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Phaseout . . . June 30 Deadline

Faculty Early Retirement

For many years the University has maintained a Faculty Voluntary Early Retirement (FVER) program that has provided financial assistance to enable tenured faculty members to retire prior to their mandatory retirement dates. The end of mandatory retirement for tenured faculty members will make the legal status of this program questionable. Accordingly, the University, with the advice of counsel, has decided to end this program. The program will not be abruptly terminated, however, but will be phased out over the next three years.

Tenured faculty members who will be at least fifty-five years old by the date they wish to begin early retirement are eligible for the benefits of the program. Retirement may begin at any date prior to July 1, 1996. Faculty members who contemplate early retirement during this period must provide formal notification of their intent by June 30, 1993, and must specify the date at which they intend to retire.

Most eligible faculty members have already received detailed information about this phase-out of the FVER program. Eligible faculty members who may have been omitted from this earlier distribution should contact their dean or the Benefits Office (Hilary Lopez, Ext. 8-1327) in Human Resources.

— Walter D. Wales, Deputy Provost

Earned Income Credit

The Division of Human Resources announces the Earned Income Credit Campaign, a community service of the Internal Revenue Service, the 21st Century League, and United Way of Southeastern Pennsylvania.

If you worked during 1992 and your family earned less than \$22,370—and if a child lived with you for at least half the year—you may be eligible for up to \$2,211 from Earned Income Credit, a federal benefit for both married and single parents.

Starting the process takes just two simple steps:

- File a federal income tax return (Form 1040A or 1040);
- Complete a "Schedule EIC" and attach it to your return. (You only need to complete the first side. The IRS will do the rest.)

If you are eligible, you will either owe less in taxes—or the government will mail you a check. You can also receive the Earned Income Credit if you do not owe income tax.

For information, check the federal tax package you received in January or call United Way's First Call for Help hotline at (215) 568-3750.

— Office of Human Resources

Court Decision in the Mayor's Scholarship Suit: 125

The Order issued by Common Pleas Court Judge Nelson A. Diaz in concluding the lawsuit over the Mayor's Scholarship Program at Penn reads:

AND NOW, this 22nd day of February, 1993 after hearing arguments and reviewing evidence herein and despite the University's failing to comply with the Ordinances it is hereby ORDERED AND DECREED that Plaintiffs Petition for an Injunction and Specific Relief is DENIED, since none of the plaintiffs have standing.

The Order is followed by an 18-page Opinion which appears on pages 3–5 of this issue. In it, Judge Diaz upholds Penn's and the City's interpretation of a 1977 Ordinance, that the number of scholarships to be provided is 125 [rather than 500 as interpreted by plaintiffs]. Listed in his concluding paragraph as violations of Ordinances are "...the awarding of loans in place of grant in aid, full tuition scholarships, or the awarding of partial scholarships requiring the recipient to pay out of pocket the difference between the scholarship award and the cost of tuition, the awarding of scholarships for only a portion of a four year academic period, and the awarding of scholarships to graduates from schools other than Philadelphia High Schools." University officials have challenged some of the conclusions (see news release below). Further, General Counsel Shelley Z. Green said, "The Ordinance provides for the awarding of 125 full-tuition scholarships or their equivalent. In fact, many Mayor's Scholars receive full-tuition scholarships or total University grants in excess of full tuition."

Judge Diaz also called "not valid" the new agreement between Penn and the City which calls for expansion of the program (*Almanac* October 27 and November 3, 1992). The February 23 news release says Penn is "still prepared to award these enhanced financial aid packages."

News Release Issued February 23 by News and Public Affairs

Court of Common Pleas Judge Nelson A. Diaz [last Tuesday] issued a ruling upholding the University of Pennsylvania's and the City of Philadelphia's interpretation of Penn's obligation under a 1977 City Ordinance to provide 125 scholarships to Philadelphians through the Mayor's Scholarship Program. The judge also found that the plaintiffs had no standing in the case.

"We are pleased by the judge's ruling," said Penn President Sheldon Hackney. "From the beginning, we have been confident of our legal position, which has been the City's position as well."

"However, we have always seen this issue in a broader context. Our real challenge has not been winning a lawsuit, but raising awareness of our commitment to Philadelphia. That is why we have in recent months moved aggressively to strengthen our implementation of the Mayor's Scholarship Program and intensify our recruitment of students from the local community. We view this as our civic and social obligation, part of our long-standing commitment to Philadelphia, and we welcome the opportunity to have more Philadelphians attending the University of Pennsylvania."

To that end, the University and City officials last fall announced a new agreement between the City and the University that strengthens Penn's commitment to the Mayor's Scholarship Program. The agreement, which reaffirmed the University's obligation to provide 125 scholarships to Philadelphia students at any one time under the Mayor's Scholarship Program, also included substantial enhancements of the financial aid package for future recipients and set new recruitment goals for Philadelphia students beyond the Mayor's Scholarship Program.

While Judge Diaz found that the new agreement is not valid, Penn is still prepared to award

these enhanced financial aid packages to Philadelphia students on a voluntary basis.

Contrary to additional language in Diaz's opinion, it should be noted that the University has never counted loans in the discharge of its Mayor's Scholarship obligation; it has only counted grants that do not have to be repaid by the students.

The enhanced recruitment plan, which began in September 1992, has so far resulted in approximately 340 applications from Philadelphians, which is a 24 percent increase over last year, when 275 applications were received. As part of the recruitment plan, Penn admissions staff visited 54 Philadelphia high schools, up from 30 last year; distributed a new brochure on Mayor's Scholarships, designed to answer the most commonly-asked questions; and held a series of weekend programs for Philadelphia students and their parents.

Students accepted for the next 1993-1994 academic year will be notified in April.

Among the enhancements are a financial aid package to Mayor's Scholars that includes no student loan obligation. For those Philadelphia students enrolling in September 1993 who are not selected as Mayor's Scholars, the University will provide a package including \$500 more of grant aid than they would have received had they not been from Philadelphia, making this Penn's most attractive financial aid package.

The current Mayor's Scholarship Program, which originated in a 1910 City Ordinance and was reaffirmed in the 1977 Ordinance, became the subject of a class action lawsuit filed in October 1991 by the Public Interest Law Center of Philadelphia (PILCOP). The suit alleged that the University's obligation under the 1977 ordinance was to provide 125 scholarships each year, rather than 125 at any one time, spread among the undergraduate class.

Death of Dr. Cornfeld

Dr. David Cornfeld, 66, deputy physician-in-chief at Children's Hospital and chairman of the Department of Pediatrics at PennMed, died suddenly on February 22 while on a trip to Chile.

Known among colleagues as a model and mentor, Dr. Cornfeld was a Swarthmore College alumnus who took his M.D. at Penn in 1948 and interned at PGH. After his residency and a pediatric internship in Connecticut, he returned to Philadelphia as assistant chief resident in pediatrics at CHOP. Except for two years in the U.S. Army as chief of pediatrics at Yokohama Army Hospital in 1952-54, he has been at Penn since 1954, when he took a fellowship in nutrition in pediatrics under Dr. Paul Gyorgy at HUP and a post as assistant instructor in pediatrics. Adding an M.S. in medicine from the Graduate School of Medicine in 1966, he rose to full professor in 1972. He served as acting chairman and associate chairman of the department, and was visiting professor at the University of London in 1977.

His hospital appointments began with director of the pediatric clinic at HUP, 1956-62, and he moved to CHOP in 1962 as senior physician. He was to hold another dozen professional and administrative posts at Children's Hospital over the next 30 years, including president of the medical staff in 1969-71, chair of the graduate education committee starting in 1978, and director of the division of general pediatrics, 1978-88.

Dr. Cornfeld helped train more than 1700 pediatricians; produced over 50 publications; and served on numerous boards and commissions including the Trustees of Seashore House, the Mayor's Commission on Health in the Eighties, and the American Board of Pediatrics. Among his honors were two Housestaff Teaching Awards, 1967 and 1983; the 1974 Award of the League of the Children's Hospital; and PennMed's 1986 Robert Dunning Dripps Memorial Teaching Award. The Class of 1976 also dedicated its yearbook to Dr. Cornfeld.

"The pediatric world has lost the consummate pediatrician," said Dr. Elias Schwartz, physician-in-chief at Children's Hospital. Added CHOP's President Edmond F. Notebaert, "Dave Cornfeld was a warm and caring man. His sensitivity and perceptiveness, his ability to nurture young people combined with a special depth of character, made him a model and a mentor not just for physicians, but for all those with whom he came in contact."

Dr. Cornfeld is survived by his wife Joy; his son, Mark; daughters Judy Whisler and Ruth Becker; four grandchildren; and a sister, Helen Arens. Gifts may be made to the David Cornfeld Memorial Fund at the Children's Hospital of Philadelphia, 34th & Civic Center Blvd./19104.



Memorial Service for Dr. Perloff

A memorial service will be held on *March 23* for Dr. Leonard Perloff, the distinguished professor of surgery who died February 14 (*Almanac* February 16). The service will be held at 4 p.m. in the Medical Alumni Hall, Maloney Building, 36th and Spruce Streets.

COUNCIL

To: All Faculty, A-1 and A-3 Staff Members
From: Committee on Committees
Re: Volunteers Needed for Committee Service

The Committee on Committees invites you to nominate yourself or others for service on University Council Committees. These 15 committees serve as advisory bodies in shaping academic/administrative policy, in administering all-University projects such as honorary degrees and long-term disability, and in assisting in the administration of operations such as the bookstore and libraries.

Faculty and staff who have not previously participated are especially encouraged to volunteer so that we may have an appropriate blend of new ideas and experience.

To have an idea of a particular committee's work, you may review its annual report printed in *Almanac* dated January 19, 1993.

Except where noted, all of the committees listed here are open to both faculty and staff. Please submit nominations by March 16, 1993 (Tuesday after Spring Break).

The 1993 Committee on Committees

<i>Murray Gerstenhaber (mathematics), chair</i>	<i>Linda C. Koons (A-1, provost's office)</i>
<i>Charles Benson (microbiology/vet)</i>	<i>Rochelle Fuller (A-3, Van Pelt Library)</i>
<i>Kenneth Fegley (systems)</i>	<i>Steven Suter (V'95)</i>
<i>Jamshed Ghandhi (finance)</i>	<i>Natasha Kapoor (C'93)</i>
<i>Harvey Rubin (medicine)</i>	<i>Ex officio: Gerald J. Porter (chair-elect, Faculty Senate)</i>
<i>Scott Weinstein (philosophy)</i>	

Committees and Their Work

Admissions and Financial Aid Committee considers matters of undergraduate and graduate/professional recruiting, admissions, and financial aid that concern the University as a whole or those that are not the specific responsibility of individual faculties.

Book Store Committee considers the purposes of a university bookstore and advises the director on policies, developments, and operations.

Communications Committee has cognizance over the University's electronic and physical communications and public relations activities.

Community Relations Committee advises on the relationship of the University to the surrounding community.

***Disability Board** continually evaluates the disability plan, monitors its operation, and oversees the processing of applications for benefits and the review of existing disability cases.

Facilities Committee keeps under review the planning and operation of the University's physical plant and all associated services.

***Honorary Degrees Committee** does most of its work, intensively, during the fall term; solicits recommendations for honorary degrees from faculty and students and submits nominations to the Trustees.

***International Programs Committee** is advisory to the director of international programs in such areas as international student services, foreign fellowships and studies abroad, exchange programs, and cooperative undertakings with foreign universities.

Library Committee is advisory to the directors of libraries on policies, development and operations.

Personnel Benefits Committee deals with the benefits programs for all University personnel. Special expertise in personnel, insurance, taxes or law is often helpful.

Pluralism Committee (pending approval by Council) advises on ways to develop and maintain a supportive atmosphere for all members of the University community.

Recreation and Intercollegiate Athletics Committee has cognizance of all programs in recreation, intramural and club sports, and intercollegiate athletics; advises the athletic director on operations and recommends changes in policy when appropriate.

Safety and Security Committee considers and recommends the means to improve safety and security on the campus.

Student Affairs Committee has cognizance of the conditions and rules of undergraduate and graduate student life on campus.

Student Fulbright Awards Committee evaluates applications from graduating seniors and graduate students and makes recommendations to the Institute of International Education, which awards Fulbright grants on behalf of the State Department; all of its work is done, intensively, in October.

* Open to faculty only; one or more administrators serve as liaison to most. Faculty who wish to serve on the Research Committee or Committee on Open Expression should not use the form below, but forward names to the Faculty Senate Office at 15 College Hall/6303, tel. 898-6943; fax 898-0974; e-mail burdon@A1.quaker.

**Mail to: Committee on Committees, Office of the Secretary,
 133 S. 36th Street/3246; fax: 898-0103; e-mail: goodman@A1.quaker**

Committee(s) _____

Candidate _____

Title or Position _____

Campus Address _____

Please specify if you think that you are especially qualified for a particular committee.

Order and Opinion of the Court in the Mayor's Scholarship Suit

Following is the text of the Order issued by Judge Nelson A. Diaz on February 22, 1993, with his accompanying Opinion. The "new agreement" referred to on page 4 under Discussion was announced in Almanac October 27, 1992, and published in full in Almanac the following week along with the membership of the Mayor's Scholarship Committee. See also page 1 of this issue for statements related to the material below.—Ed.

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

ERIKA DRUMMOND, ET AL : OCTOBER TERM, 1991
:
V. :
:
THE TRUSTEES OF THE : NO. 3785
UNIVERSITY OF PENNSYLVANIA :

ORDER

AND NOW, this 22nd day of February, 1993 after hearing arguments and reviewing evidence herein and despite the University's failing to comply with the Ordinances it is hereby ORDERED AND DECREED that Plaintiffs Petition for an Injunction and Specific Relief is DENIED, since none of the plaintiffs have standing.

BY THE COURT:
NELSON A. DIAZ, J.

OPINION

DIAZ, J. FEBRUARY 22, 1993

The plaintiffs seek injunctive relief against the Trustees of the University of Pennsylvania (University) and the City of Philadelphia (City) alleging a violation of City Ordinances 832 and 834 claiming that the Mayor of the City of Philadelphia failed to award the prescribed number of Mayor's Scholarships to Philadelphia High School graduates and the University underfunded and failed to provide full tuition scholarships to students who did receive Mayor's Scholarships. (Philadelphia, PA., Ordinance of the City of Philadelphia, 832 & 834 (August 1, 1977).

FINDINGS OF FACT

1. The plaintiffs consist of thirteen individual plaintiffs, minors, who are represented by a parent or next friend and fourteen organizational plaintiffs.

2. The thirteen individual plaintiffs' cause of action is asserted on behalf of themselves and the class of similarly situated Philadelphia school children. (3d. Amended Complaint, paras. 5(a)-5(p).

3. The fourteen organizational plaintiffs including labor unions and community organizations, bring suit on behalf of their members and on behalf of themselves. (3d. Amended Complaint, paras. 5(r)-5(ae).

4. Defendant, The Trustees of the University of Pennsylvania is a not-for-profit educational institution incorporated under the laws of the Commonwealth of Pennsylvania.

5. Involuntary plaintiff and/or defendant, the City of Philadelphia, is a City of the First Class under Pennsylvania's Municipal Corporations Code and is governed under the Philadelphia Home Rule Charter of 1951, as amended.

6. Involuntary plaintiff and/or defendant, Edward G. Rendell is the Mayor of the City of Philadelphia, and is being sued individually and in his capacity as Chief Executive and Administrative Officer of the City.

7. Involuntary plaintiff and/or defendant, Andres Perez is the Commissioner of Public Property of the City of Philadelphia, and is being sued in his capacity as head of the Department of Public Property.

8. Involuntary plaintiff and/or defendant, David L. Cohen is Chief of Staff to the Mayor of the City of Philadelphia, and is being sued individually and in his capacity as a member and Chair of the Mayor's Scholarship Committee since February 26, 1992, and in his capacity as Chief of Staff and agent to Mayor Rendell.

9. The Agreement and Ordinances that are the subject of this litigation have their origins and history in two prior ordinances between the City and the University, which provide the intent of the parties.

10. In 1882 the City enacted an ordinance which authorized the convey-

ance of land to the University which provided that the University would: establish and forever maintain at least fifty (50) free scholarships, of an annual value of not less than seven thousand five hundred (\$7,500) dollars per annum, to be awarded under such conditions as may from time to time be deemed suitable to worthy and deserving students of the Public Schools of Philadelphia. (Exhibit U-D). (emphasis added).

11. These scholarships, in the 1882 Ordinance, became known as the Board of Education Scholarships and were awarded by the Board each year so that in any given year there were at least fifty (50) full tuition scholarship holders.

12. In 1882 the tuition at the University was \$150.00 so that the \$7,500 value placed on the scholarship award was the product of 50 times the tuition in 1882.

13. In 1910, another Ordinance was enacted which authorized the conveyance of additional land to the University in exchange for which the University would:

establish and forever maintain seventy five (75) free scholarships in any of the Departments of the University, to be awarded by the Mayor of the City to deserving students of all the schools of Philadelphia. (emphasis added).

14. The 1910 full tuition scholarships became known as the "Mayor's Scholarships" and were awarded each year to the four undergraduate classes at the University with approximately one quarter going to freshmen.

15. The land conveyed to the University in both the 1882 and 1910 Ordinances was subject to the restriction that if the University sought to alienate (mortgage) the land it would have to obtain the City's consent.

16. In 1931, 1950, and 1954, the City passed ordinances which gave the University permission to mortgage the land conveyed by the 1882 and 1910 Ordinances.

17. The City did not seek to increase the number of scholarships in the 1931, 1950, or 1954 Ordinances.

18. In 1977, the University again sought to mortgage the land conveyed by the 1882 and the 1910 Ordinances.

19. The City, therefore in 1977, entered into an agreement with the University whereby the University was obligated to provide "125", four year, full tuition scholarships to deserving students from all of the City Schools annually.

20. The City Council passed Ordinances 832 and 834 approving and memorializing this agreement for the ability to obtain the mortgage. This new obligation would be:

in lieu of the obligation to establish and maintain at least fifty free scholarships of an annual value of not less than seven thousand five hundred (\$7,500) dollars per annum imposed by Ordinance approved January 24, 1882, and in lieu of the obligation to establish and maintain seventy free scholarships in any of the departments of the University to be awarded by the Mayor of Philadelphia to deserving students of all of the schools of the City imposed by an Ordinance approved June 15, 1910....(emphasis added).

21. The parties intended to combine the benefits of the two prior Ordinances thereby increasing the number of scholarships awarded annually under the Mayor's Scholarship for the right to obtain money for the University through a mortgage.

22. The University has underfunded its obligation to provide "125", four year, full tuition scholarships. (N.T. 736-749, Cohen).

23. The University does not give full scholarships to all Mayor's Scholars but provides five hundred dollar scholarships and a financial aid package based on need which includes loans and work study. (Exh. P-68; N.T. 741, Cohen).

24. The Mayor awarded scholarships to non-Philadelphia high school graduates in violation of the City Solicitor's 1932 and 1954 Opinions. (N.T. 764-765, Cohen; Exh. P-105 & P-106).

25. The language of the Ordinances allows the Mayor to award 125 four year, full tuition scholarships to deserving students who are graduates from Philadelphia High Schools.

(continued next page)

CONCLUSIONS OF LAW

1. The total number of scholarships the University of Pennsylvania is obligated to provide in any given year to deserving students is one hundred and twenty-five (125), four year, full tuition scholarships selected by the Mayor from the pool of Philadelphia High School graduates.
2. The term "scholarship" means full tuition is provided or obtained by the University and does include loans. (N.T. 736-743, Cohen; N.T. 533-534, Orfield).
3. The term "deserving students" is to be interpreted by the Mayor or can be delegated to his Scholarship Committee. (N.T. 544-545, Orfield).
4. Mayor's Scholarships under the Ordinance may be awarded to graduates of Philadelphia High Schools only. (Exh. P-105 & P-106).
5. The plaintiffs do not have standing as third party beneficiaries.
6. The plaintiffs do not have standing as taxpayers.
7. The plaintiffs are not entitled to relief pursuant to an action in mandamus.
8. The new agreement between the City and the University is not valid.
9. Only the Mayor as a contractual party or a selected Mayor's Scholar who attended the University may bring an action to enforce this Ordinance.

DISCUSSION

The Ordinance is divided into two sections, the preamble and the enacting clauses. The preamble states:

WHEREAS, in consideration of the consent by the City of Philadelphia to the execution and delivery by the University of the aforesaid mortgage and the agreement by the City of Philadelphia to join in such mortgage, the University has agreed to increase the annual value of the scholarships awarded pursuant to the ordinances approved January 24, 1882, and June 15, 1910 by providing that a total of one hundred twenty-five (125) full tuition scholarships will be awarded by the Mayor of the City of Philadelphia to deserving students from all of the schools of Philadelphia; (emphasis added).

The enacting clause states the University is:

...to establish and forever maintain at least one hundred twenty-five, four year, full tuition scholarships, or their equivalent, in any of the Departments of the University, to be awarded annually by the Mayor of the City of Philadelphia to deserving students from all of the schools of the City... (emphasis added).

Ordinances are to be construed under the same rules that apply to the construction of statutes. *In re Neshaminy Auto Villa Ltd.*, 25 Pa. Commw. 129, 358 A2d.433 (1976). Pursuant to the Pennsylvania Statutory Construction Act "the object of all interpretation and construction of statutes is to ascertain and effectuate the intention of the General Assembly. Every statute shall be construed, if possible to give effect to all its provisions. When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit." 1 Pa. C.S.A. Sec. 1921 (a) (b). When reviewing the Ordinances to give effect to all its provisions it becomes apparent that the words of the ordinances are ambiguous and subject to more than one interpretation. Hence the interpretation of the Ordinance is now before this Court.

Pursuant to 1 Pa. C.S.A. Sec. 1921 (c) "when the words of a statute are not explicit" the intention may be ascertained by considering, the occasion and necessity for the statute, the circumstances under which it was enacted, the object to be attained, the former law, if any, including other statutes upon the same or similar subjects, the contemporaneous legislative history and legislative and administrative interpretations of such statute. The Ordinances plainly state that it was enacted to permit the University to mortgage the land previously granted in exchange for "125", four year, full tuition scholarships. The Ordinance also states that the scholarships under the 1977 agreement were "in lieu" of the scholarships in the 1882 and 1910 Ordinances. The full tuition scholarships awarded pursuant to the 1882 Ordinance were distributed each year by the Board of Education so that in any given year there were fifty full tuition scholarship holders. (Exh. P-139 & P-140). The 1882 Ordinance also specified a dollar amount which was equal to 50 times the full tuition in 1882, however, as tuition increased with the passage of time the Board and University did not limit themselves by the dollar amount but continued to grant full tuition scholarships based on the number specified and not the dollar amount. Pursuant to the 1910 Ordinance the "Mayor's Scholarships" were also awarded annually with approximately one quarter of the full tuition scholarships going to freshmen. (Exh. U-22).

In reviewing the legislative history, the University's Financial Vice President Harold Manley testified before City Council in 1977 that the University's obligation was to provide "125" scholarships. (Exh. P-147; Exh. U-7 at pp. 58). At trial Councilman Harry Jannotti, the Majority Leader, Finance Chairman and Vice-Chairman of the Rules Committee which held public hearings on the Ordinance, testified that he did not question the meaning of

the language "125" four year full tuition scholarships...to be awarded annually" because he assumed that it meant 125 scholarships would be awarded each year. (N.T. 395-397). He also testified at trial that he was unaware of the previous scholarship provisions in prior ordinances from which this new ordinance was derived. (N.T. 407-408, Jannotti; Exh. U-7 at pp. 57). Sheldon Albert, Esquire, the City Solicitor at the time the Ordinance was passed testified at trial that he authorized the legislation from his office and that the words "annually" and "equivalent" meant what they said but he conceded that the word "annually" does not appear in the same manner in the whereas clause. (N.T. 326-331, Albert). He also testified that he did not know the number of "Mayor's Scholarships" before 1977. (N.T. 337).

Although the aforementioned legislative history carries significant weight, this court is bound to give great deference to administrative interpretation. *Pennsylvania Liquor Control Board vs. Burrell Food System, Inc.*, 97 Pa. Commw. 101, 508 A.2d 1308 (1986). The interpretation of those responsible for executing a law is to be given great consideration. *Pontious v. Rippy* 139 Pa. Commw. 137, 589 A.2d 1188, appeal denied, 602 A.2d 863 (1991). This includes the opinions of the City Solicitor. 351 Pa. Code Sec. 4.4-400 (a) (c). The current City Solicitor issued the only written Opinion on this matter and found the University's obligation is to "establish and maintain 125 four year full tuition scholarships, or their equivalent, so that at any time there will be 125 Mayor's Scholars (or their equivalent) receiving full tuition under this program." (Exhibit U-9). At no time since 1977 did the City ever state that the University's obligation was anything other than what has been stated by the City Solicitor. The City believes that the obligation of the University under the Ordinance is to provide scholarships in an annual amount of 125 times tuition so that in any given year there would be 125 scholarship holders. Even in this interpretation the University has underfunded their obligation and provided less than 125 full tuition scholarships. Considering all the above stated factors this Court concludes that the obligation of the University is to provide 125 four year, full tuition scholarships or their equivalent so that at any given time there would be 125 Mayor's Scholarships or their equivalent. These scholarships are to be awarded annually by the Mayor or his delegatee to those he qualifies as deserving students.

The plaintiffs contested the way the University has interpreted the word "scholarship." "Numerous authorities have supported the view that scholarships are charitable in nature. 'Charity' or 'charitable purposes' includes but is not limited to the relief of poverty, the advancement of education, the advancement of religion, the promotion of health, governmental or municipal purposes, and other purposes the accomplishment of which is beneficial to the community." *In re Estate of Lena B. McClain*, 435 Pa. 498, 257 A.2d. 245 (1969). The University in its practice has included loans in what it considers part of scholarship awards. This practice is clearly a violation of the intent and aim of the Ordinance. In the "new agreement" between the University and the City both have agreed that such practices will not continue. (Exh. U-8). This can be taken as an admission that the term "scholarship" is a grant in aid, a full tuition paid education, and not a loan obligating the student to defer payment.

In addition to awarding loans instead of grants the University also instituted a practice awarding scholarships based on the University determined financial need of the applicant. This practice in effect created a circumstance where an applicant would be awarded a Mayor's Scholarship of five hundred dollars (\$500) and then be expected to make up the difference in tuition with loans, work-study, or out of pocket money. (N.T. 741, Cohen). The Mayor's Scholarship outside of this small stipend received no greater benefit from this Ordinance than any other student at the University (a sham in the name of a scholarship). As in *McClain*, the drafters of the original Ordinance viewed the Scholarships as "charitable" in nature. In both the 1882 and 1910 Ordinances the language "free scholarships" is unmistakable. The legislative history of the Ordinances was to increase the number of scholarships not to decrease their value. Therefore, it is a violation of the Ordinances to award an applicant a scholarship and then required the recipient to either pay out of pocket or take out loans to make up the difference in tuition or to grant the recipient a scholarship for only one year and then deny it for any time within the four year period. Thus any Mayor's Scholarship recipient, within the statute of limitations, who was awarded a loan instead of a grant in aid, or paid the cost of tuition out of pocket, or was awarded a Mayor's Scholarship for less than four years should be entitled to a full reimbursement of what he or she has expended for the payment of tuition.

The plaintiffs also allege that the term "deserving students" in the Ordinance means that the scholarships should only be awarded to minority students or students from needy families. However, the plaintiffs' own expert testified at the trial that the term "deserving" is not "self explanatory" and has no specific definition. (N.T. 544-545, Orfield). Hence the definition of the term should be interpreted by the Mayor or delegated to the Mayor's Scholarship Committee. A deserving student is anyone the Mayor finds to be "deserving" as long as that person is a Philadelphia High School graduate.

(continued next page)

There is also a dispute concerning the Philadelphia residency requirement as to whether the scholarships should be awarded to Philadelphia residents who do not attend Philadelphia schools. The language in the Ordinance "of all the schools of Philadelphia" cannot be disputed. Pursuant to Pontious the Opinions of the City Solicitors should be given great weight. Both the 1932 and 1952 opinions of City Solicitors predicated scholarship eligibility on attending a Philadelphia school. (Exh. P-105 & P-106). A more recent history of eligibility requirement show that attending a Philadelphia school was replaced with the requirement of Philadelphia residency thus eliminating the possibility of a non-Philadelphia resident receiving a scholarship. Based on the language of the Ordinance and the 1932 and 1952 Opinions of the City Solicitor (Exh. P-105 & P-106) this Court concludes that scholarship eligibility must be based on graduating from a Philadelphia High School whether public or private and not on Philadelphia residency. To award a Mayor's Scholarship to a graduate from a non-Philadelphia High School is in violation of the Ordinance. Therefore, any current Mayor's Scholar presently attending the University who did not graduate from a Philadelphia High School does not qualify for a Mayor's Scholarship under the Ordinance.

Exclusive authority is vested in the Mayor and officers appointed by the Mayor to enforce City ordinances and contracts. 53 P.S. Secs. 1.1-100 and 4.4.—400(d)(1991). Third party beneficiaries may only recover under government contracts where the terms of the contract provide for such liability otherwise they are considered incidental beneficiaries and not entitled to recover damages under the contract. Restatement (First) of Contracts Sec. 145 (1932); Restatement (Second) of Contracts Sec 313 & Comment (1981); Duncan-Lagnese and Assocs., Inc., v. Stanley Creek Valley Saven Authority, 303 Pa. Super. 236 Sec. 449 A.2d. 669 (1982) Murphy v. Villanova University, 547 F. Supp. 512 (E.D. Pa. (1982), *aff'd mem.*, 707 F.2nd. 1402 (3rd Cir 1983). Nguyen v. United States Catholic Conference 548 F. Supp. 133, (W.D. Pa. 1982), *aff'd*, 719 F.2d. 52 (3d. Cir. 1983). The plaintiffs in this action have proved no intent by the parties to create liability against the University in a third party. The plaintiffs are incidental beneficiaries to this government contract and have no standing as third party beneficiaries to bring suit against the University.

A taxpayer possesses standing to challenge a governmental activity by alleging a substantial, immediate and direct interest in the outcome of a suit; however, in cases where the interest is not substantial, immediate and direct the taxpayer may still possess standing if it can be shown that the governmental activity would otherwise go unchallenged. Consumer Party of Pennsylvania et al v. Commonwealth of Pennsylvania, 510 Pa. 158, 507 A.2d 323 (1986). Fadden v. The Philadelphia Housing Authority, 424 Pa. 273, 227, A.2d 619 (1967). The plaintiffs present themselves as having both a substantial, immediate and direct interest in this matter, or in the alternative, present themselves as having an indirect interest in the matter as taxpayers who are challenging a governmental action that would otherwise go unchallenged.

The core concept of standings is that the plaintiff be aggrieved and assert something more than the common interest of all citizens in procuring obedience to the law. A substantial interest before standing can be established requires that the interest be discernible to some interest other than that of all citizens. A direct interest requires the aggrieved to show a causal link of the harm to his or her interest. To have an immediate interest there must be a causal connection not simply a "remote consequence of judgment". William Penn Parking Garage v. City of Pittsburgh, 464 Pa. 168, 346 A.2d 269 (1975). Only the thirteen individual plaintiffs can have a substantial, direct and immediate interest in the outcome of the matter. Three of the thirteen actually applied to the University, two were granted admission and one was denied admission. Onyx Finney received a full tuition Mayor's Scholarship and is therefore not aggrieved. (N.T. 43-44, Finney; Plaintiffs' Findings of Fact 26(a)). Keith Laden also applied and was accepted, and brings suit because he did not receive a full tuition Mayor's Scholarship. As previously stated, the University's obligation is to provide a full tuition scholarship or its equivalent. Although Keith Laden was a recipient of both a Benjamin Franklin Scholarship and a Mayor's Scholarship he did not attend the University because another university offered a better financial aid package than his Mayor's Scholarship. In that he decided to attend another university he cannot be classified as an aggrieved party; i.e. had he attended the University without a full tuition scholarship he would have qualified for standing.

Alternatively, the plaintiffs argue that they have standing as taxpayers because the governmental action they are challenging would otherwise go unchallenged. Consumer Party of Pennsylvania supra p. 9 at 329. To have such standing plaintiffs must show:

1. the governmental action would otherwise go unchallenged;
2. those directly and immediately affected by the complained of expenditure are beneficially affected and not inclined to challenge the action;

3. judicial relief is appropriate;
4. redress through other channels is unavailable; and
5. no other persons are better suited to assert the claim.

Application of Biester, 487 Pa. 438, 409 A.2d 848 (1979). Each part of this test must be satisfied to grant taxpayer standing. This Court is most concerned with part (5) of this test in that the Court can conceive of persons who are better suited to assert this claim. To grant standing to one group of plaintiffs when there are others far more suited to bring that action violates all rules governing the issue of standing.

The plaintiffs joined the City Parties as Involuntary plaintiffs, co-plaintiffs, or defendants in their Amended Complaint after the University's Preliminary Objections were granted. They later amended their pleadings without objection to join the City Parties solely as defendants pursuant to Pa. R.C.P. 2227 which provides:

- (a) Persons having only a joint interest in the subject matter must be joined on the same side as the plaintiffs or defendants.
- (b) If a person who must be joined as a plaintiff refuses to join, he shall, in a proper case, be made a defendant or an involuntary plaintiff when the substantive law permits such involuntary joinder.

Thus, where the obligations of defendants under a contract are clearly joint, all the obligors must be joined as defendants". Ross v. Keitt, 10 Commw. Ct. 375, 308 A. 2d 906 (1973). Though in Ross the Court did not find the Commonwealth an indispensable party, in this matter when the same rules are applied the City definitely becomes an indispensable party. Under the terms of the Ordinance, the City (the Mayor or his delgatee) is responsible to select the Scholarship recipients pursuant to pre-stated guidelines; the University is responsible for providing the scholarships in accordance with the terms of the Ordinance; the City is then responsible for enforcing any violations of the Ordinance by the University. To carry out the mandate of the Ordinance it is necessary for the City and the University to form a symbiotic union. Thus, the City was clearly an indispensable party and was properly joined as a defendant pursuant to Pa. R.C.P. 2227.

Furthermore, the plaintiffs did not file their Complaint as an action in mandamus pursuant to 42 Pa. R.C.P. 1091 through 1100. Plaintiffs must establish a clear right to relief. Germantown Business Association v. City of Philadelphia, 111 Pa. Commw. 503, 434 A.2d 533 (1987). Plaintiffs cannot be granted relief which they did not seek and to which they did not establish a clear right to relief.

"The essentials of a novation are the displacement and extinction of a valid contract, the substitution for it of a valid new contract, either between the same parties or by the introduction of a new creditor or debtor, a sufficient legal consideration for the new contract and the consent of the parties." Yoder v. T.F. Scholes, Inc. 404 Pa. 242, 173 A.2d 120 (1961). The City and the University assert that they are now operating under a new agreement. Though the old agreement is valid and the parties have consented to this new agreement there has been no sufficient legal consideration for the new contract. The "new agreement" is therefore not valid and cannot be relied upon as a novation.

Finally, this case does not concern itself with political considerations, racial conflicts, or community struggles as the plaintiffs presented in voluminous testimony. The testimony of Herman Wrice is dispositive of attempts to increase the number of students from the surrounding neighborhood attending the University, the conflict that was caused by the University displacing over five hundred families in the West Philadelphia area and the community resentment created by the University's refusal to allow neighborhood children to use its facilities. (N.T. 257-280, Wrice). However, this case concerns the interpretation of City Ordinances which arose from an agreement between the Trustees of the University of Pennsylvania and the City of Philadelphia.

CONCLUSION

In conclusion though two plaintiffs came close to fitting the criteria as aggrieved parties, upon careful consideration neither party was found to have standing. While it is clear to this Court that the awarding of loans in place of grant in aid, full tuition scholarships, or the awarding of partial scholarships requiring the recipient to pay out of pocket the difference between the scholarship award and the cost of tuition, the awarding of scholarships for only a portion of a four year academic period, and the awarding of scholarships to graduates from schools other than Philadelphia High Schools are all clear violations of the Ordinances, this Court is unable to provide a remedy without a properly aggrieved plaintiff. This Court is left with no alternative but to find in favor of the Defendants, the Trustees of the University of Pennsylvania and the City of Philadelphia, et al and against the plaintiffs Erika Drummond, et al in their Petition for Injunction and Specific Relief.

BY THE COURT:
 signed _____
 NELSON A. DIAZ, J.

Speaking Out

Caution on Sanctions

A word of caution. The proposed sanction procedures (*Almanac Supplement* February 9) amount to a major reorganization of the University that removes the right of each school faculty to discipline itself and of each faculty member to be tried, on appeal, by the whole school faculty when faced with suspension or termination, as well as to appeal for a hearing by the Trustees. There is no provision at all for major sanctions against administrators who violate academic freedom or invade academic rights, of which there have been more serious cases in the last decade than serious cases of faculty misconduct.

I helped on an earlier draft of the proposed procedures, but have come to realize that something crucial is lacking and that the change need not be so drastic to be effective. The crucial lack: The faculty should insist that SCAFR can enforce its findings against Deans, Provosts, and Presidents for invasions of academic freedom and secure realistic redress and even, if need be, become complainant against them under the proposed sanctions procedures, even to seek major sanctions and removal, with the Chair of the Trustees replacing the President when a major academic officer is respondent, and with the Senate Executive Committee empowered to direct SCAFR to act as complainant when SEC deems an inquiry into sanctions against an administrator to be appropriate.

Without a means of redressing serious invasions of academic freedom, the proposed procedures strengthen the disciplinary hand of administrators at the expense of faculty self-discipline, while doing nothing to deter or redress outrageous administrative violations; in some such cases the Deans and Provost, of late, have presumed to judge their own cases, regarding SCAFR's findings as no more than an opinion, and, in each case, exonerating themselves and blaming someone else, and in no case correcting what SCAFR found to be wrong. I omit particular examples to avoid a distracting side-debate. Even if Deans, and the like, never transgressed, there should be a procedure to call them to account for invasions of academic freedom and failure to discharge academic responsibility, a procedure in which they cannot act as judges of their own conduct or intransigently refuse to rectify the harm done. Accountability to the faculty is as important as accountability of the faculty; in fact more so, because it is more of a problem.

It would be useful for the faculty to have a *parallel* draft of the unified procedures, one that while perhaps providing for a University-wide just cause panel [or at least school panels carefully supervised procedurally by SCAFR], also allows for the *present* system of appeals to one's school faculty and to the Trustees and does not allocate powers of the Trustees, or even more bizarrely, the power to increase the penalty recommended by the tribunal that hears the case, to the President, with or without the concurring Three Chairs. That provision has the sound of petty dictatorships to it. Thus the faculty could choose

between two well drafted systems, or could order a draft along the lines I have sketched.

In any case, the Faculty Senate at its annual meeting should vote, or order a mail vote, on whether the University faculties should lose their disciplinary independence and whether individuals should lose the present system of appeals to one's colleagues for a full trial in cases involving termination or suspension, with a further appeal to the Trustees—a system designed in the post-McCarthy era and distinctive of Penn's grasp that fashion is a great danger to justice. I think with some changes we can preserve the basic rights that now exist, avoid grotesquely increasing the power of the President, while adopting essentially the unified system that has been drafted. There is no reason to give up such important rights of the schools and the personal rights of faculty to be judged by all their colleagues. And we must have enforcement power in the faculty against academic violations by administrators. In fact, such enforcement is more urgently needed than the proposed procedures, because as I said, the record displays more egregious decanal irresponsibility and invasions of academic freedom than it does serious derelictions by the faculty in the last decade.

— James F. Ross
Professor of Philosophy

Critique of Proposed Procedures

In the February 9, 1993 issue of *Almanac* the "Proposed Procedures Governing Sanctions Taken Against Members of the Faculty" was published "for comment".

There are several aspects of this report which surprise and concern me: the apparent haste with which this is being pushed, increasing the power of the Provost and the President, and taking away control and procedures from the schools.

The apparent rush to get this done is difficult to understand. Timely processing is reasonable and important, however this is too important a question and too dramatic a change in policy and philosophy to be pushed through; it appears that some underlying undisclosed force is driving this haste.

The Provost's introductory statement, "There can be no more important undertaking than to articulate clear and understandable procedures that protect faculty rights while ensuring that those who do not live up to the standards of the University are dealt with in a fair and timely manner," is absolutely true. However, I don't think the plan assures either, and in fact it makes it less likely that faculty rights will be protected. The purpose of Committees of Academic Freedom and Responsibility (CAFRs) is to do what the Provost stated above. If the procedures are changed as suggested they will decrease the protection of the faculty because it gives the Provost and the President more power than they had before. The intent of CAFRs is to report and be responsible to the Faculty and the Trustees without control by any administrators. The concern was repeated in the letter to the Members of the Faculty Senate

from the Senate CAFR dated December 10, 1992, i.e., "Both SCAFR and the school committees are elected by the faculty and are responsible to the faculty alone. They cannot be appointed by the administration and can neither be nor appear to be an arm of the administration. This separation must be strictly maintained if the committees are to fulfill their intended function and retain their credibility."

My next concern is the taking away control and procedures from the schools. As I stated in *Almanac*, the previously raised suggestion that the faculty of a particular school may have such difficulties of judging a close professional acquaintance that it needs to be done by someone else. I do not think this is true. The committee is made up of duly elected members from the standing faculty and reflects a broad representation of the faculty most of whom probably would not "know" a faculty member who comes before them, however they should know conditions in the school which would help understand the facts around a case.

I am also surprised that the Task Force could come to their conclusions without interviewing members of past CAFRs—especially the ones that processed the case that everyone keeps specifying or alluding to. I think that the experience of previous CAFRs could point the way to improving their function. There are some small, easy-to-make changes that could markedly improve the processing of cases without giving away control in the schools and more power to administrators:

Clarification of issues of Confidentiality.

Clear and unambiguous regulations that can be understood by faculty members.

Clear sources of information and recommendations for when CAFR's should get legal counsel.

Clear information on the source of funding for legal counsel for CAFRs.

Clear short time limits for each part of the process.

Acceptance by Deans, Department Chairmen and Faculty that election to a CAFR is important, serious and a major priority for the people involved.

The term of service in a CAFR should be longer than one year and there should be overlap of terms of the different members. This is not presently the case for VCAFR; all the members have one year terms with no overlap.

If the Task Force does not take back the report and reconsider their recommendations, I hope that, at the least, the proposal will go to the standing faculty for a vote with a written ballot and I think the proposal should be voted down.

— Alan M. Klide, Associate Professor of
Veterinary Anesthesia and Chair, VCAFR

Response from Dr. R. E. Davies

Many changes have already been made in the "Proposed Procedures Governing Sanctions Taken Against Members of the Faculty" (*Almanac* February 9) based on comments from two meetings with the Senate Executive Committee and an open meeting of the

The Growing Roster Grows

Readers have suggested three more names for the roster of Penn people named president at other colleges and universities (*Almanac* February 23).

One is *Edward Jordan*, executive vice president of the University in 1981, who left to become president of the American College [of Life Underwriters] in Bryn Mawr, 1982-87.

Another is *Dr. Valerie Swain-Cade McCoullam*, who was interim president of Cheyney University in 1991-92. She was chosen for the permanent office, and initially accepted it, but later rejected the appointment and returned to Penn where she holds the posts of associate vice president for minority permanence, assistant provost, and assistant to the president.

The third is an alumnus, *Dr. Mordechai Rozansky*, who took his Ph.D. in history here in 1974. Now vice president for academic affairs at Wagner College, Staten Island, he takes office May 1 as president and vice chancellor of the University of Guelph, Ontario.

University Faculty. (This meeting was the third open meeting held since the initiation of efforts to modify the present Just Cause Procedures, starting November 1991.)

Dr. Klide's letter reiterates word for word much of the material that he has published already in *Almanac* January 26. His new letter, along with others that have been received, will be considered at a forthcoming meeting by the Task Force on the Revision of Just Cause and Other Personnel Procedures. In the meantime, I wish to clarify some misconceptions that he presents.

The Task Force, which is a successor to the Senate Ad Hoc Committee for a Speedier Just Cause Procedure, is by no means solely concerned with "the case that everyone keeps specifying or alluding to." The members of the Task Force have information concerning the 22 cases involving grievances and/or academic freedom in six different Schools of the University during the last 13 years. Their decision to propose a University Just Cause Panel, selected from past members of the School Committees on Academic Freedom and Responsibility, and from which University Tribunals would be chosen, was based on their knowledge and experiences. We believe that such University Tribunals would have access to the disposition of previous cases, would be freer from even the appearance of conflicts of interest and would be much more able to withstand possible pressures from individual Deans, other administrators, or faculty members.

We examined the procedures at Columbia, Cornell, Dartmouth, Duke, Harvard, Northwestern, Princeton, Stanford and Yale and decided to recommend, also, the involvement in the process and the final decision of the President, the Provost, and the three Chairs of Senate, rather than the Trustees. However, the Senate and School Committees on Academic Freedom and Responsibility still retain the power, under Article 10 of the Statutes of the Trustees, to "make investigations, reports, and recommendations on any matter relating to academic freedom and responsibility . . .".

Dr. Klide is "surprised that the Task Force could come to their conclusion without consulting members of past CAFR's . . .". In fact, over a year ago I wrote to the Chairs of the Committees on Academic Freedom and Responsibility of every School concerning their experiences over the last five years, and found that most of these School Committees have no records about previous cases even in their own Schools. I have also served on the Veterinary School Committee on Academic Freedom and Responsibility, and have talked

to, or received letters from, six of the most recent Chairs of that Committee. I really believe that members of the Task Force know how that Committee works and to what pressures it can be exposed.

Many of the suggestions in these letters concerning School Committees on Academic Freedom and Responsibility are matters that can be dealt with directly by the Schools and their Faculties. I hope that they will attend to them.

— Robert E. Davies, Chair, Task Force on the Revision of Just Cause and Other Personnel Procedures

'Senseless' Crime Lists

My respect and admiration for *Almanac* are of long standing. However, I have one objection:

Publishing a long list of specific criminal offenses as reported by the police (a) is fear provoking; (b) is unrelated to prevention or deterrence of crime; (c) increases insensitivity to crime and its real effects on victims; (d) does not promote good relations between the community and the police.

I am a social scientist, a firm adherent of the First Amendment, an analyst of society, a criminologist. I bring that background and my years of experience here and abroad to denounce the senseless blatancy of broadcasting the individual instances of crime by date, time and address. From my point of view, such publication serves no purpose not already known. Moreover, many trivial acts are listed along with serious acts.

What about listing fires by address, date, time, property and lives lost? What about automobile accidents by street address, time, date, etc.? There are many other pathologies that could be published but, without a proper analysis, such listings are meaningless.

— Marvin E. Wolfgang
Professor of Criminology

Re: Responses to Dr. Wolfgang

Almanac sent this letter to Commissioner John Kuprevich as head of the Division of Public Safety (which prepares the weekly summary of crimes reported on campus and forwards the 18th District's report on crimes against persons), who will reply in a future issue; and to Dr. Adelaide Delluva as chair of the Council Committee on Safety and Security, who responded that effective public reporting on crime and safety is an ongoing concern of the committee, and that Dr. Wolfgang will be "most welcome to meet with us for more detailed discussion."

Update

MARCH AT PENN

CHILDREN'S ACTIVITIES

20 *Saturday Morning Classes in Fencing, Swimming and Gymnastics*; register by March 18 at Gimbel Gym; 5 weeks cost \$50. Age requirements: gymnastics 5-12, swimming 5-15, fencing 8-13. Info: Ext. 8-6102 (Recreation).

FILMS

Neighborhood Film/Video Project

Screenings at International House; tickets \$6/adults, \$5/students, International House members, & seniors. Discount ticket available for five screenings for \$20.

3 *The Philadelphia Project*; presenting 14 new audio works by Philadelphia artists; 7:30 p.m.

4 *Pride and Joy: The Story of Alligator Records*; features performances from Alligator Record's 20th Anniversary Tour; 7 p.m.

5 *Manufacturing Consent: Noam Chomsky and the Media*; 7 p.m. Also March 6 and 13 at 2 p.m., 5 p.m., and 8 p.m. & March 7, 9, and 11 at 7 p.m.

7 *Motherless*; documentary that weaves together testimonies of four people who have lost their mothers to illegal abortions; 4 p.m.

10 *Heroes and Healers*; screened as part of *Short Films from Latin America*; 7:30 p.m.

12 *Masculine/Feminine*; screened as part of *Short Films from Latin America*; 6 p.m. Also March 28 at 6 p.m.

The Politics of Hyphenation: Latino Gay and Lesbian Independent Media; 8 p.m.

FITNESS/LEARNING

7 *Distributing Independent Film and Video*; Katherine Kline covers pros and cons; 1-5 p.m.; International House. Fee: \$30/PIFVA members, \$40/non-members, \$25/students with ID (Neighborhood and Film/Video Project).

MEETING

3 *Life Preservers*; an exposé on Planned Parenthood followed by discussion; 12:30-1:30 p.m.; T.V. Room, Newman Center, 3720 Chestnut. Bring lunch (Life Preservers).

TALKS

4 *Lessing's Miss Sara Sampson: The Mother Within and the Father Without*; Susan Gustafson, University of Rochester; 8:15 p.m.; 3905 Spruce (Germanic Languages and Literatures, Germanic Association).

10 *Abortion: The View from Japan*; William R. LaFleur, author of *Liquid Life: Abortion and Buddhism in Japan*; 4 p.m.; FPRI Library, 3615 Chestnut. Free for members, \$5 others (Foreign Policy Research Institute).

16 *Bilingualism and Bilingual Education in Britain*; Colin Baker, University of North Wales; 4:30 p.m.; Room 214, College Hall (Graduate School of Education, Language in Education).

17 *Science Policy in a Time of Transition*; D. Allan Bromley, science advisor to former President Bush, Yale; 4 p.m.; Auditorium A1, DRL (Physics, Natural Sciences Association).

Human Hepatocarcinogenesis; Daniela Simon, research associate, Wistar; 4 p.m.; Joseph Grossman Auditorium, Wistar (Wistar).

(Update continues next page)

The University of Pennsylvania Police Department Community Crime Report

This summary is prepared by the Division of Public Safety and includes all criminal incidents reported and made known to the University police department between the dates of February 22, 1993 and February 28, 1993. The University Police actively patrol from Market Street to Baltimore Avenue, and from the Schuylkill River to 43rd Street in conjunction with the Philadelphia Police. In this effort to provide you with a thorough and accurate report on public safety concerns, we hope that your increased awareness will lessen the opportunity for crime. For any concerns or suggestions regarding this report, please call the Division of Public Safety at Ext. 8-4482.

Crimes Against Persons

34th to 38th/Market to Civic Center: Robberies (& attempts)—2, Threats & harassment—7
 02/22/93 10:29 AM Steinberg/Dietrich Harassing calls at home and office
 02/22/93 11:35 AM 3537 Locust Walk Harassing material sent through mail
 02/22/93 1:58 PM Houston Hall Harassing materials received in mail
 02/24/93 1:13 AM English House Complainant received unwanted recordings
 02/24/93 2:48 AM Grad B Tower Unwanted message left on answering machine
 02/27/93 2:02 AM 3400 Block Walnut Male attempted to take money
 02/27/93 3:21 PM E. F. Smith Dorm Harassing phone calls received
 02/27/93 7:13 PM 3700 Block Sansom Complainant approached by male w/knife
 02/27/93 9:49 PM Graduate Dorm Obscene calls received
38th to 41st/Market to Baltimore: Simple assaults—1, Threats & harassment—4
 02/22/93 11:36 PM Hamilton Court Dispute between roommates
 02/24/93 8:13 PM Harnwell House Complainant harassed and threatened
 02/26/93 3:55 AM High Rise North Residents received unwanted calls
 02/26/93 3:17 PM Harnwell House Obscene calls received
 02/28/93 12:13 AM 39th & Walnut Person threw bottles at complainant
41st to 43rd/Market to Baltimore: Threats & harassment—1
 02/25/93 12:10 AM 4111 Locust St. Unwanted calls received from former friend
30th to 34th/Market to University: Robberies (& attempts)—1
 02/23/93 2:08 AM Smith Walk Complainant robbed by male w/gun
Outside 30th - 43rd/Market to Baltimore: Robberies (& attempts)—1
 02/28/93 11:34 PM 2nd & South St. Purse snatched by two unknown males

Crimes Against Property

34th to 38th/Market to Civic Center: Burglaries (& attempts)—3, Total thefts (& attempts)—11, Thefts from autos—1, Thefts of Bicycles & parts—2, Trespassing & loitering—1
 02/22/93 6:57 AM Blockley Hall Offices entered/nothing taken
 02/22/93 9:23 AM Lauder/Fischer Male apprehended taking fax machine
 02/22/93 10:02 AM Blockley Hall Back rest taken from office
 02/22/93 11:11 AM Stemmler Hall Articles taken from two rooms
 02/22/93 1:03 PM Vance Hall Wallet from backpack/returned
 02/23/93 2:17 PM Houston Hall Backpack taken while dining
 02/24/93 2:05 AM 3604 Chestnut St. Male fled store with merchandise
 02/24/93 5:41 PM Vance Hall Unauthorized male in computer room/arrest
 02/24/93 5:47 PM Lot # 19 Vehicle window broken/car radio taken
 02/24/93 6:28 PM Gimbel Gym Secured bike taken from rack
 02/25/93 1:42 PM Stemmler Hall Assorted tools taken from 6th floor area
 02/25/93 2:53 PM Phi Gamma Delta Bike taken from basement
 02/25/93 10:53 PM International House Wallet taken from unsecured room
 02/26/93 5:03 PM Gimbel Gym Wallet taken from unattended backpack
 02/26/93 7:19 PM Gimbel Gym Wallet taken from unattended backpack
38th to 41st/Market to Baltimore: Burglaries (& attempts)—3, Total thefts (& attempts)—9, Thefts from autos—4, thefts of bicycles & parts—1, Criminal mischief & vandalism—1
 02/22/93 1:21 PM Sigma Alpha Mu Coat taken from room during party
 02/22/93 3:50 PM Alpha Epsilon Pi Unattended coat taken while at party
 02/23/93 9:49 PM 3932 Spruce St. Residence entered/property taken
 02/25/93 8:14 PM Alpha Epsilon Pi Car radio taken from vehicle
 02/26/93 5:50 PM 120 S. 41st St. Items taken from vehicle
 02/26/93 8:51 PM 3916 Pine St. Window forced open/items taken
 02/27/93 10:34 AM 4000 Block Pine Window broken to auto/suitcase taken
 02/27/93 2:17 PM Sigma Chi Unattended jacket taken
 02/27/93 10:34 PM Lot # 4 Radio taken from jeep
 02/28/93 12:19 PM Sigma Chi Jacket taken from coat room
 02/28/93 4:00 PM 4036 Spruce St. Items taken from residence
 02/28/93 7:20 PM 4052 Spruce St. Secured bike taken from porch railing
 02/28/93 10:16 PM Harrison House Door lock to room tampered with
41 St. to 43rd/Market to Baltimore: Burglaries (& attempts)—1, Criminal Mischief & Vandalism—1
 2/27/93 12:49 PM 4200 Block Spruce Winshell smashed with cinder block
 02/28/93 12:51 AM 113 South 42 St. Two leather jackets taken from residence
30th to 34th/Market to University: Total thefts (& attempts)—8, Thefts of auto (& attempts)—1, Thefts of bicycles & parts—3
 02/22/93 5:50 PM Lot # 33 Vehicle taken from lot
 02/22/93 7:53 PM Towne Bldg Secured bike taken from rack
 02/24/93 12:28 AM Towne Bldg Secured mountain bike taken
 02/24/93 6:53 PM Chemistry Bldg Wallet lost/credit card used
 02/25/93 12:44 AM Towne Bldg Secured bike taken from rack
 02/25/93 11:40 AM LRSM Wallet removed from room
 02/25/93 4:39 PM Hutchinson Gym Knapsack taken from basement
 02/27/93 11:49 AM Hutchinson Gym Items removed from office
Outside 30th to 43rd/Market to Baltimore: Burglaries (& attempts)—3, Total thefts (& attempts)—2, Thefts of bicycles & parts—1, Forgery & fraud—1
 02/24/93 5:08 PM Sears catalog Credit cards used without authorization
 02/25/93 9:12 AM 500 S. 47th St. Secured bike taken
 02/25/93 7:44 PM 513 S. 42nd St. Window forced open/items taken
 02/27/93 12:35 AM 513 S. 41 St. Side door entered/items taken
 02/27/93 6:26 PM 34th Lancaster Money taken from complainant's hand/returned
 02/28/93 12:36 PM 4036 Spruce St. Two bikes taken from residence

Crimes Against Society

38th to 41st/Market to Baltimore: Disorderly conduct—1, Alcohol & drug offenses—1
 02/23/93 1:02 PM 40th & Walnut Fight on highway/one arrest
 02/23/93 4:59 PM 200 Block 40th Males with vials/2 arrests

The 18th District reported for February 15-21 a total of 8 incidents including 5 robberies and 3 aggravated assaults resulting in 3 arrests. Details in Almanac March 16 (no issue March 9)

Reminder: PennNet Shutdown

From noon Friday, March 5, through 7 a.m. Monday, March 8, there will be partial or full interruption of PennNet services. Details of the shutdown for contamination clean-up are in Almanac February 23, p. 2.

Update *(continued from page 7)*

18 *Richard Wagner und Sein Ring des Ni-be-lungen*; Peter Wapneski, Berlin; 8:15 p.m.; 3905 Spruce (Germanic Languages and Literatures, Germanic Association).

Corrections: In March at Penn under *Exhibits*, the cost was listed incorrectly for the ICA's *About Architecture: An Installation by Venturi, Scott Brown and Associates*. It is \$3; \$1 students, artists and senior citizens; free to ICA members, children under 12, Penn students, faculty and staff.

In the February 9 issue, the date for one of the Individual TIAA-CREF Counseling Sessions was incorrect. The correct date for April is *April 20*.

Investigator Training Seminar

The Institutional Animal Care and Use Committee (IACUC) Investigator Training Seminar will be held *Monday, March 22* from 3:30-5 p.m. in Alumni Hall, HUP. No registration is required and no supplies needed.

Free Prostate Cancer Screenings

During the first three weeks of March, the University of Pennsylvania Cancer Center will be conducting free prostate cancer screenings for Penn employees and their families. To make an appointment, call 1-800-777-8176.

Alice Paul Summer Research Awards

The Alice Paul Research Center announces that the Trustees' Council of Penn Women is offering two summer faculty stipends of \$3,000 each. The awards will be given to members of the standing faculty whose research directly affects women and to female members of the standing faculty. While preference will be given to those in the early stages of their career, consideration will be given to applicants at all stages.

Those interested in applying should submit a one to two page summary of the research they wish to undertake, an explanation of how the stipend will facilitate the research, a curriculum vitae and the name of a University reference. The summary should be sent to Dr. Demie Kurz, co-director, Alice Paul Research Center, Suite 590, 3440 Market Street/3325 no later than *March 22*.



Almanac

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