



"Committed to Academic Excellence"

NEWSLETTER

September 1, 1995

ADMINISTRATION ASKS BOARD TO DELAY ACTION ON NEW SEXUAL HARASSMENT POLICY

On the recommendation of the administration, the Board of Regents took no action on the sexual harassment policy overwhelmingly approved by the faculty on April 6, 1995. Dean Pence listed several "disagreements and concerns" that he indicated would provide a starting point for discussion with the faculty this fall.

Ivan Ackerman, the college attorney, reviewed the policy over the summer and has prepared a report.

After these issues have been addressed, the administration intends to present a revised version to the board at its fall meeting.

Proponents of the faculty policy say that it has several advantages over the policy that was supported by the administration: its emphasis on informal procedures makes it more "victim friendly" and more likely to succeed in resolving complaints, its definition of sexual harassment is less threatening to academic freedom, and its procedures are more consistent with widely accepted standards of academic due process.

FORMER CORNELL COLLEGE PRESIDENT TO SPEAK ON CAMPUS

C. William Heywood, professor emeritus of history at Cornell College in Mt. Vernon, Iowa, will speak at the Wartburg AAUP chapter dinner on Friday, September 15, from 6 - 9 p.m. in the Castle Room of the Student Union. Heywood's talk is entitled "**Is Tenure a Liability or a Necessity? A View from Five Perspectives.**" The five perspectives are those of a faculty member, a department chair, an academic dean, a college president, and a board member, all capacities in which Heywood has functioned in his nearly 45 years in the academic profession. Heywood chaired the history department at Cornell College from 1968 to 1978 and from 1981 to 1982, served as dean from 1983 to 1987, was interim president from February to July 1994, and has been a member of Cornell's board of trustees since 1992.

All faculty, administrative staff, and board members are welcome to attend.

AAUP PASSES NEW POLICY ON SEXUAL HARASSMENT: NO "HOSTILE ENVIRONMENT"

The AAUP approved a new policy statement on sexual harassment at its national meeting, held in Washington on June 6. The new policy, which was recommended by Committee W on the Status of Women in the Academic Profession, replaces the policy adopted in 1990. The only major changes are to the third clause of the definition of sexual harassment. The new language is more precise about what constitutes sexual harassment, distinctions are drawn between the workplace and the academic setting, and all references to hostile environment have been deleted. The complete definition is printed below:

It is the policy of this institution that no member of the academic community may sexually harass another. Sexual advances, requests for sexual favors, and other speech or conduct of a sexual nature constitute sexual harassment when:

1. Such advances or requests are made under circumstances implying that one's response might affect academic or personnel decisions that are subject to the influence of the person making the proposal; or
2. Such speech or conduct is directed against another and is either abusive or severely humiliating, or persists despite the objection of the person targeted by the speech or conduct; or
3. Such speech or conduct is reasonably regarded as offensive and substantially impairs the academic or work opportunity of students, colleagues, or co-workers. If it takes place in the teaching context, it must also be persistent, pervasive, and not germane to the subject matter. The academic

setting is distinct from the workplace in that wide latitude is required for professional judgment in determining the appropriate content and presentation of academic material.

The definition adopted by the faculty on April 6 is similar to this one, with one exception: the faculty policy includes among the effects of sexual harassment "creating an intimidating, hostile, or offensive . . . academic . . . environment." As noted in the February 1995 issue of the *AAUP Newsletter*, a number of recent cases have demonstrated that this part of the definition is inimical to academic freedom and unlikely to survive court tests. Now that the administration has put the sexual harassment policy back on the table for discussion, the executive committee of Wartburg AAUP will propose that it be amended to accord with the new AAUP policy statement

IS THERE REALLY NO SUCH THING AS A DUMB QUESTION? or PERRY MASON THEY'RE NOT

The following lawyerly lines of questioning were (supposedly) taken from official court transcripts:

- Was that the same nose you broke as a child?
- Now, doctor, isn't it true that when a person dies in his sleep, in most cases he just passes quietly away and doesn't know anything about it until the next morning?
- Q: What happened then?
A: He told me, he says, 'I have to kill you because you can identify me.'
Q: Did he kill you?
- The youngest son, the 20-year-old, how old is he?
- Q: I show you exhibit 3 and ask you if you recognize that picture.
A: That's me.
Q: Were you present when that picture was taken?
- Q: Now, Mrs. Johnson, how was your first marriage terminated?
A: By death.
Q: And by whose death was it terminated?
- Q: Do you know how far pregnant you are now?
A: I'll be three months on November 8.
Q: Apparently, then, the date of conception was August 8?
A: Yes.
Q: What were you doing at that time?
- Q: Mrs. Jones, do you believe you are emotionally stable?
A: I used to be.
Q: How many times have you committed suicide?
- Q: She had three children, right?
A: Yes.
Q: How many were boys?
A: None.
Q: Were there any girls?
- You don't know what it was, and you didn't know what it looked like, but can you describe it?
- Q: You say that the stairs went down to the basement?
A: Yes.
Q: And these stairs, did they go up also?
- A Texas attorney, realizing he was on the verge of unleashing a stupid question, interrupted himself and said, "Your Honor, I'd like to strike the next question."

- Q: Do you recall approximately the time that you examined the body of Mr. Edington at the Rose Chapel?
A: It was in the evening. The autopsy started about 8:30 p.m.
Q: And Mr. Edington was dead at the time, is that correct?
A: No, you stupid, he was sitting on the table wondering why I was doing an autopsy!

STATUS OF PART-TIMERS BIG ISSUE AT AAUP NATIONAL MEETING, REPORTS ZEMKE

(As the newly elected President of the Iowa Conference of the AAUP, Warren Zemke attended the annual meeting of the Association in Washington this June.)

A white-hot topic at the annual meeting was the status of "part-time faculty." Many delegates contended that injustices (e.g., poor pay) are wrought on part-timers. Some delegates even suggested that AAUP encourage the institution of a permanent part-time faculty status along with tenure-track status.

Others claimed there is no shared community of interest between part-time and full-time faculty. It is full-time faculty who participate in the critical responsibilities outside the classroom, like program development and advising. Often, said some, part-timers are not searching for full time teaching positions. Many have full time jobs and enjoy part time teaching and the extra money it brings in. At some institutions, it was pointed out, the title of adjunct professor even carries some prestige.

After extensive, sometimes passionate, discussion, a task force was appointed to examine the issue of part-timers and report back soon.

At Wartburg the Ad Hoc Committee on Part-Time Faculty completed its recommendations and sent them on to the Faculty Review Committee in May. FRC will address the ad hoc committee report before making its own recommendations to the faculty. Stay tuned.

—Warren Zemke

SISTER COLLEGE CLOSES ITS DOORS

Upsala College in New Jersey held its final commencement in May of this year, graduating more than 200 students. According to the July-August issue of *Academe*, accreditation from Middle States Association of Colleges and Schools was not renewed last year, and the college's board of trustees voted to relinquish the college's degree-granting authority in March. The college was also facing a multi-million dollar debt. The closing meant that more than 60 faculty members lost their jobs.

Upsala opened October 3, 1893, in Brooklyn, NY. It was established by Swedish Lutherans as a church academy rather than a theological preparatory school. It moved to Kenilworth, NJ, around the turn of the century and then to its final location, East Orange, in 1924.

AAUP WANTS YOU!

Nationally, AAUP is best known for its defense of academic freedom, due process, and faculty governance. Both the local chapter and the national office provide advice and support to individuals who feel that their rights to due process and academic freedom have been violated. The local chapter also provides a forum to discuss critical issues affecting academic life on campus and a voice with which to address the administration and other campus entities about these issues.

Members receive *Academe*, the spring issue of which contains AAUP's Annual Report on the Economic Status of the Profession, a comprehensive analysis of faculty salaries and fringe benefits. Since *Academe* is one of the preeminent professional journals, AAUP members can be reimbursed \$27 from their personal development funds for the portion of their dues attributable to *Academe*. (Since AAUP is a non-profit, charitable organization, dues are tax deductible.)

For more information, contact a member of the executive committee (Warren Zemke, Moira McCluney, Susan Vallem, or Greg Scholtz).

LUTHER COLLEGE HOSTS AFFIRMATIVE ACTION DEBATE

Luther College and the Elwin and Helen Farwell Endowment present "Affirmative Action: A Key Issue Debate." This debate features Sharon Pratt Kelly, former Mayor of the District of Columbia and Mr. Richard Thornburgh, former United States Attorney General. Dennis Ryerson of the *Des Moines Register* will moderate. The debate will take place Thursday, Sept. 7, 1995 at 7:30 PM in the Center for Faith and Life Main Hall at Luther College. A reception sponsored by the Luther College Chapter of the AAUP will follow the debate. Anyone wishing to attend should contact Warren Zemke about transportation.

\$4 BILLION IN EDUCATION CUTS PASSED BY HOUSE

(The following was distributed August 31 via the Internet by Marsha Nye Adler, AAUP's Director of Government Relations.)

On August 3, just before going out on recess, the House passed H.R. 2127, setting the FY 1996 appropriations for the Departments of Labor, Health and Human Services, and Education. The bill was then sent to the Senate to be taken up after Senators return from the August recess.

As passed by the House, the bill drastically cuts education spending by over \$4 BILLION, the largest cut ever in federal support for education. Higher education programs were slashed in several areas:

- The bill cuts student aid programs, including the state student incentive grant program, and cuts back on the President's budget request for administering the direct loan program by more than 50 percent.
- Programs for institutional development in predominantly minority colleges are cut by \$86.5 million.
- Terminated programs include cooperative education, law school clinical and urban community service. More than \$50 million in scholarships and fellowships were terminated.
- The Pell Grant maximum is raised by only \$100, compared to the President's request of \$280, and while the minimum is raised from \$200 to \$600, this has the perverse effect of dropping 300,000 needy students from the program.

The bill also includes several policy riders restricting the uses of federal funds, drastically limiting political advocacy among non-profits and charities, and blocking enforcement of the President's executive order to prohibit Federal contracts with any company that hires permanent replacements for striking employees.

Overall, the bill makes a dramatic disinvestment in education that will undermine the educational opportunities of millions of children, youth, and adults, damage the quality of American education, and reduce the nation's economic productivity and its ability to reduce the deficit through growth. It also shifts billions of dollars in educational costs to states and localities and deprives students of much needed educational services.

The President has threatened to veto the bill in its present form.

Action needed: Call your Senators now and urge them to restore fair funding for education in the Appropriations bill. Urge them also to remove the non-appropriations riders from the bill. Whatever the merits—or in this case, demerits—of the issues, they should go through the same committee process as all other substantive legislation.

The Senate Appropriations Committee will be considering the bill very soon after returning from the recess. Those of you in Iowa may wish to contact the chair, Senator Mark Hatfield or committee member Senator Tom Harkin, whose addresses and phone numbers are listed below.

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District Office: Portland 503-326-3386. Salem 503-588-9510

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