COUNCIL

Judiciary: The first of Council's three discussions on changing the student judiciary system led to a tentative consensus for mixed faculty-student panels in nonserious cases. Discussion continues in March and concludes in April.

Calendar: The SCUE proposal to add a two-day break in October raised the issue of eliminating one fall class day or one examination day, but SCUE leaders said the calendar was only a feasibility model, not a calendar proposed for adoption.

More on calendar discussion and on the judiciary item next week, along with results of a written ballot on options for ways to place items before Council.

IN BRIEF

Ivy Masters Conference: Penn's College House System will be host to the Ivy League's first conference of Faculty Masters from residential colleges and houses of Yale, Harvard and Princeton, on February 18-19. Although the major purpose of the conference will be to introduce to one another the eminent scholars who hold masterships at the four schools, they will also discuss a small number of timely issues relevant to what President Hackney calls "the informal curriculum" in College House settings: academic advising, nonresident faculty involvement and engineering curricular links between academic departments and the college house community.

More Goode News: Philadelphia Mayor W. Wilson Goode, WG '68, will be featured as a special guest performer in one performance of the Ninth Annual Wharton Follies, a musical comedy spoofing business schools and big business. MTV's rock music videos, the hit movie "War Games," and the AT&T divestiture case. The Mayor's February 17 performing night is sold out, but see page 8 for other performance dates and times.

A.T.O.: Moving Out by February 29

The Tau Chapter of A.T.O. should be suspended immediately and the house closed promptly. The house shall remain closed until the termination of this suspension. The suspension shall be effective until September, 1984, and no individual who was a member or pledge of the chapter in February, 1983, shall serve as an officer of the chapter. Effective immediately and continuing until the termination of the suspension there shall be no rushing and no pledging by A.T.O.

Thus read the sanctions in Professor A. Leo Levin's final decision on Alpha Tau Omega, given full text on pages 4-6. After tracing procedural history, Professor Levin discusses "Sanctionable Conduct" and "Procedural Standards" in a university vs.-vs. criminal and civil law. In a section on "Major Findings" he calls the A.T.O. "train" of last February 17-18 "a classic case for collective responsibility." Later, in discussing his choice of sanctions, he adds that "... nowhere in the record is there an unequivocal statement that today the fraternity considers such an event improper. ... Under the circumstances, no penalty less severe than suspension can be adequate." In a letter prefacing the Levin decision (page 3), President Sheldon Hackney and Provost Thomas Ehrlich express disappointment with a "lesser sanction" than the University's earlier (overturned) withdrawal-of-recognition. By week's end, the 13 A.T.O. members living in the University-owned house were making arrangements to move, with off-campus housing the preference; their attorney George Schoener said they will request permission to do painting and maintenance over the summer under University supervision. The Penn Women's Alliance announced a "sober demonstration" of songs and poetry readings at "Covenant," opposite the house at 39th and Locust, for February 17—a year after the Pub Night party that started it all.

Passano Prize to Dr. Nowell

Dr. Peter C. Nowell, professor of pathology and associate director of the Cancer Center at the School of Medicine, has been named recipient of the 1984 Passano Foundation Award for his original contributions to medical science. The tax-free $25,000 award honors his discovery, with Dr. David Hungerford, of the first characteristic and consistent chromosomal abnormality in cancer cells—known as the Philadelphia chromosome—that is observed in chronic myelogenous leukemia. Discovery of the Philadelphia chromosome is described as profoundly influencing subsequent work on the genetics of cancer, and providing insight into the basic nature of malignancy.

Since 1945, the Passano foundation has singled out each year one person for outstanding contributions to the advancement of medical science, particularly those having clinical applications. The citation notes Dr. Nowell's other original contributions to medical science. He was among the first to demonstrate the successful transplantation of bone marrow between different species. He also discovered that a sugar-containing plant protein (phytohemagglutinin) would stimulate human white blood cells (lymphocytes) to divide in tissue culture. This provided a valuable technique for many studies of the immune system and the regulation of normal growth of cells.

Succession in the Ombudsman's Office

President Sheldon Hackney has announced a search for a successor to Professor John C. Keene, University Ombudsman, whose term expires June 30, 1984.

"Professor Keene has done an exceptional job in his six-year tenure in this position," the President said. "He not only has been an effective and sensitive mediator of complaints, but he has improved the University judicial system, most recently chairing the Presidential Commission on Judicial Procedures. Professor Keene has declined to continue in this role as he wishes to devote more time and attention to his research and teaching."

"The Ombudsman often plays a significant part in resolving conflicts that may develop among members of the University community."

President Hackney invites nominations and applications of tenured faculty members, to be submitted to him no later than March 15, 1984; they should be sent to: Sheldon Hackney, 115 College Hall/CO.

An outline of job responsibilities for the Ombudsman's position can be found on page sixteen (16) in the University's Handbook for Faculty and Academic Administrators (1983); copies of which should be available in departmental offices and Van Pelt Library. Any questions should be addressed to Denise R. McGregor (Ext. 7221) in the President's Office.
administration on the ground that it hadn't held a full-blown hearing, the kind defendants get in a courtroom. Then she appointed A. Leo Levin, a law professor, as hearing officer.

You might well have a common thread here. Lawyers do their thing, but it's not necessarily the thing that should be done. It's the thing that comes out of their process. That may not be justice.

There is no doubt that the administration's description of Professor Levin as someone "of unquestioned integrity in the Penn community" is a correct one. And he did, as the administration said, take on a very difficult role.

But somewhere along the line, everyone seems to have missed the point. No one ever brought criminal rape charges against the young louts in large part because the victim would have been an unconvincing witness, given her wouziness about the assault. However, the whole case seems to have been dealt with on that basis—if criminal rape can't be proven, then no real punishment can be meted out.

That's absolute hogwash. Penn should have the right to control what goes on on its campus, and what went on in the ATO house that night on February 1983 is horrendous conduct anywhere, a vast misuse of power, a violation of which the victim would have been an unconvincing witness, given her wouziness about the assault. However, the whole case seems to have been dealt with on that basis—if criminal rape can't be proven, then no real punishment can be meted out.

Then he split the difference: ATO wanted no punishment. Penn wanted at least a year's suspension. Professor Levin himself described the incident as "degrading" and "indescribably beyond the bounds of decency." If all this was not realized was that the victim would have been an unconvincing witness, given her wouziness about the assault. However, the whole case seems to have been dealt with on that basis—if criminal rape can't be proven, then no real punishment can be meted out.

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An attorney for the fraternity pronounced their convictions vindicated. They are nothing of the kind. So he decided on most of a semester, with lesser sanctions against the individual.

Individuals. What apparently was not realized was that the victim would have been an unconvincing witness, given her wouziness about the assault. However, the whole case seems to have been dealt with on that basis—if criminal rape can't be proven, then no real punishment can be meted out.

An attorney for the fraternity pronounced their convictions vindicated. They are nothing of the kind. So he decided on most of a semester, with lesser sanctions against the individual.

As you might expect, the university would have done a better job of educating them to be citizens (and men) with its public and palpable punishment than all the collected wisdom of all those lawyers managed to do with a wrist slap. It's hardly justice. Penn's proposed punishment putatively beyond the bounds of decency, a few months. If all this was not realized was that the victim would have been an unconvincing witness, given her wouziness about the assault. However, the whole case seems to have been dealt with on that basis—if criminal rape can't be proven, then no real punishment can be meted out.

Continuing Tragedy

It remains a continuing tragedy that time and time again men, alone or in gangs, can rape women under circumstances where her protests go unheeded and the man-made legal mechanisms protect the rapists from effective retribution, partly because of the damage these rapists do to the psyche of their victim.

Robert K. Devon, Benjamin Franklin Professor of Molecular Biology and University Professor

Three Points on ATO Report

In response to Michael Cohen's recent letter on the handling of the ATO incident, I wish to make three points.

First, the charge of the Senate review committee, of which I was a member, was to examine the procedures followed and action taken by the Administration in the cases against individual respondents. Since the action against the fraternity was under litigation, it was understood by all concerned that it would be inappropriate for us to comment on it. I welcome the opportunity to do so now as an individual.

Judge Forer's point, as I understand it, was not that the University failed to follow its established procedures, but that those procedures did not provide adequate assurance of a fair outcome. In such a situation, it appears that the University has not only the right but the duty to change its procedures. The Senate committee applied somewhat similar logic with respect to the procedures against individual respondents. We felt strongly that established procedures did not provide adequate assurance of a fair outcome under the circumstances, and we found little disagreement on this point from the administrative officers who were closely involved. On precisely this basis we questioned the decision to follow these procedures. Here, of course, the problem is bias in favor of the respondent. The concern is with justice for the complainant. Clearly there are differences of opinion as to what weight, if any, should be given to this concern. The criminal courts give little protection to the interests of the victim, but within the University community I hope and believe that pressure may be applied. Mostly surely when the charge is rape, the victim has some substantial interest in a just resolution.

This brings me to my third point. I continue to be amazed at how little awareness there is of the impact on the complainant of the University's choice of a procedure that precluded severe sanctions. The secrecy of the sanctions actually imposed compounded the harm. Sanctions consisting of community service and tasks with an educational purpose might perhaps be appropriate if the judgment were made that the complainant was in fact reasonably full command of her faculties at the time of the incident and consented to everything that happened. Under any other assumption, such sanctions are clearly inadequate. It is hardly conceivable that such a conclusion would be made on the basis of the available evidence.

My understanding is that the decision to opt for a negotiated settlement was based instead on the inadequacy of the hearing procedures to deal with cases of this kind and the presumed (but unconfirmed) unavailability of the complainant to assist in the preparation of the case and to testify. What apparently was not realized was that the choice of a procedure that precluded severe sanctions might carry the implication to many minds that the University had indeed made a judgment that the culpability of the respondents was minimal. Such an implication makes further cruel damage upon the complainant.

-Alan C. Crockett, Professor of Finance

Ed. Note: Dr. Cohen's letter appeared in Speaking Out January 24. I regret to inform you that it was mistakenly cited last week.

RESPONSE: Professor Cohen's letter below responds both to Professor Crockett's (above) and to the February 7 Speaking Out letter by Dr. Abraham Edel.

Home to Roost?

Professor Levin's decision and opinion have, I hope, settled the ATO issue. The questions which I raised regarding the Faculty Senate's response to this issue are, nevertheless, serious. If we want the faculty to have significant (Continued on next page)
ATO: Final Decision

February 8, 1984

To the University Community:

The immediate issue of the future of the ATO fraternity on the Penn campus is concluded. Professor Levin has decided that conduct of fraternity members violated the Recognition Policy of the University. That conduct, in the words of Professor Levin, "creates a negative environment, precisely contrary to the undertaking in the Fraternity's contract with the host educational institution." We are pleased that Professor Levin concluded "the University moved with alacrity, devoted substantial resources to the effort to discipline A.T.O., and had reason to believe that everything it did was in conformity with all that the law required." That is precisely what we believed and still believe, and we appreciate that acknowledgment from one so experienced in the University's processes on the one hand and the legal system on the other.

Nonetheless, we are disappointed with the sanction by Professor Levin. We urged that recognition of the Fraternity be completely withdrawn. That was our initial decision in the matter. Under this penalty, the Fraternity would have been thrown off the campus unless and until it could show that it could meet the criteria set forth in the Recognition Policy.

Professor Levin decided to impose a lesser sanction, and we will abide by that decision. Of utmost importance, the matter was resolved by one of unquestioned integrity within the Penn community. We are grateful to Professor Levin for taking on this difficult matter, and to the Committee on Consultation whose advice was particularly helpful.

Our deep concern for the woman involved in this matter remains, as does our undertaking to continue to help her.

Two clusters of longer-term concerns remain. The first relates to prevention—measures to minimize the risk of future incidents of a similar sort. We have initiated a series of steps to that end, including the Task Force on Conduct and Misconduct. We particularly believe that increased adult involvement in the activities and operations of fraternities and sororities is needed, and we will press for approximate arrangements to that end, in consultation with the various groups involved. Continued discussion and review are also needed on how best to ensure the kind of campus environment in which respect for each individual pervades the attitudes and actions of all.

The second set of longer-term issues relates to remedial steps in the event that misdeeds occur. We have urged for more than a year—since well before the A.T.O. matter began—that major revisions of the student judicial procedures are required. We have proposed specific new procedures. We will continue to press for their adoption.

Above all, the need now is to work together to enhance the Penn campus as a community of women and men who respect each other's rights and take responsibility for protecting those rights.

-Seldon Hackney

-Thomas Ehrlich
DECISION AND OPINION OF THE HEARING EXAMINER

The long and tortuous history of this dispute between the University of Pennsylvania and the Tau Chapter of Alpha Tau Omega (A.T.O.) had its genesis one year ago this month in events that occurred at Pub Night, a party held at the A.T.O. house on February 17 and 18, 1983. One of the undergraduates present was a young woman, who, by agreement, is referred to throughout as Complainant and is not otherwise identified of record. Beginning on February 20, 1983, Complainant appeared before the University’s Office of Public Safety, its Judicial Inquiry Officer, and the Philadelphia District Attorney, in each instance describing offenses allegedly committed by various brothers of A.T.O.

The charge was gang rape.

All complaints lodged against individuals have been resolved; none is before us. The present proceeding is against the fraternity; its primary focus, although clearly not its exclusive concern, is the Pub Night of February 17-18, 1983.

I. The Procedural History

The procedural history of this case is quickly sketched. The University filed charges against the fraternity and a hearing was held on March 23, 1983, before the Fraternity/Sorority Advisory Board. The recommendation of this body was that A.T.O. be suspended. George Koval, then serving as Acting Vice Provost for University Life, ordered this disciplinary order. The Philadelphia District Attorney, in each instance describing offenses allegedly committed by various brothers of A.T.O.

The third document is the opinion of Judge Forer, filed on December 13, restating the terms of the November Order, reviewing the governing law and applying its provisions to the instant case. Again, the court retained jurisdiction.

The Third document is the opinion of Judge Forer, filed on December 13, restating the terms of the November Order, reviewing the governing law and applying its provisions to the instant case. Again, the court retained jurisdiction.

In conformity with the procedures laid down by Judge Forer, on December 9, 1983, Rebecca H. Reuling, Director of Fraternity and Sorority Affairs of the University, brought charges against A.T.O. Hearings on these charges, presided over by the undersigned, were held on December 18, December 20, December 21, 1983, and on January 2, 1984. George F. Schoener, Jr., Esquire, represented the fraternity and Dorothy A. Malloy, Esquire, represented the University at these hearings and in numerous conferences (both face to face and by telephone), preceding, during and following the hearings. Their consistently helpful cooperation throughout, including the preparation of a number of detailed, written submissions, is acknowledged with genuine appreciation.

Subsequently, on February 3, 1984, the parties entered into a stipulation that provided inter alia that the decision of the hearing examiner and the sanctions recommended by him, if any, be binding without further review within the University or in court.

II. General Considerations

A. Sanctionable Conduct

It is fundamentally wrong to begin with the premise that the criminal law defines the boundaries of permissible conduct within a fraternity or sorority. The term “educational development,” used in the Recognition Policy, is admittedly imprecise and no doubt means different things to different people. However, this is the term chosen by the parties — the University, and its fraternities and sororities. Equally imprecise is the term “impropriety,” which is to be found in the Code of Conduct and thus incorporated by reference into the Recognition Policy. At the least, however, these terms point to the relevance of an intellectual and social climate that is a major aspect of education at a University such as Pennsylvania. Where terms are imprecise, care must be taken not to proscribe retroactively conduct which might reasonably have been thought not to offend. However, this does not mean that no non-criminal conduct, no matter how egregiously offensive, can be held improper or that such conduct cannot subject a fraternity to sanctions. The University need not prepare and publish a catalogue of proscribed conduct before it can fault a fraternity for permitting and encouraging activities indisputably beyond the boundaries of decency, and clearly inimical to a healthy experience on campus of the students directly involved and of their peers.
We apply those principles to the facts of this case. This tribunal cannot subscribe to the proposition that so long as a woman is not paid—which would concededly involve prostitution—there are no limits to what sexual conduct, and with how many, may be the subject of condemnation unless and until the University has amended its governing code to specify what is prohibited.

### B. Procedural Standards

Judge Forer’s opinion succinctly describes the prevailing standard in the following terms:

“A university in undertaking internal discipline of students and student bodies is not held to the procedural standards of either criminal prosecutions or civil litigation. A university has broad discretion in interpreting and enforcing a contract between itself and its students.”

Our concern in the hearings and in the review of the record is not with the niceties of evidence law or the nuances of proof required to support the imposition of criminal sanctions. We find nothing in Judge Forer’s opinion, and nothing in logic or experience, to suggest that the contract between the University and its fraternities requires that the entire body of the law of hearsay, its technicalities, its exceptions, its warts and its blemishes, be incorporated into University disciplinary proceedings. However, as Judge Forer’s opinion also makes clear, the contract between the University and its fraternities does require adherence to rules of fundamental fairness in the conduct of disciplinary proceedings. And a rational assessment of the probative weight of any evidence—including hearsay—is a fundament of fairness. A hearing examiner is not free to credit proffered hearsay as though it were established fact simply because the statements were made.

The law of contracts and legal niceties aside, fundamental fairness is required by the University’s relationship to its students and to student organizations, assessed in the context of the University’s “obligation to each of the people on its campus, [certainly] to every undergraduate, with respect to the quality of life” on its campus.

### III. Major Findings

#### A. The Charge of Rape

The University has, in effect, charged rape. As is developed more fully below, forcible rape is not the only criminal offense supportable under the charges. For reasons that will become clear, it is necessary to define with precision the elements of each such offense and the term rape is sometimes used in this opinion in a broadly inclusive sense. Specifically, the relevant count of the charges reads: “ATO members knew, or should have known, that the Complainant either (a) was unable to or (b) did not, consent to the sexual acts in which they engaged.” In another count, the number of A.T.O. members who “engaged seriatim in sexual acts with the Complainant” is stated to be “between three and eight.”

The task of proving rape in these hearings was a formidable one. First, as envisioned in the December 5 conference with Judge Forer and the Memorandum of Understanding that followed, the Complainant did not appear at the hearings. The absence is both explained and justified on the record, but no explanation can substitute for proof of what occurred. Second, the agreements entered into in the course of disciplinary proceedings against individual brothers provided for confidentiality, which was scrupulously observed at these hearings. Not only were individuals referred to by letter designations (unrelated to their own names), but care was taken in the course of the testimony to insure that identifying facts with respect to the brothers would not be included in the record. Finally, the fraternity chose, with at least one notable exception, not to provide affirmative evidence with respect to the sexual activity that did take place. Counsel for the fraternity explained this decision with commendable candor: “One of our primary concerns is the statute of limitations for rape is five years in Pennsylvania.” Clearly, that concern was neither frivolous nor unreasonable, but counsel’s decision does not constitute proof of rape. Even a formal invocation of the privilege of self-incrimination at a trial will not support the inference of guilt. The reason for the rule must be remembered; the risk of prosecution and the possibility of an erroneous conviction also warrant resort to the privilege and thus there is no basis in logic, as there is no basis in law, for a finding of rape based on invocation of the privilege or on failure to testify.

Forcible rape has not been proved. Moreover, the credible evidence disproves any such charge.

The more difficult question concerns the charge that the Complainant was either so drunk, or so drugged, as to be incapable of consent. I find that the charge has not been proved. That finding makes it both unnecessary and inappropriate to deal with the nuances of the Pennsylvania statutes governing sexual offenses against victims who are “mentally deranged or deficient” or who are otherwise incapable of appraising the nature of the conduct involved.

It should be made clear, however, that this is not a finding that the charge has been disproved. Careful consideration has been given to the credibility of the eye witnesses, to bias or lack of bias on the part of each, to the precise condition of the Complainant that would have to be found, and to the specific details of the testimony produced. It will serve no useful purpose to attempt a detailed analysis of all of these factors, nor to spell out with technical precision the standard of proof appropriate for a finding in the context of a university disciplinary proceeding, that a series of rapes, or of lesser, albeit related sexual offenses, had in fact taken place. Moreover, as will be made clear below, the University’s interest, and indeed its obligation, does not terminate with a finding that a criminal sexual offense has not been established. Indeed, to state the issue with precision, the charge is that A.T.O. "violated the Recognition Policy" of the University. While the counts quoted above are among the specifications in support of the basic charge, there are other specifications which require consideration.

#### B. Other Sexual Offenses

The evidence is clear and convincing that there was on the night of February 17-18, 1983, seriatim sexual intercourse with a single female by A.T.O. brothers at the A.T.O. house. It is not important to fix a precise number of brothers engaged in that conduct, but it appears there may have been six. Moreover, the circumstances described by the evidence were such as to negate the possibility that this conduct, commonly referred to as a "train," in each instance was private and unknown to all others in the house. The circumstances present a classic case for collective responsibility.

Testimony by the fraternity would lead to the inference that A.T.O. is not alone on the Penn campus in permitting sexual intercourse seriatim with a single female. There was testimony by a witness presented by the fraternity that he had personally witnessed a "train" at least twice elsewhere on campus. The fraternity urges (Proposed Finding of Fact No. 66) that the evidence supports the conclusion that "It is common for multiple consensual sexual intercourse to occur in one evening on the University campus approximately one to two times per month." Be this as it may, that others engage in similar activities does not mitigate and does not exculpate. On the contrary, as is developed more fully below, it underscores the need for a clear and unambiguous statement by the University concerning such conduct.

There is no suggestion that the University has unfairly discriminated against A.T.O. in its disciplinary processes or procedures. Indeed, the nature of the evidence introduced in this case would suggest that it will be a rare situation indeed where the University would be in a position to make such a finding for prosecution. If it is true that a "train" occurs on campus with a frequency that makes the point relevant, it would appear to provide good reason for a penalty sufficiently severe to make an unambiguous statement of the position of the University with respect to the underlying conduct and to serve as an effective deterrent to others. That conduct can only be viewed as degrading to the participants and observers, both men and women. For a fraternity to condone such conduct is to violate the Recognition Policy of the University.

The record makes clear that such conduct in a house invites participation by brothers who could otherwise have been expected to conduct themselves differently. It creates a negative environment, precisely contrary to the undertaking in the fraternity’s contract with the host educational institution.

There is another evil inherent in the situation portrayed by the record. We have refused to find that the Complainant was either so drunk or so drugged that she was the victim of
multiple rape. (We use the term rape to include other criminal sexual misconduct involving lack of adequate consent or awareness.) We have refused to find that people who slipped or tripped on the steps did so because they were drunk or drugged, rather than because—as the fraternity urges—the beer slops about and makes the steps wet. We have refused, on this record, to find that the line of conscious control that separates understanding consent from rape has been crossed. We need not pause to determine whether one of the brothers, passed out on a chair, as he is described by other brothers, was tired or inebriated. But, at least we find portrayed an environment that is a ready host to ambiguity. The affirmative obligations imposed on the fraternity and its leadership are intended to be conducive to a very different type of environment. It would be wrong to exculpate because of the inherent, perhaps unavoidable, ambiguity and then to condone conditions which are conducive to creating that very ambiguity. The University owes more to its undergraduate community.

IV. Sanctions

The Tau Chapter of A.T.O. should be suspended immediately and the house closed promptly. The house shall remain closed until the termination of this suspension. The suspension shall be effective until September, 1984, and no individual who was a member or pledge of the chapter in February, 1983, shall serve as an officer of the chapter. Effective immediately and continuing until the termination of the suspension there shall be no rushing and no pledging by A.T.O.

The major factors which entered into the determination of these sanctions and of certain additional provisions described below deserve at least brief mention.

The seriousness of the sexual misconduct found to have occurred has already been described. The efforts of the fraternity to characterize such conduct as a common campus occurrence has also been referred to. A faculty member of the Fraternity/Sorority Advisory Board described an occurrence at the March, 1983, hearing before that body which can only lead to the inference that the fraternity did in fact consider such multiple seriatim sexual intercourse as "no problem" or permissible. There was an unpersuasive attempt to impeach the credibility of that testimony. More significantly, however, nowhere in the record is there an unequivocal statement that today the fraternity considers such an event improper, to be condemned rather conditioned. Under the circumstances no penalty less severe than suspension can be adequate.

In fashioning the specific provisions of an appropriate sanction, significant weight should be given to the need for prompt and visible action. The event in question occurred in February, 1983. By the end of this semester half of the undergraduate population then on campus will have graduated. The University should not be seen either as impotent to enforce a temporary suspension or so inept or indifferent as not have mustered its resources to be effective in the effort. This is certainly not to suggest that any such perception would be justified. On the contrary, the University moved with alacrity, devoted substantial resources to the effort to discipline A.T.O., and had reason to believe that everything it did was in conformity with all that the law required. Yet, the fraternity urges that it has already paid a significant penalty: "ATO ceased to function for five months. ... It lost all of its prospective pledges." Moreover, a court of competent jurisdiction did determine that the University's procedures were deficient. Accordingly, it is not altogether inappropriate to consider losses already sustained by the fraternity.

Suspension for a full academic semester, either fall or spring, could well be considered an appropriate penalty in addition to any adverse impact already sustained. The realities of rushing and pledging, however, are likely to mean that suspension for a full semester will have an impact equivalent in some ways to suspension for a full year. The sanctions here imposed couple the greater part of this semester with the summer that follows.

If for any reason the house is not closed by February 29, 1984, then to achieve the purpose of the present sanction it is necessary that the suspension continue beyond September, 1984. In that event, the house shall be closed and the suspension continue until the beginning of the spring semester, 1985. In addition, it should be stressed that failure to vacate the house by February 29, 1984, for whatever reason, shall not be considered as a valid basis for any further delay in implementing this decision.

In view of the disposition made and the sanctions imposed with respect to the most serious charges, further counts in support of the University's charge that A.T.O. has violated the Recognition Policy need not be dealt with in this opinion. It is not that they are trivial or insignificant; it is simply that at most any sanctions imposed would run concurrently.

Evidence was presented of significant community service by the A.T.O. brothers, or at least a number of them. We are impressed by the submission of the Assistant Pastor of the St. Agatha-St. James Church that since September, 1983, various brothers have taught "physical education for fifth and sixth grade students at the School here," have provided "invaluable lifeguarding services for our seventh and eighth grade students who would not otherwise be permitted to use the seminary pool," and have even acted as janitors. The same letter reports that West Catholic High School dances, held periodically in the Church Hall, had had "problems of violence, including handguns," and that the involvement of the A.T.O. brothers in these functions had eliminated these problems. Such community service is not only helpful to the direct beneficiaries, but it also contributes to the quality of the environment in the house and to the educational development of those participating. The fraternity, particularly during the academic year following the lifting of the suspension, should make a special effort further to develop and to maintain a significant program of community service. There are University resources available for consultation and advice in such an endeavor. The University Chaplain, for example, can be helpful; so can others. The fraternity should not hesitate to avail itself of such resources. A good faith effort to reestablish itself in the University community requires no less.

There is evidence in the record that A.T.O. can contribute to the campus community. It is to be hoped that after the period of the suspension has been concluded, the brothers of the Tau Chapter will make every effort to do so.

A. LEO LEVIN

A. LEO LEVIN, HEARING EXAMINER

February 7, 1984

Two of the documents referred to by Professor Levin in his section on procedures are in print:
Order of Judge Lois Forer, Almanac November 29, 1983
Opinion of Judge Lois Forer, Almanac December 20, 1983
influence in running the University, then we must examine the actions taken in our name by the Senate Executive Committee.

My reading of Judge Forer's opinion differs from Professor Crockett's. I find nothing in the opinion which suggests that the University ought to have deviated from its established procedures when prosecuting its case for withdrawal of recognition from ATO. Forer nowhere states that a hearing before the Fraternity/Sorority Advisory Board is an intrinsically unfair or inadequate procedure, but rather than this particular hearing was unfair in several respects (which could have been remedied without changing the forum). Thus, I fail to see a parallel between the Judge's reasoning and that of the Senate Review Committee.

The Review Committee criticized the administration for following the established procedure in its prosecution of individual ATO members, rather than set up an ad hoc faculty panel to hear the cases. A little political history may shed some light on how the Charter of the University Student Judicial System came to require that cases involving alleged student misconduct be heard before a panel consisting of only students. Prior to 1980 the system was called the "University Judicial System" and faculty members sat on panels. University Council removed faculty from the panels in 1980 in response to pressure from the undergraduate and graduate student leadership, who were supported by the Senate leadership. The faculty hold a large majority of the seats in Council, and the judicial system could not have been changed against the wishes of the faculty members. Faculty were removed even from the panels that dealt with academic infractions, but eventually Council has to retreat on this front when confronted with outright rebellion by the Faculty of Arts and Sciences.

The University Council minutes (10/15/80) show that I proposed an amendment which would have reinstated faculty as members of the judicial panels, but that the amendment was defeated. Chickens occasionally come home to roost, and those who complain about the mess should recall who incubated the chickens.

Professor Edel (Almanac 2/7/84) is puzzled by Professor Michael Cohen's letter. He starts off with Judge Forer's criticism of some of the University's procedures in the ATO case. He then criticizes the Senate Executive Committee for criticizing the same procedures. Perhaps he will be less puzzled if he realizes that Judge Forer and the Senate Review Committee were discussing two entirely different proceedings (see second paragraph of Professor Crockett's letter).

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**Guidelines: Public Policy Initiatives Fund**

The University of Pennsylvania has a long history of research, education, and service for public policy and action. That tradition is a scholarly one as well as an applied one for this university and community and for national and international issues. Our faculty and staff resources in this area are matched by those at a few other leading universities. With these strengths as a background to Pennsylvania's commitment, President Sheldon Hackney has announced that the United Parcel Service Foundation has approved a $50,000 grant for use in 1984-85 by the University as a Public Policy Initiatives Fund. The Fund may be made available in subsequent years as well.

The purpose of the Fund is to provide small grants to develop new initiatives relating to public policy. The Fund is an important step in ensuring that public policy studies here are maintained and enhanced. Any member of the standing faculty can be the principal investigator or responsible agent in seeking grants. Other members of the University community should seek collaboration with a member of the standing faculty. The grants requests may be for:
- preparing a new course
- developing research or other proposals for outside support
- exploring joint ventures with local, state or government agencies
- planning the evaluation of a public program
- contributing in other ways to theoretical or practical aspects of public affairs

Appropriate expenditures for grant include:
- computing costs
- seed money for course development, time and materials
- conference planning
- staff assistance, particularly in preparing proposals
- domestic research travel
- preparation or dissemination of publications

The advisory committee for the Fund in evaluating proposals will be concerned with their potential for scholarly worth if directed to research and, with the impact on future policy which they might have. Equipment and facilities are excluded. Unless there is existing material that the proposer wishes to submit, each proposal should be limited to two to five pages, specifying the objectives, the procedures and the expected results. Please indicate amount requested (including a budget and priorities) as well as what other support has already been received and whether additional funding is needed. The deadline for the receipt of the initial set of proposals is April 12. The recommendation to the Provost for the awarding of the grants will be made promptly.

Advisory Committee:
- Professor William Hamilton
- Professor John Mansfield
- Professor Martin Meyerson, Chairman
- Professor Jack Nagel
- Professor Curtis Receiv
- Professor Henry Riecken
- Professor Anita Summers

Proposals should be sent to the committee chairman at the University of Pennsylvania Foundation, 225 Van Pelt Library, CH.

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**Deaths**

Dr. Alfred Kidder, II, a former associate director of the University Museum, died February 3 at the age of 72. Dr. Kidder was appointed associate director of the Museum in 1950 and served in this capacity until his retirement in 1972. His main area of study was Andean archaeology, which he pursued largely in the highlands of Peru and nearby Tegal, but he also conducted field research in Bolivia and Guatemala. He wrote many articles for professional journals documenting his work.

Dr. Kidder was a graduate of Harvard University, magna cum laude, and was a member of Phi Beta Kappa. He was the son of Alfred V. Kidder, Sr., a well-known archaeologist famed for his research in the history of the American Indian. Dr. Kidder served as a member of the Air Corps during the Second World War and received the U.S. Legion of Merit, along with decorations from France and China, for his part in the training of aviation cadets from Latin America, France and China.

Dr. Kidder is survived by his brothers, Randolph A. Kidder, James Kidder and a sister Faith Fuller.
17 Piano Concert by alumnus Gary Goldschneider; two works including the world premiere of his Sun Sign Ballet; 8 p.m., Philomathean Art Gallery, 4th floor, College Hall. Donation.

21 Cultured Bovine and Human Endothelial Cells: Elliott Levine, Wistar Institute; 12:30 p.m., Physiology Library, Richards Building (Respiratory Group of the Department of Physiology, Department of Anesthesiology). Recent Molecular Insights into Cellular Aging; Dr. Samuel Goldstein, M.D., department of medicine and biochemistry, University of Arkansas; 3:30 p.m., Dunlop Auditorium B, Medical Education Building (Center for the Study of Aging).

ON STAGE

16 Wharton Follies, Zellerbach Theatre, Annenberg Center. Performances: February 16, 17, 8 p.m.; February 18, 5 and 9 p.m. Admission: $8. Information: Hugh Nesbit, Ext. 4968.

WORKSHOPS

16 Safety and Security: Everyone's Right—Everyone's Responsibility—Gregoire Sambor, Philadelphia Police Commissioner; Thomas Smith, SEPTA Police Chief; Arthur Hirsch, V.P., Operational Services; John Logan, Director Public Safety; Ruth Wells, Penn's Crime Prevention Specialist; 4 p.m. Room 351, Steinberg Hall-Dietch Hall (University Safety and Security Committee). For information call Ext. 4481.

17 Personal Effectiveness: a workshop for working women; focuses on successful coping strategies designed to enhance effectiveness in the workplace, including time management, communications and burnout prevention, led by Dr. Patricia Mikols; noon, Room 304, Houston Hall. Through March 27 (The Penn Women's Center). Information: Ext. 8611.

23 Women's Stress Group: exploring sources of, reactions to, and management of stress, led by Leslie Sokol, 4-6 p.m., Room 308, Houston Hall. Through March 29 (The Penn Women's Center). Information: Ext. 8611.

Women's Assertiveness Issues: discussion of sexual discrimination, sexuality, stereotyping, unassertiveness, competence and confidence building, as well as supplying skills and strategies of assertiveness training, led by Jackie Lepore. Through April 5 (Penn Women's Center). Information: Ext. 8611.