IN BRIEF

Facilities Fund: Internal awards of more than $1.657,000 have been made to six schools and the Laboratory for Research in the Structure of Matter as part of the facilities enhancement goal in "Choosing Penn's Future." See list, p. 7.

Faculty Club Extension: The Faculty Club Board of Governors has until June 1 to decide about renewing an agreement for Dining Services to operate the Club. Meanwhile, David Cantor resigned as director after six years, effective April 30, and an acting director, Thomas Walters of Decision Management Services, is in place. See coverage of last week's Annual Meeting, p. 7.

Leaving for Ohio: Jim Bishop

Vice Provost for University Life James J. Bishop will leave Penn in August to become Special Assistant to the Provost of Ohio State University, with an initial assignment to design a state-wide program to interest black and other underrepresented minority youth in college enrollment not only at Ohio State but in other Ohio and U.S. colleges. "It will be a joy to join my wife and take on an exciting new job, but I will miss some wonderful people I have worked with at Penn," said Dr. Bishop, who came here from Amherst in 1983 after serving also at MIT in student affairs. The move to Ohio ends commuting for Dr. Bishop and his wife of six months. Dr. Rudine Sims Bishop, professor of education at Ohio State, President Sheldon Hackney praised Jim Bishop's tireless commitment and said he will be sorely missed; the President will announce plans soon for filling the post.

Alumni Relations: Doris Cochran-Fikes

Doris Cochran-Fikes, a 1972 alumna in sociology who was an award-winning member of the Alumni Relations staff until moving to Harvard in 1981, will take office June 1 as Director of Alumni Relations. She succeeds Michel T. Huber, now executive assistant to Vice President Frederick Nahm. The first woman to head Penn's Alumni Relations Office began there as an assistant director in 1972, worked in theatre and communications in New York in 1975-76, and returned to Alumni Relations in 1976, moving up to associate director in 1979. The Omnibus series she created won five CASE national awards for excellence in the ensuing years. She also planned innovative programs such as the family day concept for alumni, which won an ACE award; hosted the alumni safari to Kenya, and helped launch the Black Alumni Society here. At Harvard she rose from development assistant in 1981 to director of The Harvard-Radcliffe Fund in 1984. Since January she has been a special assistant to Mr. Nahm, who calls her "the best in the nation."

Head ing the American Philosophical: Dr. Stellar

Dr. Eliot Stellar, University Professor of Physiological Psychology in Anatomy and former Provost, has been elected the 34th president of the American Philosophical Society, the nation's oldest learned society. Founded in 1743 by Benjamin Franklin and merged in 1769 with his Society for Promoting Useful Knowledge, the APL was headed first by Mr. Franklin, and then in turn by David Rittenhouse, Thomas Jefferson and Caspar Wistar. More recent presidents have included Penn's Edgar Fahs Smith (1903-08), Thomas S. Gates (1945-48), Owen J. Roberts (1952-55) and Jonathan E. Rhoads (1976-84). The Society's Philosophical Hall in the Independence Hall complex and its nearby Liberty are among Philadelphia's major attractions to scholars especially in this year of the Bicentennial of the U.S. Constitution.

Senate Turnover

Dr. Roger Soloway, right, writes a last column From the Chair (page 2) as he leaves both Senate office and the University. As Incoming Chair, Dr. F. Gerard Adams, near left, has his first column on the same page. At far left is Dr. David Balamuth of physics, who takes office as Chair-Elect.

National Academy: Three from Penn

Three members of the University faculty were elected to membership in the National Academy of Sciences in April:

Dr. Clay M. Armstrong, professor of physiology in Medicine;

Dr. Ralph Brinster, the Richard King Mellon Professor of Reproductive Physiology in Veterinary Medicine; and

Dr. Samuel H. Preston, professor and chair of sociology in the School of Arts and Sciences and director of the Population Studies Center.

Council: Elections to Steering

At Wednesday's Council meeting, faculty members elected to the 1987-88 Steering Committee were Drs. Robert E. Davies of molecular biology,Vert., Larry Gross of communications, Madeleine Jouille of chemistry, and Noam Lior of mechanical engineering; completing the faculty component are incoming Senate Chair F. Gerard Adams of finance and Chair-elect David Balamuth of physics, with Dr. Roger Soloway as past chair to be replaced by SEC. Council also elected Lindsay Wright (GAS) who will serve for GAPSA along with the reelected GAPSA Chair Wayne Glasker (GAS); and Quintus Jett (SEAS) to serve along with UA's new Chair, Michael Jaffe (Col '88). See Council coverage, pp.4-5.

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The Faculty Senate: Accomplishments 1986-87

As the spring term reaches an end, the spring meeting of the Faculty Senate is successfully completed. The Senate committees have concluded their activities and I prepare to hand over the leadership role to Gerry Adams, this is an appropriate time to review for you what has been accomplished during the past year. In a companion piece, Gerry Adams will give his view of the present and provide glimpses of the future.

I have reviewed the accomplishments of the Consultation Committee, the Senate Executive Committee and the various committees of the Senate in my report to the Senate which was published in Almanac on April 21 and refer you to that report for those details. In that column, I wish to detail the results of the Senate meeting and its significance and some late items considered by several of the Senate committees.

I remain convinced that the consultation process is healthy and vital to the function of the Senate and the University. Moreover, with restraint, we have been able to effect positive change in delicate situations. I believe that the agreement reached concerning the short-term fate of the Faculty Club with the help of the Senate Consultation Subcommittee, will provide time to reach a good long-term solution which, in turn, will permanently provide a proper atmosphere and congenial setting for us to meet socially and conduct our affairs. My hope is that the Governing Board and the Membership of the Faculty Club will also see the agreement in that light.

The Senate meeting was significant, in that all present agreed, despite the lack of a quorum, not to call for a quorum, thereby permitting passage of the Senate rules which I am submitting to you for action and avoiding a stalemate. As I pledged at the meeting, I will be circulating a ballot so that the voice of the faculty may be heard. Please read carefully the explanatory material prepared by the Committee on Administration which will accompany the ballot and cast your votes for the rules changes that will allow us to no longer be prohibited by the requirement for a quorum of 100 at Senate meetings to submit items to a vote of the faculty.

I hope that each of you will cast your ballot so that we can have the sense of the entire faculty and that you will confer upon the Senate the quorum of 100 at Senate meetings to submit items to a vote of the faculty. I hope that each of you will cast your ballot so that we can have the sense of the entire faculty and that you will confer upon the Senate the quorum of 100 at Senate meetings to submit items to a vote of the faculty.

I have decided to publish the set of resolutions on harassment passed by the Senate Executive Committee so that all can review the issues considered and so that our collective consciousness with regard to this issue continues to be raised. This in no way detracts from the implementation of the policy enunciated by President Hackney. There continues to be discussion concerning the best manner to deal with cases of harassment that are appealed. I believe that with further discussion, we will be able to arrive at an intelligent conclusion with regard to this process.

The Committee on Administration has been reviewing a number of issues including the Faculty Club, the plan for parking, the recreation fee and the travel policy. These items will continue under review over the summer and into the fall.

The Committee on the Faculty has begun to plot strategy for an approach to the questions raised by the uncapping of the retirement age. This examination has raised a number of corollary questions concerning the best means of satisfying the needs and improving the status of the meritorius faculty. I hope that the administration will undertake to sponsor a symposium on this topic during the coming academic year. An early examination of the problems and possibilities raised may permit the faculty to have a significant influence in the development of a rational and attractive policy for this important issue.

Finally, I want to reiterate that the Faculty Senate with its various substructures and committees, stand as the guardian of the role of individual and collective faculty in University governance. Too often, as I have stated repeatedly, this role has been appropriated by the various levels of administration or has been given away by the faculty. One example of this latter process is the inability of the members of two constituencies, the Department of Biology and a portion of the Department of Medicine to nominate a candidate for SEC. If your constituency is not represented, you will have no direct voice in the continued shaping of your direct and indirect benefits package and other issues which can significantly affect your life at the University.

I cannot end the year on a negative note. I want to thank you again for the privilege of leading the Senate for the past year. I remain convinced of the value of the Senate as a strong institution for good at the University of Pennsylvania.

—Roger D. Soloway, Outgoing Chair

Cooperation and Guidance

For the past year, as Chair-elect of the Faculty Senate, I have been serving an apprenticeship. I have learned a great deal, style as well as substance, from my mentors. This is a good system. It provides the continuity which would be lacking of one-year appointees; it builds institutional memory. It has given me perspective on the role of the Senate; the way in which the faculty most usefully interacts with the administration and the problems which the Senate is likely to face during the coming year. These will be the topics of my first message in Almanac. My objective is to inform you of the work of the Senate and the faculty in the affairs of the University. On the surface, the members of the Senate, the Senate Executive Committee, the deliberations sometimes appear to be focused on minutiae, though often important issues. However, these institutions are in place to consider important issues when they unexpectedly but characteristically arise. The most fruitful operations of the Senate are in its committees and in consultations with the president and provost. The committee system considers questions in great depth and provides a wealth of information and guidance to the Senate and the administration. But the most important channel of communication is informal, the consultations between the three chairs of the Senate, the president, and the provost. It is here that we have learned to communicate. After all, we are all part of the same university and ultimately the interests of the faculty are the interests of the university. Our greatest influence is not by means of confrontation, but rather through cooperation and guidance.

This has been the lesson I have learned over the past year. Not all decisions will come out the way we would choose. Much can be done to represent the interests of the faculty and to defuse points of tension. We plan to continue on this path during the coming year. I hope the new provost will also enter into this relationship with a cooperative spirit.

It is too early to predict the issues which we will be facing next year. New issues have a way of coming out of the woodwork, and old issues have a way of reappearing. I hope that many of these issues are being settled, but I am sure that many details will still have to be considered. Among them are the implementation of the guidelines on harassment, operation of the revised rules of the Senate, the question of "goodness of fit," etc. I hope that these issues can be handled with as much free discussion, good will, and willingness to resolve conflicts as was achieved this year.

The change in retirement enacted by Congress just a few months ago will be a central question to consider next year. The "retirement at seventy" rule will be lifted in seven years. This does not mean that we must have an aged or aging faculty. But it will change perspectives both from the point of view of the faculty and the administration. The aspects of this issue falls into two broad categories.

For presently tenured faculty: providing incentives for retirement. We need to develop new initiatives that make early retirement attractive. Financial incentives are only part of the story. Retired faculty must be assured continued participation, facilities, benefits, etc.

For faculty who are not yet tenured: assuring the continuation of the tenure system, that lifetime tenure continues to be available as a guarantor of academic freedom in the future as it has been in the past.

The Faculty Senate can work effectively only as there is genuine two-way communication. I urge all of you to contact me directly or to meet with members of the Senate Executive Committee and the Senate committees to let us know your concerns.

—F. Gerard Adams, Incoming Chair
GAPSA-UA on Proposed Harassment Policy

As suggested in the April 14 Almanac, we would like to take this opportunity to offer comment on the draft policy on sexual, racial, and ethnic harassment.

1. First, we believe that the testimony of the sexual and racial harassment reports indicates that many people are afraid to use the existing mechanisms for reporting harassment because they have no confidence in these mechanisms and believe they are ineffective. These mechanisms include the Senate Committee on Academic Freedom and Responsibility (SCAFR). However, under the proposed policy, students will be referred to the very same mechanisms that they do not use now because they have no confidence in them.

While we understand the important principle of peer review for the faculty, we also believe that when dealing with individual rights everyone should have an equal right to freedom from harassment and to equal protection of the law.

In our view the draft policy does not treat students as significant members of the University community. The School and Senate Committees on Academic Freedom and Responsibility are composed exclusively of faculty members. Peer review for the faculty means due process for faculty but not for students, who will be deterred from taking their cases to a committee composed solely of faculty members. Many students fear that they will not receive a fair hearing before a committee composed of faculty members only.

If the faculty have peer review, shall the students also assert a right to peer review on the Hearing Board of the Student Judicial Charter? Carried to its logical conclusion, this would unravel the entire University.

For these reasons, we urge a revision of Section III of the draft policy.

1A. We urge a return to the suggestion in the draft report of a university-wide hearing board as opposed to the use of SCAFR. This university-wide board would be more representative of the affected constituencies as it would include students and employee representatives (as well as faculty).

B. The formal mechanisms in the proposed policy are confidential, and since SCAFR is composed solely of faculty a review board would not be accountable to any other group. If students and employees are not going to be granted a voting voice on the hearing board, they should at least be permitted non-voting seats on the committee. Otherwise, this board will have no credibility among groups other than the faculty. Students and employees will be intimidated by a board comprised solely of tenured faculty.

1B. The support services as outlined in the report are inadequate and vague in respect to students.

4. In the first bullet under IIIA of the draft it is unclear to us whether the special on campus advising will include students.

Whether or not this was the intent of the draft, we feel students should be included and appointed by the NEC rather than the Deans.

Ideally, the students appointed in each of the schools should combine to form a Student Assistance Program outlined in bullet 7 of IIIA. We feel it is reprehensible that faculty and staff have such an organized support program while student mechanisms are fragmented and ill publicized.

B. The Director of OSL should be included as a recipient of complaints. We feel this is quite logical since the office should be accessible to students. However, we fear this most appropriate channel will be last due to inadequate publicity. The OSL must develop an organized program of support, and students must be made aware of its existence.

2. The draft contains no mention of protecting students and employees from reprisal for reporting and complaining of harassment. Language protecting complainants from reprisal should be added. Further, a proven act of reprisal should be a violation in itself, and punishable by appropriate sanctions.

3. Section III B on the definition of sexual harassment, in our view, should be expanded to reinstate Section III, 1 through 3, of the original Report of the Ad Hoc University Council Committee on Sexual Harassment, which gives more specific examples of sexual harassment.

We support academic freedom and freedom of speech. We agree that there is a fine line between freedom of speech and verbal abuse. However we believe that it is an abuse of academic freedom for one person's freedom of speech to stigmatize or victimize students in the classroom or employees in the workplace in such a way as to involve a state or implicit threat or to their academic or employment status, interfere with their academic or work performance, or create an intimidating or offensive academic or work environment.

4. Section III C 1 and 2 of the draft do not make explicit that an individual who is not satisfied with the resolution of a case by the School Committee on Academic Freedom and Responsibility may appeal to the Senate Committee on Academic Freedom and Responsibility. We urge that the final draft clarify whether individuals may appeal the handling of a complaint by a School to the Senate Committee, or if one must choose between the School and the Senate Committees.

5. Section III C provides that if the results of an investigation persuade the Dean or Department chair that sanctions are warranted, he or she should consult with faculty members to determine an appropriate sanction. Section III C 2 calls for the same thing for supervisors of employees. The problem with this is that different schools, departments and supervisors may give widely different sanctions for comparable offenses.

For this reason we suggest that some appellate body (perhaps the Senate Committee) should review sanctions with respect to procedural error and relative uniformity in the severity of sanctions for comparable offenses.

6. Section III E 3 provides for an overall educational program for incoming undergraduates and graduate/professional students, especially in the Office of Student Life and the residence system. We urge that this expanded to consider a required freshman seminar or module, for credit, on ethics and dealing with difference in a pluralistic environment.

7. Section III E 3 provides for educational programs for students. There is no similar educational program suggested for new faculty members or employees. We urge that parallel educational seminars or workshops be provided for faculty and staff as well.

8. The definition of sexual harassment (or, alternatively, some other part of the policy) should explicitly include harassment on the basis of sexual orientation (referred to by some as affectional preference). If the issue of harassment on the basis of sexual orientation is not included under sexual harassment then we urge that the policy explicitly be expanded to cover not only sexual, racial, and ethnic harassment, but harassment on the basis of sexual orientation as well (sometimes called "homophobia").

We acknowledge that harassment on the basis of sexual orientation, in many respects, may be more similar to racial and ethnic harassment than to unwanted sexual attention and pressure for sexual favors implied by sexual harassment.

-Wayne Glasker for the Graduate and Professional Students Assembly

-Michael Jaffe for the Undergraduate Assembly

ALMANAC May 5, 1987
Pennflex for Prescriptions?
All the attention surrounding the new Pennflex benefits system has allowed us all as Penn employees to reevaluate the benefits package we receive.
Despite the flexibility afforded by Pennflex, the University's claim that it allows employees to choose from the most comprehensive benefits packages available, one major benefit generally available to non-University employees of large and small companies alike is missing: medical coverage that pays for prescription drugs.
I have my health coverage through HealthAmerica, one of the HMOs with which Penn has contracted. My physician at HealthAmerica tells me that "90% of his patients" have prescription coverage through their employer's HealthAmerica package; most commonly their employers provide a plan whereby all prescriptions cost a flat fee of $1, $2 or $3.

For anyone faced unexpectedly with a serious illness, either short-term or long-term, the cost of prescription medication can be overwhelming. If Penn is committed, as the literature for Pennflex indicates, to providing its employees with the best package of benefits available, why aren't Penn faculty and staff being offered the now very commonplace coverage for prescription drug costs?

-James P. Ricciardelli
Production Manager, Annenberg Center

Response to Mr. Ricciardelli
The Personnel Benefits Committee appreciates the interest shown in benefits by its entire constituency. Specifically with regard to coverage of prescription drugs, we now have under Pennflex the capability to at least tax shelter all such expenses that may be anticipated. This is an improvement over the previous benefits package. Prescription drug coverage would be a new benefit which has not yet been discussed by the Committee. I shall transmit Mr. Ricciardelli's letter to next year's chair (who is not yet known) for placement on next year's agenda. The Benefits Office is now gathering information on such plans for discussion. I would advise patience. The concept of flexible benefits which finally emerged as Pennflex was under discussion for more than seven years. The change in the tuition benefit plan also took many years of behind-the-scenes labor to effect. If Mr. Ricciardelli is still interested in pursuing this, I would recommend that he respond to University Council's request for volunteers for committee service (Almanac: January 14) by asking to be placed on the Personnel Benefits Committee. Although there are no guarantees, his request probably would be honored if not the first time, then the second.

-Ira M. Cohen, (Retiring)
Chair Personnel Benefits Committee

More on Employee Rights
Senior Vice President Helen O'Bannon has sought to solve the problem of the contract rights disclaimer in the staff application form by a solution which is no solution. The statement to which an applicant would be required to subscribe would be that the "application and any other University documents or statements are not contracts of employment," and that "any oral or written statements to the contrary are hereby disavowed."

If these words have any legal meaning, it must be that the Staff Grievance Procedure creates no contractual obligation which the University is bound to follow. The result remains the same. The University retains the right to discharge employees without a hearing, without cause and without notice. This is clearly the legal result which the University is seeking to achieve by the changed wording. The only difference is that the original statement was candid; an applicant would know what rights he or she was signing away. The revised statement leaves unstated, and to most applicants, unknown, the legal consequences. Contract law has a particularly appropriate term for such clauses which mislead unwary signers—"unconscionability."

The University must decide whether it is committed to a Staff Grievance Procedure or not. Can staff employees rely on it, or is it intended only to hold the promise to the ear and break it to the heart? If the University is genuinely committed to such a procedure and the other assurances held out to employees, the solution is simple. Strike the last paragraph of the application form. Anything less than this sends a clear message:
The University does not intend to be bound by any promises or assurances it makes to its employees; it intends to continue asserting that it is the absolute master and its employees slight.

I would repeat that a clause such as the Senior Vice President has proposed would be illegal and considered outrageous in other civilized countries. It is particularly unconscionable and dishonest for the University to hold out the promise of a protective grievance procedure, and at the same time insist that employees sign away their rights to it.

-Clyde W. Summers,
Fordham Professor of Law

Response from Mrs. O'Bannon
Professor Summers continues to question the University's proposed disclaimer to applicants who are seeking employment at the University and the University's policies and procedures that cover employees. I believe there is a distinction between applicants and employees but will again ask the University General Counsel to review the drafts of new Personnel policies and procedures to ensure that our employees have appropriate protection against unlawful actions by the University.

-Helen B. O'Bannon, Senior Vice President

Council: Parking, Open Expression, Other Issues

Moving rapidly through a heavy agenda, the University Council voted at the April 29 meeting to receive reports on parking and on the proposal for a student union, and accept recommendations to separate the Committee on Open Expression's adjudicative functions from those of advising and mediating.

Parking: The motion to receive the recommendations on parking and transportation planning included a proposal that the Administration pay "particular attention" to questions raised during debate about the adequacy of parking planned. The report calls for the Transportation and Parking Office to develop a five-year plan within a year, but to provide within three months a short-term plan for implementing such recommendations as those to (1) reserve parking and transportation revenues for financing parking and transportation; (2) index fee increases to the Consumer Price Index; and (3) increase transient parking capacity by means that would include the development of remote sites and a differential fee based on proximity to the campus core. In response to query, Facilities Committee Chair Dr. Noam Lior treated the present level of $360 as a benchmark, with core sites rising perhaps $50 and remote ones perhaps falling to $30. (See Almanac April 28, p. 6, for the full list of recommendations, but note correction to item #2 on page 8 of this issue.)

Open Expression: The ad hoc committee to review the Open Expression Guidelines, headed by Dr. Michael Wachter, asked Council to take up recommendations on one portion of its work—to end the after-the-fact adjudication function of the Committee on Open Expression—noting that a later presentation will be made on portions of its charge that cover "ambiguities in certain Guideline standards."

During the reporting period that opens the meeting, Wayne Glasker announced that GAPSA requested deferral of action on the recommendations (excerpted in Almanac April continued past insert

Quad Safety
A letter on openness in connection with consultations on residential safety, received from eleven residential advisors in the Upper Quad and previously published in part in The Daily Pennsylvanian, has been superseded by direct discussion between the RA's and President's Assistant Nicholas Constantinopoulos. Mr. Constantinopoulos notes that a meeting has been arranged between Security Consultant David Stormer and the residential advisors of the Quad, who listed eleven specific suggestions for improvement in addition to requesting that more information be shared.

-K.C.G.
Open Expression: More on April 9 Decision

As Chairman of the Committee on Open Expression, I am writing to ask that [the Vice Provost for University Life] include the attached separate statement in the official COE record on the April 9, 1986, demonstration in the President's Office. Because the circumstances surrounding the separate statement are unusual, a few words in explanation are in order.

The separate statement, prepared by student COE member Jon Landsman, was first circulated to the committee after the committee had approved and released for publication its Section II.B.8 evaluation and characterization of the April 6, 1986 demonstration. In connection with that circulation, which itself was prompted by a letter of inquiry from *Almanac* as to the status of Mr. Landsman's statement. Mr. Landsman asked that the committee treat the statement as an official separate statement by an individual member of the committee. Because Mr. Landsman had not shared his statement with the committee through routine collegial committee processes, because the committee statement on the April 6 demonstration had already been published, and because the process of judgment under Section II.B.8 would be severely complicated if determinations were made individually—not collectively by consensus, committee opinion was closely divided on whether to grant Mr. Landsman's request. The committee ultimately concluded, by majority vote, that under the unique circumstances of the case the request should be granted. Members of the committee agreed that the request could be granted subject to the caveat that the advisability and scope of dissenting statements in Section II.B.8 cases, as well as the practice and procedure for such statements, are a proper matter for rule-making or internal procedural adoption pursuant to Sections II.B.3 and II.B.10 of the guidelines. The committee therefore wishes to make clear that its decision to transmit Mr. Landsman's separate statement as an official statement by an individual COE member is a decision made in response to a unique circumstance and not one that binds the committee in future cases.

With regard to the substance of Mr. Landsman's separate statement, the committee wishes to stress that the factual characterizations in it reflect only Mr. Landsman's viewpoint and not that of the committee. Indeed, many members of the committee currently are of the view that individual expressions of disagreement with the facts as found by the committee or with the manner in which facts are reported by the committee chair are inappropriate matter for discussion in a separate or dissenting statement.

With regard to the conclusions drawn by Mr. Landsman in his separate statement, the committee likewise wishes to stress that the conclusions reflect Mr. Landsman's interpretation of the guidelines and not that of the committee. In particular, the committee wishes to note its sharp disagreement with Mr. Landsman's conclusion that the guidelines prohibit DPS (Department of Public Safety) presence at expressive events except when authorized by the President or when public figures are involved. In order to assure the safety of all members of the University community, a reasonable discretion must be vested in the administration to determine whether or not DPS should be asked to attend a meeting or demonstration. Further, the committee is of the view that the University is entitled to treat any uninvited meeting or demonstration in the President's Office as one that requires DPS presence. The President, as the leader of the University, is—in the committee's view—a public figure on our campus. Unscheduled expressive meetings in his office can present a substantial interference with the routine administrative work without which the University would shut down. For these reasons, the committee finds it clear that the President or the President's assistants may—consistent with the guidelines—ask for DPS presence under circumstances like the circumstances of the April 6, 1986, incident. See, e.g., Guidelines Section III.D.2.

Finally, with regard to Mr. Landsman's general viewpoint on administration culpability for guidelines violations during the April 6, 1986, incident, the committee wishes to express its view that the administration's conduct during that incident was solicitous of the rights and standards established by the guidelines as those rights and standards were understood at that time.

—Sohrah Rahii. Chair, Committee on Open Expression

Statement by Mr. Landsman

I. I agree with the Committee on Open Expression that the peaceful gathering of students in the president's waiting room on April 9, 1986, did not violate the Guidelines on Open Expression. Thus, the vice provost for university life erred when he told the students that they were violating the guidelines.

Members of the university community may indeed hold peaceful, nondisruptive gatherings in the president's waiting room.

II. However, I disagree with the Committee's decision to find that Section IV (C) of the Guidelines was violated. Inherent in the Committee's power to interpret the Guidelines is the power to block prosecutions for trivial or technical violations. The Committee could have exercised its discretion in this case not to find a violation of the Guidelines. The vice provost was wrong and the students were right; therefore, I cannot agree with the Committee's decision to find that Section IV (C) of the Guidelines was violated. The Committee wisely noted that the violation of Section IV (C) was merely a technical violation, and presumably, not one that should be the basis for substantive disciplinary action. The administration should abide by this decision and not pursue any disciplinary action against the students.

III. I also write separately because the evidence establishes that the actions of the University administration violated the Guidelines on Open Expression, and I feel that this information should be presented to the students involved in the gathering and to the University community in general. Although the vice provost asked the Committee to investigate the actions of the students, the Committee has not exercised the power to scrutinize the actions of all participants in the events. The administration should not be able to immunize itself from the scrutiny of the Committee and the public by alleging that only the students violated the Guidelines. Further, students named by the administration as having violated the Guidelines should not be expected to come forward and accuse their accusers of violating the Guidelines.
The administration's actions that had the effect of inhibiting free speech and violating the Guidelines are:

A. The presence of a Department of Public Safety officer in the president's waiting room. The Guidelines on Open Expression impose major limitations on the power of the Department of Public Safety officers. They are forbidden from attending meetings or demonstrations unless their presence is intended "to help protect the open expression rights of those involved." (Section IV(C)(3)(a)), or unless the person or group responsible for the event asks them to attend. Normally public figures are involved, or when imminent danger of violence exists. (Section IV(C)(3)(c)). Clearly, none of these conditions existed at the peaceful gathering in the president's waiting room. The public safety department was not present to protect the free speech rights of the students. A safety officer sat at the locked door to the waiting room. In order for a student to leave the room, the student had to ask permission from the officer. If the officer then had to unlock the door. Any student who left would not be allowed back inside the Guidelines is described as "a most novel way of protecting free speech rights. Additionally, the students did not ask public safety to attend: no prominent public figures were present and no imminent danger of violence existed. Thus, the police presence requested by the University administration violated the Guidelines on Open Expression.

B. The pushing of one of the students into a lamp and desk by a public safety officer. One of the students testified that when she left her chair to walk around the waiting room, the public safety officer on duty ordered her to sit down and pushed her against a lamp and desk. The administration later put another police officer on duty and apologized to the student for this embarrassing and inappropriate incident. This behavior is an extraordinary example of the danger that police presence at a peaceful protest can create. The incident shows how intolerance and the desire to exert power can lead to unnecessary, dangerous escalation of tensions.

C. The threat by the administration that the students might be suspended on the spot if they did not leave the suite. Administrators considered arresting and temporarily suspending the students involved. This possibility, discussed during administrative strategy talks at another location, was relayed to the students by members of the administration's negotiating team. The intent of this message was to suppress free speech by using the threat to persuade the students to terminate the demonstration. Temporary suspension of demonstrators is not at all authorized by the Guidelines on Open Expression. Enforcement of the Guidelines is described and limited by Section IV of the Guidelines. This Section does not authorize the temporary suspension of students as a means of terminating a protest. This Section does not authorize the administration to draw upon other powers it may possess in other situations as a means of enforcing the Guidelines on Open Expression. The vice provost disagrees and believes that he has the power to invoke Section VIII(A) of the Charter of the University Student Judicial System, which authorizes temporary suspensions in some situations, as a means of enforcing the Guidelines on Open Expression. Section VII(A) reads: "In extraordinary circumstances, when a student's presence on campus is a threat to order, health, or safety, the (vice provost) may suspend a student temporarily..." Even if the vice provost is correct in his view that he can invoke this power to enforce the Guidelines on Open Expression, the use of this extreme power would be grossly inappropriate here. A peaceful protest cannot be an "extraordinary" event on a college campus. In addition, participants in peaceful protests are not to order, health, or safety.

D. The failure of the administration to inform the Committee on Open Expression of the complete story regarding the day's events. The administration wrote a letter to the Committee asking it to evaluate and characterize the actions of the student demonstrators. The letter did not disclose relevant information that was favorable to the students. The letter did not disclose that the students had said that they believed they had the president's permission, at least initially, to wait in the waiting room. The letter did not state that the students, when confronted by the vice provost, told him that they felt they were right and he was wrong, because the waiting room was not a private office. The letter also did not disclose that the public safety officer had pushed the student, and that the administration had apologized to the student. The administration should not be able to complain about the possible threats that peaceful students purportedly posed, while not reporting that one of its own employees created the real threat of harm during the entire demonstration. The administration has a vested interest in seeing that the Guidelines on Open Expression are followed by all members of the University community. The administration should not provide selective, one-sided information to the Committee on Open Expression.

IV. This demonstration began because the students felt the administration had given them "the runaround." The students wanted to know how a resolution could be placed on the agenda of the Trustee Executive Committee. The secretary of the University told the students that four senior administrators had the power to do so. Then, as might be expected, the students contacted these four. Three of the four denied that they could place the item on the agenda. The students then demanded an answer from the fourth member of the quartet, the president. The president said either he could make this power, or that he could technically have the power, but would not exercise it for the item in question. The students then demanded that the president ask trustees to put the matter on the agenda, the demonstration continued until the president carried out his promise to contact the trustees.

The end result is: (1) The students were cited on the spot for violating the Guidelines on Open Expression; (2) The students were, in fact, engaging in fully protected speech under the Guidelines, and (3) The administration's actions violated the Guidelines.

A repeat of this unfortunate occurrence could be averted by the administration's paying close attention to Section I of the Guidelines on Open Expression. Section I states: "The University shall be vigilant to ensure the continuing openness and effectiveness of channels of communication among members of the University on questions of common interest."

—Jon Landsman, Law '87
Member, Committee on Open Expression

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From College Hall

Numbers of Standing Faculty at Penn by Gender, School and Tenure Status
October 31, 1986

<table>
<thead>
<tr>
<th>School</th>
<th>Men</th>
<th>Women</th>
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<tr>
<td>Annenberg</td>
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<td>2</td>
<td>11</td>
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<tr>
<td>Arts and Sciences</td>
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<td>73</td>
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<tr>
<td>Dentistry</td>
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<td>57</td>
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<tr>
<td>Education</td>
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<tr>
<td>Engineering</td>
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<td>4</td>
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<tr>
<td>Fine Arts</td>
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<tr>
<td>Law</td>
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<td>5</td>
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<tr>
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<td>Social Work</td>
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<tr>
<td>Veterinary</td>
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<td>Wharton</td>
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<td><strong>Total</strong></td>
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<th>Number of Tenured Standing Faculty</th>
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<tr>
<td><strong>Total</strong></td>
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Awards for the Research Facilities Development

Research Facilities Development Fund awards for FY1988 have been made to the Schools of Arts & Sciences, Engineering, Fine Arts, Medicine, Social Work, and Veterinary Medicine, and the Laboratory for the Research of the Study of Matter.

The awards are intended to support the improvement, renovation, and construction of research facilities across the University. President Sheldon Hackney and Provost Thomas Ehrlich announced with the distribution of $1,657,606 to eight projects in seven units of the University:

**Arts & Sciences**
- $113,506 for computer access equipment for senior theoretical chemists.
- $115,000 for support relating to the move of SAS computing facility to 3401 Walnut Street.

**Engineering and Applied Science**
- $400,000 to support the renovation of the computer graphics laboratory in the Moore Building.

**Fine Arts**
- $215,100 in support for renovating the GSFA computer facility on the third floor of Meyerson Hall.

**Medicine**
- $350,000 has been allocated for the School of Medicine for Department of Physiology renovations in the Richards Building.

**Social Work**
- $250,000 to support the renovation of Cas- ter Building space for School of Social Work research activity.

**Veterinary Medicine**
- $85,000 to support renovation of the Cardiac Electrophysiology laboratories.

**LRSM**
- $129,000 to renovate space for installation of the high-resolution transmission electron microscope.

Faculty Club: A Month's Grace

More than 100 Faculty Club members filled the Club Room for the Annual Meeting on Wednesday, responding to a plea from the Board of Governors for advice on "whether or not the Faculty Club should continue to exist" (Almanac April 28).

At the meeting chaired by Dr. Malcolm Laws as vice president of the Board of Governors, Senior Vice President Helen O'Bannon offered to extend a month (to June 1) the period for deciding whether or not to renew an agreement for the University to operate the Club.

She said she wants to "reduce the level of subvention . . . which is in excess of what Penn pays for unemployment compensation," that she is not prepared to pick up a deficit without any say about financial decisions, and that she is prepared to step aside but that the Club must still pay the University for debt service.

President Sheldon Hackney, who was presiding over Council at the time of the Membership Meeting, sent a letter of commitment from the Board of Governors to Dr. Hackney, that the Board "wants assurance that it can operate the Club under the original agreement." Dr. Laws said that the Club Room is "suitable for forum and meeting place (i.e., as suitable for services)."

There were also complaints of food quality—including Dr. Albert Lloyd's objection that what used to be "real food" has become "yuppie food," which led Hospitality Services' Don Jacobs later to promise to serve both.

Mr. Jacobs pointed to declining physical plant factors such as air conditioning, restrooms and kitchens needing thousands of dollars to restore. Other speakers, among them Dr. Lloyd, Dr. Anthony Garvan and Alumnus Russell Huey urged rating the Club's value as a forum and meeting place (i.e., as suitable for services). The underlying issue of the Board's potential resignation in masse, Dr. Jonathan Rhoads said, "The Board should not resign even though there has been somewhat compromised control," and former development executive Edward F. Lane (pointing to the millions of dollars raised for the University on the premises) said the Trustees and the General Alumni Society should be consulted about the value of the Club. Meanwhile, to applause, he said it would be "a disaster for the Board to resign." Shirley Winters of Development said the Board "wants assurance that it can operate the Club under the original agreement."

Change of Directors: At week's end, notices were circulated in the Faculty Club that Director David Cantor, who came to Penn six years ago with Restaurant Associates and remained after the change of operators, was leaving effective April 30. His resignation was accepted by Jacqueline Matthews, chair of the House Committee, which will meet May 6 to confirm the acting appointment of Thomas M. Walters, of Decision Management Services Services. A search will be conducted for a permanent manager, with an appointment to be approved by the House Committee and full Board of Governors.

Deaths

Dr. Robert Phelps Barden, a former associate professor at the Graduate School of Medicine, died January 31 at the age of 78. Dr. Barden was a radiologist whose specialty was diagnostic work in lung and chest disorders. After coming to Penn as an associate instructor in 1936, he received his doctorate in medical sciences in 1938. He taught until 1949 when he became director of radiology at Chestnut Hill Hospital. Surviving are his wife, Mary West Barden, better known as author Jan Westcott; daughters, Heather Koelle, Nancy Wall, Therese Archer and Bonnie; two stepsons, Richard and Michael, and nine grandchildren.

Dental School Emeritus Professor and Mrs. Daniel Isaacs are acting in the Social Sciences Division. Also surviving are a son, Kurt W., two daughters, Choti and Mrs. Gregory Kleiber, a brother, Fred W. Jr., and a sister, Mrs. Robert Fina.

Dr. Royal Weiler, IF former assistant professor of Sanskrit, died January 24 in his home at the age of 59. He received his bachelor's and doctoral degrees in Oriental studies from the University in 1951 and 1956 respectively. His association with the South Asia Department began in 1965 and lasted until his retirement in 1979. His wife, Marjorie Weiler, currently works in the Decision Sciences Department. Also surviving are a son, Kurt W., two daughters, Choti and Mrs. Gregory Kleiber, a brother, Fred W. Jr., and a sister, Mrs. Robert Fina.
Rare Plant Auction

As part of the centennial celebration of the University's Morris Arboretum, a plant sale and rare plant auction will be held May 8-15. Plants propagated from stock which was growing nearly 100 years ago at the Arboretum, as well as unusual varieties of annuals, perennials, herbs, vegetables, flowering shrubs and trees will be among the items offered to the public from 10 a.m. to 4 p.m.

More information can be obtained by calling 247-5777.

ICA: Call for Slides

The Institute of Contemporary Art invites Delaware Valley artists to submit slides of their work to be considered for the exhibition Made In Philadelphia 7, to be presented at ICA in December and January.

Judith Tannenbaum, assistant director of ICA, will curate the exhibition and compile the exhibition catalogue. All slides submitted will be retained for ICA's slide registry of Philadelphia-area artists.

Works in all media will be considered. Students and artists in previous ICA Made in Philadelphia exhibitions are not eligible.

Each slide must be clearly labeled with the artist's name, title and date of the work, medium, and dimensions. Current address, phone number, and an up-to-date biography must be included with the slides. Artists are invited to submit no more than ten slides from work completed during the past two years. There is no application fee. Deadline for submissions is July 1, 1987.

Materials should be mailed in one packet to Victoria Glickstein, curatorial assistant, ICA, 34th and Walnut Streets.

No ‘CrimeStats’ This Week, But . . .

Due to computer problems (with an electrical storm as chief suspect) the University Department of Public Safety’s regular weekly compilation of crime statistics by area was not available at press time this week. Next week a two-week analysis is expected.

Meanwhile, with final exams in progress, both students (who may be under pressure) and University staff (whose offices may be understaffed because of dislocation in work-study schedules) are urged to think of safety in multiple ways: lock-up, keep track of purses and bookbags, and remember both the escort service and the “buddy system” for personal safety on the streets. - K.C.G.