SAS Dean's Search

The search committee to advise on a Dean of the School of Arts and Sciences has been named, and its target date for filling the position vacated by Dr. Joel Conarroe, return to teaching and research is "to have a new dean in place by the start of the fall term 1985," Provost Thomas Ehrlich said.

Dr. Ward Goodenough of anthropology will chair the search. He is a Senate nominee to the committee, along with Dr. Michele Richman of Romance languages, Dr. Benjamin Shen of astronomy and Dr. William Teller of biology. The administration also named Dr. Edward Stemmle, dean of Medicine; and Dr. Samuel Preston of sociology. Dr. Janice Radway of American civilization and Dr. David McCull of insurance (Wharton).

Dr. Gloria Twine Chauvin, alumna and former Trustee of the University, is the alumni representative to the search. Graduate and undergraduate student representatives are to be nominated shortly by GAPSA and the UA, Provost Ehrlich said.

IN BRIEF

Indian Ambassador: India's Ambassador to the U.S., Kayathyam Shankar Bajpai, will discuss "India Today and Tomorrow" on Wednesday, December 5, at 3:30 p.m. in 351 Steigberg Hall-Dietrich Hall. Penn's South Asia Regional Studies department sponsors the appearance of the new Ambassador, named in March 1984. He served earlier as Ambassador to the Hague, 1974-76; Pakistan after restoration of relations in 1976; and China 1980-82.

Nursing Graduation: The graduating classes of the School of Nursing announce the December graduation ceremony, Friday at 1 p.m. December 21, in the Harrison Auditorium, University Museum.

Thesis Awards in Science: Sigma Xi Ph.D. Thesis Awards are made in recognition of theses of outstanding quality and contribution to science. An award of $400 is made to each of two Ph.D. candidates. An award of $100 is made to each of the thesis advisers for outstanding direction. Ph.D. candidates are nominated by their thesis advisers. The awards will be presented at the Award Dinner to be held on May 7, 1985. An announcement appearing in early March will describe the nominating procedure. If further information is desired earlier, contact Ms. K. Sestak, Dept. of Math., EL Ext. 8627.

Senate: Unanimous on Salary "Catch-up" Plan

The Faculty Senate unanimously passed all three of the action items put before the November 28 Stated Meeting:
- The three-part recommendation of the Committee on Economic Status of the Faculty (Almanac: November 20), which calls for the in July 1, 1985, increases to 4.4% above the average in the Ivy League in order to offset declines against peer faculties' median salaries since 1981-82. The recommendation is a step in EconStat's five-year plan to restore faculty salaries to their 1972 purchasing power by 1989.
- The Law School's proposal to establish two Practice Professorships (Almanac: November 13) for renovations that pean to leading to tenure. Dean Robert Mundheim's address emphasized the need for quality long-term leadership of clinical practice programs.
- Housekeeping change in the Faculty Grievance Procedure so that the text of a panel's findings is sent to the Chair of Senate.

In discussion, Provost Thomas Ehrlich responded to EconStat's chair, Dr. Janice Madden, that the University is committed to real growth in compensation but at this juncture, "We cannot tell what the figure is going to be any more than we can tell what any other figure [in the FY 1986 budget] is going to be." Dr. Madden challenged the Administration's preference for MIT Survey data over the AAUP figures being used by the Senate's committee.

Discussion of the "Second Interim Report of the Task Force on Conduct and Misconduct" (Almanac September 25) centered on two issues: the role of the Ombudsman and the use of student evaluation systems to ask questions about faculty attitudes and behaviors with respect to harassment. As former Ombudsman, Professor John Keene objected particularly to the delineation of an adjudicator's role as distinct from the traditional mediator's role. Professor Michael Cohen objected to the recommendation involving course evaluations, and Professor Seymour Mandelbaum echoed his concern. Professor Larry Gross argued that problems with specific recommendations should not override the need to deal with issues raised by the report. President Hackney said he saw a range of strengths and weaknesses, and counted the section on course evaluation as one of the weaker ones; but, he added, he will be treating Council recommendations as advisory as he comes to decisions on policy and procedures.

Separately, Senate Chair Jacob Abel announced in his Chair's Report that SEC will shortly establish an Ad Hoc Committee on Behavioral Standards which will look at the Task Force report and at the concerns it addresses. SEC will also have an Ad Hoc Committee on Trustee Liaisons.

OF RECORD

Rules Governing Final Examinations

1) No student may be required to take more than two final examinations on any one day during the period in which final examinations are scheduled.
2) No instructor may hold a final examination except during the period in which final examinations are scheduled and, when necessary, during the period of postponed examinations. No final examinations may be scheduled during the last week of classes or on reading days.
3) Postponed examinations may be held only during the official periods; the first week of the spring and fall semesters. Students must obtain permission from their dean's office to take a postponed exam. Instructors in all courses must be ready to offer a make-up examination to all students who were excused from the final examination.
4) No instructor may change the time or date of a final exam without permission from the appropriate dean or the vice provost for university life.
5) No instructor may increase the time allowed for a final exam beyond the scheduled two hours without permission from the appropriate dean or the vice provost for university life.
6) No classes (covering new material) may be held during the reading period. Review sessions may be held.
7) All students must be allowed to see their final examinations. Access to graded finals should be ensured for a period of one semester after the exam has been given.

We encourage professors to be as flexible as possible in accommodating students with conflicting exam schedules.

— Provost Thomas Ehrlich
Documents in The Schmidgall Case

In accordance with provisions in the Handbook for Faculty and Academic Administrators, the Senate Committee on Academic Freedom and Responsibility releases below its report of November 7 concerning the status of Dr. Gary Schmidgall. It is followed (past Supplement) by the November 6 report by the School of Arts and Sciences Committee on Academic Freedom and its letter of transmittal in draft to the Dean of SAS on October 26. A response from the Deputy Provost, and further comment from the chair of SCAF R, follow the SAS Committee documents.

SCAFR to President, November 7

The Senate Committee on Academic Freedom and Responsibility met on October 2 and 25, 1984, to consider the issues raised in a September 13, 1984, letter from Dr. Gary Schmidgall. The core of his complaint was that the administration had failed to resolve his status for 1984-85 in the manner suggested by the Faculty Grievance Commission. He asked the Senate Committee to act under Section VIII of the grievance procedures. In addition, Dr. Schmidgall expressed concern (both for himself and others) about the initial failure to include materials from the grievance process in his personnel file.

The first part of this letter deals with Dr. Schmidgall's status; the second with the grievance materials.

1. Dr. Schmidgall's Status

The Faculty Grievance Commission letter of June 11, 1984, proposed that "Dr. Schmidgall be permitted to retain his status for a year." We agree with that recommendation defining his "status" as that of a fully-salaried member of the standing faculty of the English department.

The chronology of the case is established in the March 30, 1984, report of the Faculty Grievance Commission hearing panel and the public exchange of letters between Dr. Schmidgall and Deputy Provost Richard C. Clelland in the Almanac of September 11, 1984. Our decision to support the Grievance Commission recommendation of June 11 rests on our interpretation of the chronology and its context. We treat Dr. Schmidgall as a successful grievant. The failure of the SAS Personnel Committee to act promptly on his file when it was presented to it last spring, prevented his case from being concluded during the 1983-84 academic year. The delay put Dr. Schmidgall out of step with the ordinary rhythm of academic employment. Both Dr. Schmidgall and any potential university employer have good reason to be uncertain about his future at Penn until his tenure is decided. Since the extension of the period of uncertainty beyond the end of the 1983-84 academic year was not Dr. Schmidgall's fault, he should be protected for a full employment cycle. Dr. Schmidgall's standing as a successful grievant entitles him to protection in status rather than in any improvised alternative. His status would, however, not be diminished if the English Department chose to pay him without allowing him to teach or agreed to have other units (with his consent) buy all or a portion of his time.

We have given considerable thought to the possibility that this resolution might support a claim that Dr. Schmidgall had earned tenure by default. We are now entirely persuaded that if he retains his status during 1984-85, Dr. Schmidgall will not obtain tenure under University rules or customs without a positive decision emerging from the ordinary review process. Neither the rules nor precedents surrounding tenure by default apply to him.

2. The Grievance Materials

When Dr. Schmidgall's file was presented to the SAS Personnel Committee in April, it did not include the report of the hearing panel or any other materials stemming from the grievance process. Dr. Schmidgall protested and the Grievance Commission, supporting his claim, asked the provost to implement Section VI(a) of the Faculty Grievance Procedure: "The provost shall ensure that the recommendation of the panel and its supporting documentation, if any are included in the reevaluation."

The materials have now been forwarded and the issue resolved. On September 18, 1984, however, I asked Joel Conarroe, the Dean of SAS, whether he saw the failure to convey the materials as a mistake and whether he was committed to avoiding its repetition.

I quote the dean's reply of September 26, 1984, at considerable length because we are so alarmed by it:

1. I wish I could assure you that the decision made by (associate dean) Walter (Wales) will not be repeated in the future but there is no way I can do so. His was hardly an arbitrary action. He consulted with a number of people, including legal counsel, before making the decision. Had he asked the Grievance Commission for advice, he probably would have been cited for delaying the process, had he simply sent on the dossier as we had received it, it would most certainly have caused even more trouble.

The Schmidgall case presents a problem that would seem unsolvable. We depend on the department to put together dossiers for review by the Personnel Committee, even in cases in which the department has made a negative recommendation. I believe that we should not make changes in these dossiers. (It is in fact the practice in the school that if I receive additional information about a candidate, I cannot include it in the candidate's file unless I first inform the department I am doing so—and what that information is. This restriction does not apply to the Personnel Committee, however; it may seek and include additional information without having to inform the department. ) Grievants will almost inevitably feel that the dossiers that accompany negative recommendations may not be objective. Yet we cannot let candidates for tenure sift out items they feel may jeopardize a positive decision. I can suggest no solution unless it is to charge the Personnel Committee with this role.

The answer attempts, in our view, to justify a violation of both the formal rules and the spirit of the grievance procedure. After the report of the hearing panel had been accepted by the administration, Dr. Schmidgall was no longer one among many suspicious grievants. He was, rather, a colleague with a rightful claim to remedy. Without the grievance materials, how could the Personnel Committee assess the possible biases in the process which generated the file it received?

Both our resolution on Dr. Schmidgall's status and this expression of distress at the failure to appreciate and respect the grievance process represent the unanimous view of the members of the Senate Committee on Academic Freedom and Responsibility.

Seymour J. Mandelbaum, Chair.
Senate Committee on Academic Freedom and Responsibility

Committee Members:

Regina Austin (law)
Gary H. Cohen (microbiology Dent.)
Frank Goodman (law)
Martin Pring (physiology)
Wendy L. Steiner (English)
Anthony Tomazinis (city & regional planning)
Arthur F. Whereat (medicine)
Seymour J. Mandelbaum, Chair.

Documents continue past Supplements

ALMANAC December 4, 1984
**Transmittal to Dean, October 26**

To: Dean Joel Conarroe  
From: SAS Committee on Academic Freedom and Responsibility  
Subject: The Gary Schmidgall Case

A communication that we are sending to the Provost is attached.

We do not intend to chew all this cabbage thrice. We find that Schmidgall has been denied due process by actions of the Department of English, your office, and the office of the Provost. There is no need to detail these, as all of you are fully aware of them.

We recommend that the Personnel Committee reconsider this case after materially expanding the relevant dossier. We further recommend that this committee proceed with all deliberate speed.

Meanwhile, Schmidgall should be immediately reinstated, as of 1 July 1984, without automatically obtaining tenure. How this can be accomplished is up to you, not to us. Any further delay of his reinstatement would constitute harassment of a successful grievant, and further denial of due process.

Your early response will be much appreciated.

Jerry Donohue, chairman, Chemistry  
Mark Adams, History and Sociology of Science  
Maria Brooks, Slavics  
Herbert Callen, Physics  
Lynn Lees, History  
Charles Minott, History of Art

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**Addendum: A Brief Chronology**

29 April 1983: Schmidgall formally requests initiation of a grievance from the Faculty Grievance Committee.

30 March 1984: Commission's panel renders its decision, which consists of 16 pages. Favorable to Schmidgall are Dunn (history) and Ramden (physical therapy); the third member of the panel, Sabini (psychology) accepts points 1, 7, and 9, but disagrees on point 8, finding that the English Department's procedures were not at variance with their own or University policy, and that there is no grievance. The two other members of the commission found that there was a grievance.

13 April 1984: Provost accepts the majority report of the panel. Schmidgall's dossier is sent to the Personnel Committee.

27 April 1984: Schmidgall verbally requests from the Dean's office a copy of the contents of the dossier, which was sent to the Personnel Committee.

9 May 1984: Deputy Provost informs Schmidgall that the Personnel Committee declines to act until the fall. He also informs Schmidgall that his appointment terminates on 30 June 1984.

16 May 1984: Schmidgall receives the date, dated 14 May, and is (surprised, astonished, saddened—choose one) that all documents relating to the grievance procedure had been removed by Wales of the dean's office, on the advice of University counsel.

11 June 1984: Grievance Commission recommends that Schmidgall be permitted to retain his status as a fully-salaried member of the English department.

29 September 1984: Schmidgall requests the SAS Committee on Academic Freedom to consider his case, and submits supporting and informative documents.

4 October 1984: The dossier, now including documents relating to the grievance procedure, sent to the Personnel Committee. (University counsel apparently has changed its mind.)

9 October 1984: Mandelbaum (chairman of the Senate Committee of Academic Freedom and Responsibility) sends a copy of draft of a resolution to Clelland and Conarroe. This draft supports the recommendation of 11 June 1984 of the Grievance Commission, see above. It treats Schmidgall as a grievant. It also deposes the removal by the Dean's office of Grievance Commission materials from the dossier sent to the Personnel Committee.

10 October 1984: In a letter to Wales, Schmidgall objects strongly to inclusion in the dossier of a letter from Lucid to the Provost.

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**Response from Deputy Provost**

At the present time, the University's rules are silent as to any connection between progress of grievance cases or implementation of Grievance Panel recommendations and duration of faculty appointments. The reports from the two committees on Academic Freedom and Responsibility imply that new rules should be formulated that extend a grievant's appointment under certain circumstances. I should mention that the position taken by these committees is exactly that recommended by the Associate Secretary of the national AAUP in a letter to me dated September 10, 1984.

In the exchange of correspondence that ensued, we find the following statement from the Associate Secretary. "We appreciate that the issues presented in Professor Schmidgall's case are complex, and that a resolution of his case may have ramifications for the handling of similar cases." This is certainly true. Efforts are now underway to create appropriate rules for the handling of cases such as Dr. Schmidgall's. Some of the issues are the time period within which a grievance may be filed and appropriately heard, the conditions under which a grievant may be deemed "successful," the need to discourage the filing of frivolous grievances, and the necessity for increasing the protection presently given the Faculty against claims of tenure by default.

Incidentally, with regard to one point in the SAS Committee's report,Dr. Schmidgall was officially notified by letter dated January 12, 1983, that his appointment as an assistant professor would terminate at the end of the 1983-84 academic year.

—Richard C. Clelland, Deputy Provost

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**Response to Deputy Provost**

The Senate Committee on Academic Freedom and Responsibility agrees with a good deal of what is in Dr. Clelland's letter. We concede that there is no formula in the Handbook covering the Gary Schmidgall case and believe that such a rule should be written. We also agree that some cases similar to Dr. Schmidgall's would present us with difficult choices. We are, therefore, uncertain about the form of a potential rule.

Dr. Schmidgall's particular case does not, however, present us any such difficult choices. We are confident that any new rule would support his claim to retention of status during this year. Jonathan Knight, the Associate Secretary of the AAUP, shares our view. The letter of October 19, which Dr. Clelland quotes to bolster his conception of the complexity of the case and its broad ramifications, advises that in the "specific circumstances" we confront, Dr. Schmidgall's appointment should be extended without any bearing "with respect to the attainment of tenure."

There is no reason to delay in implementing that advice while we engage in a necessarily lengthy process of writing and ratifying a new rule.

—Seymour Mandelbaum
Update
December on Campus

Fitness/Learning


Music

7 Penn Balalaika Orchestra's Annual Vecherinka (Russian Party): Russian and Eastern European folk and gypsy music played on authentic instruments, Russian food and drink and folk dancing afterward are included in ticket price: $3, $4 for students and senior citizens; 7:30 p.m., Bodek Lounge, Houston Hall. Reservations recommended. Information: Ext. 9528 or 983-4678.

Special Events

5 First Annual Christmas Bazaar: participants include the Penn Book Store and University Museum Gift Shop, HUP Gift Shop, International House Bazaar Shop, CHOP Gift Shop, Emporium of the Hilton, 10 a.m.-5 p.m., Hilton of Philadelphia, Civic Center Boulevard and 34th Street. Information: 386-4540.

13 University of Pennsylvania Press Christmas Book Sale for Faculty Club members and their guests; 11 a.m.-6:30 p.m., Faculty Club.

Talks

4 Why Don't Patients Receive Appropriate Treatment?: Toward a Definition of and Delivery of Mental Health Services, Dr. Ira Glick, professor of psychiatry, New York University School of Medicine; 10:30 a.m.-noon, Surgical Conference Room, first floor, White Building, HUP (Department of Psychiatry).

Dynamics of the British National Health Service in the 1980's—Are There Lessons for America?: Nick Boasquet, senior fellow, Center for Health Economics, University of York, England; 4 p.m., Dupont Auditorium B, Medical Education Building (Elizabeth & Duane G. Sonneborn Lecture).

5 Differentiation of Respiratory Epithelium in Fetal Mouse Lung, Dr. S. Robert Hillel, professor of biology, Temple University; noon, Room 213, Medical Education Building (Analysis of Development Seminar Series).

11 Texts and Lyrics: Richard Rorty, University of Virginia; 4 p.m., change in location: Room 17 Logan Hall (Departments of English, Philosophy and Romance Languages).

Deadline

The weekly update deadline for calendar entries is at noon on Tuesday, a week before the date of publication. The address is 3801 Locust Walk/C8 (second floor of the CA).

Correction: In Dr. Peter Gaffke's "A Word on the Presidency" (Almanac: November 20) "Senate" came out "State" in his recommendation to change from Chair to "Rector of the Senate." We regret the proofreading error.—R.C.G.