream."

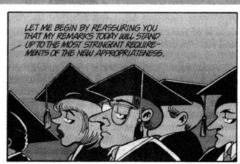
We tend to become like our enemies, or like the mirror image of them, but Feyerabend seems to be pointing us to a way out of the trap created by the battle of closed systems for the heart and soul of the university: The stark *choice* portrayed in the media between traditional Western values and intellectual anarchy is a false and impossible choice. Our task is to allow the competition between these opposing notions of truth and knowledge and value to continue—that is what universities are for—without requiring that only *one* truth prevail. Historically, no one truth has ever really triumphed, at least not for very long. In fact, incompatible truths compete with and succeed one another all the time. That's an essential feature of the self-critical nature of universities and academic discourse.

Yes, there is political correctness on campus. But no, it is not dominant, and it does not go unchallenged. Indeed, the debate is the crucial sign that universities are still open to all views. For to fulfill its mission a university must not be captured by any orthodoxy, except a devotion to freedom of inquiry. Proponents of those differing ideas must be represented on campus: in the faculty, classrooms, student body, and curricula. I am happy to report to you that this is indeed the case at the University of Pennsylvania.

## **DOONESBURY/By Garry Trudeau**













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# Opinion in the 'Castle' Appeal

THE PSI UPSILON OF PHILADELPHIA and PSI UPSILON FRATERNITY TAU CHAPTER,

Appellants

THE UNIVERSITY OF PENNSYLVANIA and KIM M. MORRISSON

IN THE SUPERIOR COURT OF **PENNSYLVANIA** 

No. 02244 Philadelphia 1990

Appeal from the Order Entered July 23, 1990 in the Court of Common Pleas of Philadelphia County, Civil, No.7668 April Term 1990

BEFORE: MONTEMURO, JOHNSON and HESTER, JJ.

OPINION BY MONTEMURO, J.:

FILED May 16, 1991

This appeal arises from an order of the Philadelphia Court of Common Pleas which denied appellants' request for a preliminary injunction. Appellants filed a complaint in equity seeking injunctive relief to enjoin appellees, the University of Pennsylvania and Kim M. Morrisson, Vice Provost for University Life, from enforcing certain sanctions imposed by the University. Following the issuance of a temporary restraining order, a full evidentiary hearing was held and appellants' requested relief was denied. This appeal fol-

Psi Upsilon is a social fraternal organization, which at all times prior to May 1, 1990, was a recognized residential fraternity as defined by the University's Policy on Recognition and Governance of Undergraduate Social Fraternities and Sororities (the "Recognition Policy"). As a prerequisite to recognition as a fraternity on the University campus, appellants were required to enter into a written agreement with the University binding them to the principles, obligations and responsibilities set forth in the Recognition Policy.<sup>1</sup>
The basis of appellants' contentions on

appeal arises from an incident that occurred on or about January 20, 1990. On that date, approximately twenty (20) officers, members and pledges of Psi Upsilon participated in the kidnapping and terrorizing of William O'Flanagan, Jr. ("O'Flanagan"), an undergraduate who was not a member of Psi Upsilon, as part of the "hazing" process.2 Immediately following the kidnapping, the facts of which are not in dispute in the instant appeal, O'Flanagan filed a complaint with the University's Department of Public Safety.3 Following a hearing, sanctions were imposed from which appellants unsuccessfully sought injunctive relief. This appeal followed.

In reviewing a challenge to the denial of a

preliminary injunction,

... appellant has a very heavy burden to overcome; such a decree will not be interfered with upon appellate review in the absence of a plain abuse of discretion by the court below." Safeguard Mutual Insurance Co. v. Williams, 463 Pa. 567, 577-78, 345 A.2d 664, 670 (1975). (citations omitted). "Only if it is plain that no grounds exist to support the decree or that the rule of law relied upon was palpably erroneous or misapplied will we interfere with the decision of the Chancellor." Roberts v. Board of Directors of the School District of Scranton, 462 Pa. 128, 133, 432 A.2d 985, 988 (1981); (citations omitted).

Boehm v. University of Pennsylvania School of Veterinary Medicine. 392 Pa. Super. 502, 505-506, 573 A. 2d 575, 577 (1990). In order to prevail on a petition for injunctive relief, the moving party must establish that:

- 1) it is necessary to prevent immediate and irreparable harm not compensable in damages;
- 2) greater harm would result from denying it than from granting it;
- 3) the right to it is clear; and,
- 4) the status quo would be restored if it was

Schulman v. Franklin & Marshall College, 371 Pa. Super. 345, 352, 538 A.2d 49, 52 (1988), citing Pennsylvania Interscholastic Athletic Association, Inc., v. Greater Johnstown School District 76 Pa. Commw. 65, 71-72, 463 A.2d 1198, 1201 (1983), (citations omitted) (empha-

Appellants assert that all prerequisites for injunctive relief were met. In support, they place special emphasis on the "clear right to relief", which they contend exists by virtue of the University's denial of their due process right to a fair and impartial hearing, and its denial of their rights of association, assembly and free speech. We find these assertions with-

Appellants initially argue that the University's Fraternity & Sorority Advisory Board, (F.S.A.B.) hearing did not comport with minimum standards of due process. In the university context due process is defined according to whether the institution is public or private. As stated in Bochm, supra, the law is fairly well established that in a state owned college or university, due process requires notice and some opportunity for hearing before a student is disciplined. Boehm, supra at 508, 573 A.2d at 578, citing Dixon v. Alabama State Board of Education, 294 F.2d 150 (5th Cir. 1961), cert. den. 368 U.S. 930, 82 S. Ct. 368, 7 L. Ed. 2d 193 (1961). However,

[t]he law pertaining to judicial review of disciplinary proceedings at private colleges and universities is not so well settled. Generally, it has been said that courts are more reluctant to interfere in the disciplinary proceedings of a private college than those of a public college. (citations omitted) A majority of the courts have characterized the relationship between a private college and its students as contractual in nature. Therefore, students who are being disciplined are entitled only to those procedural safeguards which the school specifically pro- vides.

Id. at 509-10, 573 a.2d at 579, (emphasis added) (citations omitted).

The only caveat applied to this principle is that the disciplinary procedures established by the institution must be fundamentally fair.4 Id.

In Boehm itself, this court found that basic principles of due process and fundamental fairness were adhered to where the students involved, who were accused of cheating, had been given notice of the charges and evidence against them, were allowed to be present and to participate in the hearing assisted by faculty, to call their own witnesses and to cross-examine the witnesses against them, and were fully apprised of the findings of the Hearing Panel. The parallel with the instant case is inescap-

Herein, in accordance with the F.S.A.B. Charter, contained in the University's Policies and Procedures manual, Patricia Phaup, Director of the Office of Fraternity and Sorority Affairs, and Constance Goodman, University Judicial Inquiry Officer, initiated an investigation, pursuant to which a detailed statement of charges and violations was presented to appellants. The statement contained the date, time

and place for the hearing.

On April 11, 1990, a full evidentiary hearing was conducted before the F.S.A.B., a body comprised of: a Chair-person, two (2) faculty members, two (2) fraternity/sorority alumni representatives, two (2) university fraternity/ sorority student members and one (1) nonfraternity/sorority student. At the hearing, appellants, represented by legal counsel5, were afforded the opportunity to present evidence, although they chose not to do so owing to the pendency of criminal charges against several members. However, appellants did cross-examine all witnesses presented by the University. At the end of presentation of evidence, both Psi Upsilon and University participants gave closing arguments.

The Board substantially adopted the findings presented, and sanctions were recommended. These findings and recommendations were then submitted to Dr. Morrisson who accepted them with minor modifications. All materials were thereafter sent to appellants,

The University had no counsel present, nor did O'Flanagan.

It has never been claimed that the University is a state actor.

Appellants argument of constitution infringement is based mainly on Alpha Tau Omega Fraternity v. University of Pennsylvania, 10 Phila. 149, 165 (1983)[\*]. There the court was called upon to determine whether the Alpha Tau Omega fraternity was afforded minimal due process in a disciplinary hearing conducted by the F.S.A.B. in 1983, which at that time had no set procedures for disciplinary hearings conducted against a fraternity or sorority on the University of Pennsylvania campus. The court suggested a list of procedures followed in other jurisdictions in order to afford Alpha Tau Omega minimal due process. Despite appellants insistence to the contrary, the only item suggested by the Alpha Tau Omega court not followed in this case, was preparation of a hearing transcript, an omission appellants also contend deprived them of a fair hearing. We are not bound by the trial court's decision.

Appellants had participated in the drafting of this policy.

Apparently, O'Flanagan was not the intended victim, and had been abducted by mistake.

O'Flanagan also filed a criminal complaint with the Philadelphia Police Department and the Philadelphia District Attorney's Office against several members of Psi Upsilon.

including the proposed sanctions, which included: withdrawal of recognition of Psi Upsilon as a fraternal organization for three (3) years with no automatic right of return; dispossession from the Psi Upsilon house without compensation; and, the prohibition of any member or pledge of Psi Upsilon, Tau Chapter, as of January 20, 1990, from participation in any future application process. Based upon the above proceedings, we cannot find that Psi Upsilon was denied either notice or an opportunity to be heard. Psi Upsilon, however, raises several objections to the procedures as contained in the F.S.A.B. Judicial Charter.<sup>6</sup>

Initially, appellants question whether they received adequate notice of the charges pending against them. They contend that they were provided with "mere[] recitations of alleged acts, which in the aggregate were found to be a violation of the Tau Chapter's 'collective responsibility'." (Appellants' Brief at 11). It is contended that because the term "collective responsibility", contained in the statement of charges and violations is both vague and overbroad, and because no one testifying at the hearing provided an adequate definition, appellants were deprived of adequate notice. A review of the Recognition Policy, as well as the witnesses who offered definitions of "collective responsibility" reveals no support for appellants' claim.

The contractual provision, entered into by Psi Upsilon pursuant to the Recognition Policy and Annual Affirmation of Recognition Policy by Recognized Fraternity, states,

A. Obligations of the Fraternity/Sorority to the University

By undertaking the process of recognition, the fraternity or sorority assumes certain obligations and responsibilities to the University community: ...

2. To accept collective responsibility for the activities of individual members of the undergraduate chapter as they relate to the following: ...

b. Conduct of members and conduct of guests of members which is knowingly tolerated by the members of the fraternity and is in violation of the University's Code of Conduct:

See Penn, "University Policies and Procedures 1989-1991", p. 32 (emphasis added). After reviewing the plain meaning of the language as espoused in the above contractual provision, and the statement of charges, we find the complained of provision to be neither ambiguous nor vague or overbroad, and that appellants were not denied effective notice. See Rosen v. Empire Valve and Fitting Inc., 381 Pa. Super. 348, 553 A.2d 1004 (1989) (Court should not give agreement construction which is in conflict with plain meaning of language used.)

Appellants' argument that the definitions provided by the hearing witnesses were inconsistent is similarly unwarranted. Given the consonance between the contract and the testimony, as well as appellants' involvement in the original drafting of the language defining the term, appellants were in no way deprived of notice as to the charges against them. The absence of any complaint in this regard during either the Board hearing or the court hearing makes their lack of confusion quite clear.

Appellants also contend that they were denied a fair opportunity to be heard due to the fact that certain members, against whom criminal charges were pending, invoked their privilege against self-incrimination at the hearing before the F.S.A.B. They state that this exercise of privilege deprived them of the opportu-

nity to present evidence, and that the University's failure to postpone the hearing until after resolution of the criminal proceedings effectively denied them due process. We find this contention to be without merit.

As stated by the United States Court of Appeals for the Third Circuit,

... the contention that an actual or potential defendant in a criminal case should not even be put to the difficult choice of having to assert the privilege in a related civil case was rejected in <u>United States v. Kordel</u>, 397 U.S. 1,90 S. Ct. 763, 25 L.Ed.2d 1 ...

Such a witness must either invoke his privilege against self-incrimination, or assume "the general duty to give what testimony one is capable of giving."

capable of giving."

De Vita v. Sills, 422 F.2d 1172, 1178-79 (3rd Cir.1970), citing United States v. Simon 373 F.2d 649,653 (2nd Cir.1967), cert. gr. Simon v. Wharton, 386 U.S. 1030, 87 S.Ct. 1485, 18 L.Ed.2d 591, vacated as moot, 389 U.S. 425, 88 S.Ct. 577, 19 L.Ed.2d 653 (1967), (citation omitted). See also, Herberg v. Com., State Bd. of Medical Ed., 65 Pa. Commw. 358, 442 A.2d 411 (1982), citing Arthur v. Stern, 560 F.2d 477, 480 (1st Cir.1977) ("[T]here is [nothing] inherently repugnant to due process in requiring the doctor to choose between giving testimony at the disciplinary hearing, a course that may help the criminal prosecutors, and keeping silent, a course that may lead to the loss of his license.") We find, as did the federal court in Gabrilowitz v. Newman, 582 F.2d 100, 104 (1st Cir. 1978), that the difficulty of the choice facing appellants did not render it of constitutional proportions. Due process simply is not implicated by the arduousness of the decision.

Appellants also assert that bias on the part of the F.S.A.B. members prevented a fair and impartial hearing. Specifically, it is asserted that Ms. Phaup acted as both an investigator and a deliberator concerning the charges against Psi Upsilon, that Lisa Gross, a university sorority member sitting on the Board, was biased because of her acquaintance with the victim. O'Flanagan, and that Dr. Morrisson, the final decision maker, was biased as she was a Co-Chair-person for a Committee to Diversify Locust Walk, the lane upon which Psi Upsilon's Chapter House was located.

We first point out that the Board is not subject to strict rules of judicial procedure. Moreover, as this Court has stated previously, courts should not interfere with internal procedure and discipline unless real prejudice, bias or denial of due process is present. See Bochm, supra at 514, 573 A.2d at 581, citing Schulman v. Franklin and Marshall College, supra at 351, 538 A.2d at 52. In each of the instances cited, appellants' claim of unfairness is unsupported by the record: Ms. Phaup did in fact make initial inquiries about the incident, but was not a voting member of the Board; Dr. Morrisson merely approved the Board's conclusions; Ms. Gross, the putative acquaintance of the victim, O'Flanagan, knew him only by sight. We find in none of these circumstances sufficient prejudice to vitiate due process.

The same holds true with appellant's assertion that the University considered undisclosed evidence in making its determinations. Psi Upsilon states that Mr. Sluizer, a fraternity alumni representative on the Board, spoke with attorney friends after the hearing but before deliberations. They further allege that a typewriten statement made by Brian Hanstein, a witness, was "pilfered" from Mr. Hanstein's portfolio and utilized by the Board during deliberation. Finally, they assert that Ms. Goodman's

charges concerning the "planning stages" of the incident against O'Flanagan were not presented at the hearing but were utilized by the Board during deliberations. Based upon the above, they conclude that they were denied a fair hearing. Such an assertion is incorrect. This evidence was presented to the trial judge who, as factfinder, could believe some, all or none of the proffered testimony. As there is nothing in the trial court's decision to indicate that he found this argument credible, we will not assume the role of factfinder to conclude otherwise.

Appellant's final fairness assertion is that the sanctions imposed were too severe in light of prior disciplinary measures taken against other fraternities. Initially, an assertion that sanctions are too severe does not establish a basis for relief in Pennsylvania courts, as such a determination is within the sole province of that person designated within the contractual agreement to which the parties are signatory. Boehm, supra at 521, 573 A.2d at 585. The F.S.A.B. and Vice Provost, Dr. Morrisson, fully considered all evidence presented and incorporated findings of fact and conclusions supported by law. As the determinations were within the sole province of the F.S.A.B. and Vice Provost, pursuant to the Recognition Policy and Fraternity/Sorority Advisory Judicial Charter, signed by Psi Upsilon, we will not disturb their decision.7

We next approach appellants' related assertion that by imposing sanctions under a theory of "collective responsibility," the University has abridged their constitutional rights of association, assembly and free speech, thus entitling them to injunctive relief.

In addressing this claim, we return to the premise that the University is a private institu-

tion, maintaining private property.

"Even when an owner of private property is constitutionally obligated to honor speech and assembly rights of others, private property rights themselves must nonetheless be protected. The owner of such private property, therefore, is entitled to fashion reasonable rules to control the mode, opportunity and site for the individual exercise of expressional rights upon his property. (footnote omitted) It is at this level of analysis—assessing the reasonableness of such restrictions—that weight may be given to whether there exist convenient and feasible alternative means to individuals to engage in substantially the same expressional activity."

Commonwealth v. Tate, 495 Pa. 158, 174, 432 A.2d 1382, 1390, citing State v. Schmid, 84 N.J. 535, 423 A.2d 615, 630 (1980) (emphasis added) (footnote omitted).

The Recognition Policy to which appellant was signatory establishes the responsibility of the fraternity as an entity for acts of its members which have been determined to be improper. The result of such a conclusion is not appellants' inability to function as the social organization it, in fact, is, but only its inability to function under the auspices of that institution whose rules its members have broken. No limitations have been placed upon its continued operation outside the University. As its "right" to University recognition was contingent upon the compliance of all its members to the rules

We note that no disciplinary measures were imposed upon individuals during these proceedings. No member was expelled, suspended from classes, or suffered alteration of his student status in any way.

posited by the Recognition Policy, it no longer possesses this "right." However, its essential nature is unaffected by the sanctions.

Appellants finally argue that not only have they complied with the "clear right to relief" prerequisite for injunctive relief, but they have also complied with all other prerequisites. Pursuant to our determination that Psi Upsilon has not met the prerequisite of establishing a "clear right to relief", we need not address their remaining arguments in support of injunctive relief. See Schulman v. Franklin and Marshall College, supra at 352, 538 A.2d at 52 (A preliminary injunction is an extraordinary remedy available only where the party seeking it establishes all four (4) prerequisites.) See also Penn-

sylvania Interscholastic Athletic Association, Inc. v. Greater Johnstown School District, 76 Pa.Commw. 65, 463 A.2d 1198 (1983); Independent State Store Union v. Pennsylvania Liquor Control Board 495 Pa. 145, 432 A.2d 1375 (1982).

Order affirmed.

# **Speaking Out**

#### **Animal Rights Activism**

When I read Professor Lash's statement in the April 30th issue of Almanac I took exception to his labeling all animal rights activists as "fanatics." Now I have read Dr. Morrison's reply and he terms all animal rights people as "selfish." People who work tirelessly with little or no pay are not "selfish." People afraid to lose research dollars are "selfish."

Those of us who are part of this "movement" are concerned citizens who have the right to work within the system to change something in our society we feel is unjust. Most of the animal rights people will agree that, of course, there have been cures to diseases as a result of research on animals. However, there is still documented proof that deplorable conditions did and still do exist in many research laboratories. It is these conditions, and the inhumane treatment of animals in research, that we are working to change. I am certainly not naive enough to think that we can put a stop to all animal research, nor do I believe we should. On the other hand, it seems that no one in the medical profession is honest enough to admit publicly that conditions need to be improved; and they continue to fight organizations like the ASPCA when it is suggested that these animal protection agencies be allowed to inspect the

I hope that Dr. Morrison realizes that there are just too many of us for him to "intimidate."

—Julie Schilling Business Manager, University Press

#### Responses to Ms. Schilling

Ms. Shilling expresses a concern for the welfare of animals in particular their humane treatment in laboratories. I applaud and share that concern as do the many laboratory animal veterinarians and community members, often from humane organizations, who serve on animal care oversight committees in all institutions receiving federal funds for biomedical research.

It is important, however, to distinguish between proponents of animal welfare and individuals who lie, distort and intimidate in the name of animal rights. Unlike Ms. Schilling, the latter believe that animal experiments have not and will not contribute to medical progress. Their

beliefs are foolish, and their actions are misanthropic—and selfish.

-Adrian R. Morrison Professor of Anatomy

I am pleased to read that Ms. Schilling shares our views on the humane use of animals in biomedical research, and that she acknowledges biomedical advances resulting from animal research. Dr. Morrison and I both believe that animals used for experimentation should be treated humanely. I am sure this feeling is shared throughout the biomedical research community at Penn. Ms. Schelling erred, however, in stating that I labelled all animal rights activists as "fanatics." I stated that animal rights movement was a "fanatical movement." There is little evidence to indicate that this is not true.

— Jay Lash, Professor of Anatomy

#### **Alternative Music**

I recently received a letter from WXPN requesting financial support for their programming. In the past, one of the most enjoyable features of WXPN was its weekend programming, which included "World Beat Dance Party" and "Roots, Rock and Reggae." These programs have done an excellent job of sharing a wealth of international music and communicating information on on concerts and cultural events. At a recent concert featuring Thomas Mapfumo from Zimbabwe, the master of ceremonies announced to the audience that Philadelphia is to lose both of these programs as a resuklt of actions taken by WXPN.

In the letter one of the reasons given for requesting financial suppoort is to continue to bring "the best in contemporary alternative music." It would seem that WXPN is not being altogether honest in this regard as they have just removed four hours of such programming without compensation alsewhere in the schedule. This must reflect some kind of policy change made by WXPN in collusion with the University.

A recent newspaper article had drawn attention to the involvement of the station in possible legal problems which concern individual D.J.s. Management and D.J.s may come and go but surely the music can continue. What is going on at WXPN?

At a time when the University is stressing appreciation of diversity in the workplace, WXPN is heading entirely in the opposite direction. Perhaps the management of WXPN would care to utilize the columns of *Almanac* to explain its current bias and future plans.

— Suresh K. Joseph, Research Associate Professor of Biochemistry / Biophysics

#### Response to Dr. Joseph

Your letter raises a set of significant issues that are under constant discussion at WXPN.

Let me begin with a few facts and then move on to address the more complex issue of our mission and how we attempt to accomplish it.

We had two world music programs on Saturday afternoons. One was hosted by Randall Grass, who decided to leave to make time for other activities. Once he made that decision, we reviewed the overall schedule and made a second change, replacing "Roots Rock Reggae" with a new rhythm and blues show. Neither decision was motivated by a change in the programming philosophy. Quite the contrary, they were pragmatic decisions based largely on the availability of programming talent.

We had an opportunity to retain the service of Helen Liecht, who has a strong following she developed during her years with WIOQ, and at the same time, we wanted to test a new program being developed by Felix Hernandez, the creator and producer of the NPR program "Blues Stage". Felix is creating a new national music program entitled "Rhythm Review," based on his highly successful program on WBGO in Newark. Realizing that we were reducing the "world music" programming on Saturdays, we tried to compensate, at least in some small measure, by rescheduling "Afropop," one of the country's finest world music showcase programs, from Wednesday to Saturday.

I can understand your disappointment and hope that these new programs may, in time, provide some measure of compensation. But I have no doubt that both of these shows will bring our audience "the best in contemporary alternative music," just as the previous shows have been doing for many years. They will, I trust, be worthy additions to WXPN's rich

assortment of alternative music, NPR news programs, "Kid's Corner" (our children's call-in program) local feature productions, experimental "audio art," (such as Joe Frank: Work in Progress" and "New American Radio"), and programming specifically targeted to the gay and lesbian communities in this area. It's a schedule that can legitimately be described as "diversity" and "variety."

But your concern was specifically di-

rected at our musical schedule from which it is fair to ask, what could we do to demonstrate our commitment to variety in alternative music? Do we count up the number of single-style music programs, or look at the range of music played during the course of a single week or month? And how do we reconcile the desire for variety with the demands of quality? To date, I have found no ready answer, except that excellent programming is produced by talented people. Which leads me to encourage programming strategies shaped by the contours of individual skill and interest. Beyond that, it's mostly a matter of compromise.

We know this: our listeners prefer a "mix format" (where a variety of types of music are combined), over a "block format" (where a single type of music is

played for a long stretch). A majority tells us our best programs are Michaela Majoun's "Morning Show" (weekdays from 6 AM to 10 AM) and David Dye's "Midday Mix" (weekdays from 10 AM to 1 PM). It's worth noting that both programs include at least one world music or reggae cut during every hour. This form of "variety," built into the musical design of the show, helps to inform the taste of tens of thousands of listeners who would never sit through even ten minutes of "Roots Rock Reggae" or the "World Beat Dance Party." And therein lies one form of compromise.

I can report from reading more than a thousand program surveys that some listeners who really enjoy the "midday mix" find the blocks quite boring. But I also hear from listeners who really enjoy the specialty blocks and consider the "mix format" too mainstream. In the end, we try to acknowledge listener preference without turning the music selection process into a popularity contest— another compromise, among many others.

You can easily imagine how this range of preference among listeners and producers generates a tension which will never be fully resolved, no matter where the line of compromise may be drawn. The best we can hope for is an understanding of our compromises from that large group of listeners on whom we are dependent for our continuation and for whom WXPN is Philadelphia's most important source of alternative music.

— Mark Fuerst, General Manager, WXPN

#### CancerCare Line

I am delighted to announce that the University Cancer Center has established a new cancer information and referral service, the Penn CancerCare Line, for patients, families, physicians and the general public. By calling toll-free 1-800-777-8176, from 8:30 a.m. to 5 p.m. Monday through Friday, you will be able to speak with an experienced oncology nurse, to obtain information on cancerrelated topics and schedule convenient appointments with Penn cancer specialists. If you have a cancer-related question or if a family member or friend needs an appointment with a Penn cancer specialist, I encourage you, as part of the Penn family, to use this valuable service.

— John H. Glick, Director University of Pennsylvania Cancer Center

Speaking Out welcomes reader contributions; short, timely letters on University issues can be accepted until noon June 28 for the midsummer issue, subject to right-of-reply guidelines. Advance notice of intention to submit is appreciated.

#### Alcohol/Drug Education

Because of "extremely positive responses" to a five-hour off-campus training program held in April, the Faculty/Staff Assistance Program and the Office of Drug and Alcohol Education will repeat the program in June—and, since the June session is already oversubscribed, have asked to hear from other members of the University interested in attending in the future.

The program, "Building and Maintaining a Healthy Drug Free Community," takes up to ten Penn members to the Institute of Pennsylvania Hospital for an innovative training called the Strecker Program.

Mceting with recovering individuals as well as with professionals involved in their care, participants in the training program receive an overview of addiction and recovery issues, discuss a video called "Shame and Addiction," see a demonstration of the roles that may emerge in alcoholic families, and attend an Alcoholics Anonymous meeting. In the version of the program tailored to Penn staff, the five-hour training ends with discussion on how policies, practices and procedures at Penn may need to change before drug and alcohol abuse can be eliminated, F/SAP Assistant Director Barbara Gilin reports.

Members of the University who have attended the program include administrators from schools as well as those in central University offices involved in human resources, residential and fraternity/sorority life, affirmative action and disability programs, and others. Others may call F/SAP Director Carol Bennett-Speight at Ext. 8-7910 to indicate a future interest.

#### **GSAC Resolution on Asian Studies and Asian-American Studies**

Resolution Passed by GSAC March 19, 1991 (26-0-1)

GSAC supports the efforts of the University of Pennsylvania to promote scholars and scholarship in the areas of both Asian Studies and Asian-American Studies. The University should develop curricula in Asian Studies and Asian-American Studies.

The University should include and empower increased numbers of Asian and Asian-American faculty and students across the University. The fine programs of the University of Pennsylvania have everything to gain by promoting scholarly work with, by, for, and about Asian-Americans.

## \$600,000 from Mellon: Streamlining the Ph.D. in the Humanities

Penn is one of nine institutions in the U.S. to receive Andrew P. Mellon Foundation funds to support improvements in the structure and organization of Ph.D. programs in the humanities, with two major goals: to lower the average time of completion from the present eight years to five, and to reduce the attrition rate.

Five SAS departments (classical studies, English, history, music, and Romance languages) will participate in the \$600,000 award, to be applied toward support of graduate students at two critical points in their studies. These turning points were identified by tracking students, collecting data and making institutional analyses of graduate education for over two years, according to Dr. Donald Fitts, associate dean of graduate studies at the School of Arts and Sciences.

"We learned that graduate students need opportunities to develop their dissertation proposals earlier in their academic careers and that students who must work during their final year of graduate school are set back," Dean Fitts said.

As a result, the Mellon grant will be used to cover tuition costs and stipends that permit secondyear students to enroll in summer dissertation workshops, and allow final-year students to receive dissertation fellowships.

Dr. Fitts said the funds will be awarded on a competitive basis to students making "substantial progress toward their degrees," in the five participating graduate programs, all of which have made changes in preparation for the grant and have committed themselves to a complementary goal of "improving the general level of graduate education they offer," Dr. Fitts said.

"The Mellon grant has helped us to streamline the Ph.D. program," said Dr. Lance Donaldson-Evans, chair of Romance languages. "The grant will attract more talented students to the humanities and will provide us with the means to see them through to graduation."

From the extensive list of Trustee actions on appointments, reappointments, secondary appointments, leaves and terminations, Almanac gleans those actions reflecting movement into or within the Standing Faculty. This includes new appointments and promotions, and chair designations with or without promotion, in all schools. In the health schools, where reappointment sometimes includes movement from the associated faculty (not in standing faculty) to the clinician-educator track (standing faculty, but not tenure-accruing), those actions are published. Note that clinician-educator titles are recognizable by the form of title, "Professor of \_\_\_at (affiliated institution)." The following list shows actions from Trustees' minutes of March 22 and April 26, 1991, representing actions approved at Provost's Staff Conferences leading up to those meetings. Actions marked (\*) involve additions to the tenured ranks through appointment, promotion, or conversion.

# Appointments and Promotions in the Standing Faculty, 1990-91

#### **Annenberg School** for Communication

#### Appointment

Dr. Roberta Pearson as Assistant Professor of Communication.

#### Promotion

Dr. Oscar H. Gandy, Jr. to Professor of Communication.

#### School of Arts & Sciences **Appointments**

Dr. Yi-Zhi Huang as Assistant Professor of Mathematics.

Dr. Edward Webb Keane, Jr. as Assistant Professor of Anthropol-

ogy. \*Dr. Ian S. Lustick as Professor of Political Science.

Dr. Timothy M. Swager as Assistant Professor of Chemistry.

#### **Promotions**

Dr. David Harbater to Professor Mathematics.

Dr. Gary Hatfield to Professor of Philosophy.

Dr. Anthony S. Kroch to Profes-

sor of Linguistics. Dr. Alan E. Mann to Professor

of Anthropology. Dr. Norman E. Smith to Profes-

sor of Music Dr. Marc Trachtenberg to Professor of History.

#### Chair Designations

Dr. Nina J. Auerbach as the John Welsh Centennial Professor of History and Literature.

Dr. Lynn A. Hunt as the Annenberg Professor of History.

Dr. Myra Jehlen, as the Richard and Laura Fisher Professor of English Literature.

#### Graduate School of Education

#### Promotion

\*Dr. Nancy Hornberger to Associate Professor of Education.

#### School of Engineering and Applied Science

#### Appointment

Dr. Sumit Roy as Assistant Professor of Electrical Engineer-

#### **Promotions**

Dr. John L. Bassani to Professor of Mechanical Engineering and Applied Mechanics.

Dr. Paul Ducheyne to Professor

of Bioengineering.
Dr. Lawrence E. Thibault to Professor of Bioengineering. Dr. Bonnie L. Webber to Pro-

fessor of Computer and Information Science.

#### Graduate School of Fine Arts

**Appointments** 

Mr. James Corner as Assistant Professor of Landscape Architecture and Regional Planning.

Mr. Alvaro Malo as Associate

Professor of Architecture.
Mr. Alex Wall as Associate Professor of Architecture.

#### School of Medicine

#### Appointments

Dr. Scott Baldwin as Assistant Professor of Pediatrics.

Dr. Amy J. Behrman as Assis tant Professor of Medicine at HUP.

Dr. Mark S. Berger as Assistant Professor of Medicine.

Dr. Delma L. Broussard as Assistant Professor of Pediatrics.

Dr. Ronald G. Collman as Assistant Professor of Medicine.

Dr. Rosemary deLourdes Casey as Assitant Professor of Pediatrics.

Dr. Grace A. Cordts as Assistant Professor of Medicine. Dr. Benjamin W. Corn as Assis-

tant Professor of Radiation Oncol-

ogy.
Dr. Jeffrey S. Duchin as Assistant Professor of Medicine at HUP.

Dr. Barbara A. Haber as Assistant Professor of Pediatrics.
\*Dr. David W. Kennedy as

Professor of Otorhinolaryngology: Head and Neck Surgery.

Dr. John Bruce Kneeland as Associate Professor of Radiology

Dr. F. Charles Mace as Associate Professor of Behavioral Psychology in Pediatrics at CHOP.

Dr. Scott Manaker as Assistant Professor of Medicine.

Dr. Keith R. McCrae as Assistant Professor of Medicine.

Dr. Eric S. Maller as Assistant Professor of Pediatrics.

Dr. Marianne Mercugliano as Assistant Professor of Pediatrics.

Dr. James Meyer as Assistant Professor of Radiology.

Dr. Daniel I. Mines as Assistant Professor of Medicine at HUP.

Dr. Richard K. Murray as Assistant Professor of Medicine.

Dr. Roberta B. Ness as Assistant Professor of Medicine.

Dr. Susan Greenstein Orel as Assistant Professor of Radiology. Dr. Reynold A. Panettieri, Jr. as

Assistant Professor of Medicine. Dr. Gale Pugliese as Assistant

Professor of Physical Medicine and Rehabilitation. Dr. Parvati Ramchandani as

Assistant Professor of Radiology. Dr. Francis X. Riegler as Assis-

tant Professor of Anesthesia. Dr. Michael F. Rotondo as As-

sistant Professor of Surgery. Dr. Rhonda E. Schnur as Assistant Professor of Pediatrics.

Dr. Sarah A. Stahmer as Assistant Professor of Medicine at HUP.

Dr. Mark M. Stecker as Assistant Professor of Neurology

Dr. H. Lee Sweeney as Assistant Professor of Physiology. Dr. Walter Tunnessen as Pro-

fessor of Pediatrics.

Dr. Robert Wasserman as Assistant Professor of Pediatrics.

#### Chair Designations

\*Dr. Stuart Lee Fine as William F. Norris and George E. DeSchweinitz Professor of Opthalmology.

\*Dr. Jon Martin Lindstrom as Trustee Professor of Neuroscience

in Pharmacology.

Conversion to Tenure
Dr. Richard L. Doty, Associate Professor of Psychology in Otorhinolaryngology.

#### Promotions

Dr. Theodore G. Cheek to Associate Professor of Anesthesia at HUP. Dr. John U. Doherty to Associ-

ate Professor of Medicine at HUP. Dr. Bruce Freundlich to Associ-

ate Professor of Medicine atHUP.

\*Dr. Harvey M. Friedman to Professor of Medicine. Dr. Robert A. Grossman to Pro-

fessor of Medicine at HUP. Dr. Peter M. Joseph to Professor

of Radiologic Physics in Radiol-

Dr. Donato D. LaRossa to Professor of Surgery at HUP.
Dr. Susan C. Nicolson to Asso-

ciate Professor of Anesthesia at HUP and CHOP.

Dr. Richard J. Ross to Associate Professor of Psychiatry at the VA Medical Center.

Dr. Michael R. Sperling to Associate Professor of Neurology at Graduate Hospital.

#### Reappointments

Dr. William A. Ball as Assistant

Professor of Psychiatry.

Dr. Richard D. Bellah as Assistant Professor of Radiology.

Dr. Charles L. Bevins as Assistant Professor of Pediatrics.

Dr. Patrick J. Brennan as Assistant Professor of Medicine.

Dr. Michael E. Breton as Assistant Professor of Opthalmology at the Presbyterian Medical Center of Philadelphia.

Dr. Nancy J. Bunin to Assistant Professor of Pediatrics at CHOP.

Dr. Peter E. Callegari as Assistant Professor of Medicine.

Dr. Dev P. Chakraborty as Assistant Professor of Radiologic

Physics in Radiology.
Dr. Sidney A. Cohen as Assistant Professor of Medicine.

Dr. Alicia M. Conill as Assistant Professor of Medicine.

Dr. Richard S. Davidson to Assistant Professor of Orthopaedic Surgery at CHOP

Dr. Roderic G. Eckenhoff as Assistant Professor of Anesthesia.

Dr. Kathryn Evers to Assistant Professor of Radiology at HUP. Dr. Sheldon I. Feinstein as As-

sistant Professor of Human Genet-

Dr. Jan Goplerud as Assistant Professor of Pediatrics.

Dr. Anne M. Hubbard as Assistant Professor of Radiology. Dr. Thomas R. Kleyman as

sistant Professor of Medicine. Dr. Margaret M. Lancefield as

Assistant Professor of Medicine. Dr. Catherine S. Manno as Assistant Professor of Pediatrics at CHOP.

Dr. Peggy Smith Monahan as Assistant Professor of Pediatrics at CHOP.

Dr. Margaret M. Polaneczky as Assistant Professor of Obstetrics and Gynecology at HUP.

Dr. Anthony Rostain as Assistant Professor of Psychiatry at the Philadelphia Child Guidance Clinic. Dr. Robin D. Rothstein as As-

sistant Professor of Medicine. Dr. Joseph S. Savino as Assistant Professor of Ancsthesia at HUP. Dr. Donald F. Schwarz as As-

sistant Professor of Pediatrics. Dr. Joel Streim as Assistant

Professor of Psychiatry.
Dr. William V. Williams as

Assistant Professor of Medicine. Dr. I-Tien Yeh as Assistant Professor of Pathology and Laboratory Medicine at HUP.

(continued)

School of Nursing **Appointments** 

Dr. Kathleen M. McCauley as Assistant Professor of Cardiovascular Nursing. Dr. Terri F. Simpson as Assis-

tant Professor of Nursing.

#### **Promotions**

\*Dr. Linda P. Brown to Associate Professor of Nursing.

\*Dr. Margaret Grey to Associate Professor of Nursing.

Dr. Joan Lynaugh to Profes-

sor of Nursing. \*Dr. Mary D. Naylor to Associate Professor of Nursing.

Dr. Ruth D. York to Associate Professor of Health Care of Women.

#### School of Veterinary Medicine

#### **Appointments**

\*Dr. Raymond C. Boston as Pro-

fessor of Applied Biomathematics in Clinical Studies (New Bolton Center).

Dr. James D. Ferguson as Assistant Professor of Nutrition in Clinical Studies (New Bolton Cen-

Dr. M. Joy Weinstein as Assistant Professor of Orthopedic Surgery in Clinical Studies (Philadelphia).

Promotion

Dr. Mark Haskins to Professor of Pathology in Pathobiology.

# The Wharton School

Appointment \*Dr. John U. Farley as Profes-

sor of Marketing.
Dr. John Paul MacDuffie as Assistant Professor of Management.

#### Promotion

Dr. Krishna Ramaswamy to Professor of Finance.

# Modified Chargeback System for UMIS

University Management Information Services (UMIS) announces that beginning July 1, it will put into effect a modified chargeback system that more equitably distributes administrative mainframe costs.

UMIS Business Manager Margaret Smith says specific objectives of the modified chargeback system are:

- To maintain a system that is fair and equitable to all users
- To make the system comprehensible, easy to understand, and flexible
- To recover a portion of its processing expenses

To establish and maintain a provider/client partnership, resulting in accountability for resources offered and resources consumed.

Ms. Smith says the UMIS chargeback team spent a significant amount of time listening to client concerns about the previous chargeback system so that the modified system would reflect their input. She adds that particular concerns were a lack of understanding about how chargeback works, about computer terminology used, and about the general format of the chargeback invoice.

#### How the Modified Chargeback System was Developed

Chargeback team members worked over the course of the last year to develop the modified chargeback system. This process involved the following steps:

- Identifying the kinds of resources involved in providing administrative computing resources
- Identifying the costs for providing those resources
- Identifying the consumption of those resources by individual
- Redistributing charges to account for actual usage
- Working with the Budget Office to adjust client budgets
- Auditing sample client accounts to ensure that the resources in the new billing algorithm were allocated equitably.

Currently, clients are charged directly for 22 percent of administrative computing processing costs. The remaining 78 percent of the processing budget is allocated. No plans exist to change this recovery rate.

#### Budget Neutrality for Fiscal 1991-1992

The effect of the modified system is a new, simplified rate schedule where charges are based on the cost of providing computing resources and on actual client usage. While actual charges may change, the effect on individual organizations will be budget-neutral for fiscal year 1991-The effect will also be budget-neutral for UMIS.

#### The Modified Chargeback System

The modified chargeback system breaks down client costs into four resource categories: Processor, Disk, Communications, and Printing. Each resource category is billed by using measurements—called billing elements-collected by the computer operating system. Billing elements vary based on services used. In the tables at right are definitions of the resource categories, and their respective billing elements, followed by the administrative computing rate schedule.

#### Payment Options: Fixed vs. Variable

UMIS will continue to offer two chargeback rate options: fixed and variable. In the instance of the fixed charge option, UMIS has prepared an estimate of projected usage based the new algorithm effective July 1, 1991. If your department agrees with the estimate, UMIS will guarantee this amount as your fixed usage charge; UMIS will absorb the difference. Similarly, if actual usage is lower, UMIS will not refund the difference.

In the instance of the variable fee option, if you prefer, your department may determine a level of usage for the next fiscal year. If actual usage is higher, you will be charged for the difference. If actual usage is lower, the difference will be refunded to you, in the thirteenth month (published in the information release dated May 15, 1990, available at UMIS Customer Services). Open enrollment in the billing structure is from June 1 to June 15. During this time organizations have the opportunity to establish or change their billing structures from fixed to variable, or vice versa.

#### Charges not Included

Three types of administrative computing resources which were not invoiced through the previous chargeback system will continue to be invoiced manually, outside of the modified chargeback system: Laser printing, Opscan, and Microfiche services.

#### **New Service**

Provided with the new monthly statements, for the first time, will be actual usage based on individual logon ID. Thus, with the modified chargeback system, client resource managers will be able to track-and therefore understand—their administrative computing expenses.

#### Chargeback/Client Meetings

Ouestions will be answered at chargeback/client meetings to be held the first week in June. For more information, contact the UMIS Administrative Services at 898-4962.

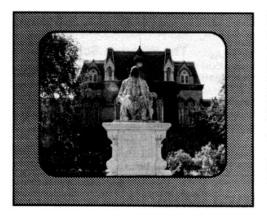
Valerie Glauser, Senior Technical Writer, DCCS/UMIS Publications

#### **Resource Categories** Communications Printing Processor Disk Services **CPU Time1** Connect Time3 Pages5 TSO CICS **CPU Time1 Terminal Control** Bytes4 Pages5 Batch **CPU Time1** Track Weeks2 Disk Storage Connect Time3 Asynchronous

- CPU time includes time used by the service (TSO, CICS, or Batch) as well as time spent using ADABAS. Prior to fiscal year 90-91 the ADABAS portion of CPU time was not available.
- The quantity and time variable used to express the amount of time and the quantity of disk space, or tracks, the client occupies.
- The quantity of time the client stays connected with the administrative main-
- The quantity of data transferring between the administrative mainframe and terminals. Data is transferred over communication equipment.
- Client charges for printing on UMIS impact printers.

#### Rate Schedules—Shift 1 Impact Processor Disk Storage TP Connect 7171 Protocol Terminal Control Printing Bytes (CICS Only) \$.002319/ \$.018466/ \$.014571/ \$6.384775/\$.002219/ \$.000368/ 64 Kcounts<sup>2</sup> Page<sup>1</sup> Track week<sup>1</sup> Connect Connect Minute<sup>2</sup> minute<sup>2</sup> minute<sup>2</sup>

- No shift discount. Same rate applies at all hours of the day, all days of the week.
- Shift discounts apply. Rates quoted above are not discounted, and are charged during Shift 1,7AM-6PM, Monday-Friday. The hours of the other three shifts and their respective discounts are as follows:
  - Shift 2: 35% discount, 6PM-Midnight, Monday-Friday
  - Shift 3: 50% discount, Midnight-7AM, Monday-Friday
  - Shift 4: 60% discount, all day, Saturday and Sunday



#### Showing Off the University

Prospective Penn students can now use video technology to get a first glimpse of the University. Beginning in June, 37 Blockbuster Video stores in Pennsylvania will feature a "College Preview" section that contains admissions tapes from colleges and universities across the nation. The videos, which will be rented at reduced fees, will also be marketed by UI Video Stores, Inc., which is installing a "College Preview" section in 90 stores in seven states.

#### **University of Pennsylvania Police Department**

This report contains tallies of part 1 crimes, a listing of part 1 crimes against persons, and summaries of part 1 crime in the five busiest sectors on campus where two or more incidents were reported between May 20, 1991 and May 27, 1991.

**Totals:** Crimes Against Persons—0, Thefts—28, Burglaries—5, Thefts of Auto—2, Attempted Thefts of Auto—0

Date	Time	Location	Incident	
34th ot 36	th; Spruce t	o Locust		
05/20/91 05/21/91 05/23/91 05/24/91	8:00 AM 7:15 AM	Logan Hall College Hall Furness Building Levy Park	Numerous rooms broken into, items taker Vending machine pried open/cash taken Unattended ID and cash taken Purse taken from bench next to complain	
32rd to 33	Brd; South to	Walnut		
05/20/91 05/20/91 05/24/91 05/25/91	8:31 AM 3:37 PM 7:13 AM 9:03 AM	Lot #5 Rittenhouse Lab Rittenhouse Lab Rittenhouse Lab	Auto taken from lot Unattended backpack and contents taken Window broken, calculator taken Window broken, fax machine taken	
34th to 38	th; Civic Ce	nter to Hamilton		
05/21/91 05/23/91 05/23/91 05/23/91	2:56 PM 2:36 PM 5:54 PM 10:05 AM	Clinical Research Bldg Nursing Education Bldg Botanical Garden Nursing Ed Bldg	Camera taken from unsecured room ID, cash & credit cards taken Secured bike taken from rack Answering machine taken	
36th to 37	th; Locust t	o Walnut	CE LITTER # 1 MICHIGAN PROPERTY IN	
05/20/91 05/22/91 05/25/91	12:41 PM 2:16 PM 2:56 PM	Delta Phi Annenberg Center Annenberg Center	Microwave taken from unsecured room Secured bike taken from rack Wallet taken/suspect apprehended/ wallet recovered	
32nd to 3	4th; Conven	tion Center to South;		
05/23/91 05/23/91 05/25/91	3:32 PM 3:54 PM 8:18 PM	University Museum University Museum Lot #7	Secured bike taken from rack Front bike wheel taken Auto taken from lot	
Safety Tip	: More lights	less burglaries: keep outsi	de lights on all night to illuminate all sides of the	

18th District Crimes Against Persons Report

Schuykill River to 49th Street, Market Street to Woodland Ave. 12:01 AM May 13, 1991 to 11:59 PM May 19, 1991

house where a criminal might find access. Most important—light up rear and side doors. Report suspicious strangers, sounds or actions to the University Police immediately at 898-7297 or 898-

Totals: Incidents-10, Arrests-0

Date	Time	Location	Offense/Weapon	Arrests
5/13/91	2:32 AM	4400 Market	Robbery/shotgun	No
5/14/91	7:55 PM	4600 Sansom	Robbery/strong arm	No
5/16/91	8:48 PM	4600 Locust	Robbery/strong arm	No
5/16/91	9:35 PM	241 S. 49	Aggravated Assault/pipe	No
5/17/91	11:35 PM	4608 Locust	Robbery/strong arm	No
5/18/91	12:04 AM	4200 Chestnut	Robbery/gun	No
5/19/91	1:48 AM	4400 Locust	Robbery/strong arm	No
5/19/91	2:18 AM	4700 Chestnut	Robbery/gun	No
5/19/91	12:26 PM	3000 Walnut	Robbery/gun	No
5/19/91	11:30 PM	4800 Paschall	Robbery/gun	No

#### Death of Mr. Biddle

Anthony G. Biddle, superintendent of grounds for the University, died May 20 at Chestnut Hill Hospital at the age of 58. Mr. Biddle had been grounds superintendent here for 18 years. He was also a member of the Golf Course Superintendents Association of America and the Environmental Management Association.

He is survived by his wife, Barbara Major Biddle, three sons Anthony G., Jr., John and David, his mother, Martha Biddle, and two grandchildren.

#### Paget's Disease Seminar

In cooperation with Penn Med, the Paget's Disease Foundation will hold a patient education meeting on Saturday, June 15, 10 a.m.-noon at the Penn Tower Hotel.

The meeting is geared toward educating patients and their families about the diagnosis and treatment of Paget's disease, and informing them of services available to them through the Paget's Disease Foundation.

Paget's Disease, a chronic skeletal disorder which may result in enlarged and deformed bones on one or more regions of the skeleton, has no known cure. Those who suffer from the disease may first attribute their symptoms to the onset of arthritis since the most common symptom of the disease is pain---in the bones, joints and back.

The seminar will be led by members of the University faculty John G. Haddad, professor of medicine and chief of endocrinology, Frederick S. Kaplan, associate professor of orthopaedic surgery, Maurice Attie, associate professor of medicine, and Nicky Kelepouris, clinical assistant professor of medicine. The doctors will make brief presentations and then open the floor to the audience for questions.

For more information or to register, call the Paget's Disease Foundation at (718) 596-1043.

#### **Address Changes**

Many academic and administrative offices move each summer, and in periods of major renovation (such as the restorations in College Hall and Logan Hall) there may be domino effects all across campus. If your office is scheduled to move, please send your old and new addresses as soon as possible, so that we may continue to send Almanac uninterrupted. Address changes to Almanac, 3601 Locust Walk/6224 or send by FAX to 898-9137.



3601 Locust Walk Philadelphia, PA 19104-6224 (215) 898-5274 or 5275 FAX 898-9137 E-Mail ALMANAC@A1.QUAKER

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ALMANAC May 28, 1991

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