

**Our University of Minnesota Community:**

**A Conference Report and Analysis from Rajender Claimants and**

**The Faculty Advisory Committee for Women**

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I. Introduction and Background

On November 6 and 7, 1992, a University of Minnesota-sponsored conference was held for women who had filed claims under the Rajender Sex Discrimination Class Action Consent Decree and other concerned persons. This 1980 Federal Court decree emerged following the claim of discrimination by Dr. Shyamala Rajender, an employee in the University of Minnesota, Department of Chemistry. Dr. Rajender's claim was joined by five other faculty women within a class action suit. Over 300 claimants' cases have been resolved through this class action. The conference was attended by sixty women who were claimants and/or who, as members of the Faculty Advisory Committee for Women, (FACW) supported claimants in their resolution processes. The purpose of the meeting, held at the University of Minnesota Law School and Humphrey Institute facilities, was to discuss meaningful patterns in the shared experiences of claimants, to help heal the trauma that some claimants had undergone, to identify issues of gender equality that should be brought to the University community, and to foster positive outcomes of this period of litigation. This report is an attempt to illuminate claimants' experiences within analyses of our University system.

The opening sessions of the conference were led by founding members of the FACW who had, early in the Decree process, recognized the need for courage, strength, and care in bringing cases to fair resolutions. Anecdotal accounts of Dr. Rajender were shared by women who had been her colleagues and who had helped with her initial litigation. An historical account of the formulation of the class action decree, sections of which were co-written by members of the FACW group, was given by three conference participants.<sup>5,30,32</sup> They spoke to their deep respect for women claimants and other FACW women's ability to take risks toward positive change, and to the support and commitment over these past years to help create a caring University community. To bring the conference to a shared perspective of cases, three examples were highlighted by conference claimants for review.<sup>3,11,31</sup> These cases were selected for their centrality, significance to the decree purpose, and processes of resolutions. Together the participants celebrated system-wide advances that have become visible to our entire University community. Between 1980 and 1990:

- Hiring practices and promotional tenure review processes have been targeted for greater scrutiny regarding gender and racial bias.

- The majority of Rajender claimants obtained partial remedies through federal court processes or out of court settlements.
- In 1989 all University of Minnesota faculty women benefitted from the legal action through partial salary equities.
- Sex discrimination and institutional sexism have been recognized as a deeply rooted problem by most members of our University Community.
- A strong, grass-roots network of women, across disciplines, ranks, appointments, and campuses has emerged to voice ways our University community can further progress to equality.

## II. Emerging Process Themes in Rajender Claimants' Cases

- The overall theme emerging across claimants' accounts was the strength and spirit of diverse women, who came together as scholars and concerned members of our University to help bring corrections in salary equity and promotion.
- A second strong theme was the courage and willingness of these women to risk their own careers to help other women have equal access to our institution. Examples by women claimants of how they were encouraged to speak out and challenge unfairness, and how other faculty women stood by them in University Senate Judicial Hearings and Federal court trials reflect a grass-roots, across the University effort to help with fair resolution processes of claimants' cases.
- Many claimants identified a loss of belief in a just University community. They spoke, often with sorrow, of the 'shattered illusion' that scholars were persons committed to truth and fairness. Examples of betrayal by colleagues in promotion and tenure processes were common; being clearly told by faculty and administrators that they had their support and their votes, and then later learning this did not in fact occur.
- Retaliation and retribution for filing a Rajender complaint emerged across claimants' accounts. This included being isolated, shunned, openly treated with contempt, and being subjected to untrue rumors about their work and personal lives. These practices were often begun by an individual and then joined by many members of their academic units. Experiences of vilification also occurred; being cast as 'greedy traitors' or even more hostile and denigrating labels were experienced by some claimants.
- Losses to one's self worth, one's scholarly worth, and for some, one's physical health were commonly reported among the participants. The great difficulty of sustaining

one's belief in self and community in the midst of organized community retaliation for filing a claim was a shared experience.

- A theme of survivor's guilt was present. When a women colleague in a unit had supported a claimant who then was not able to sustain her academic position, a guilt, now identified in many disciplines as survivors' guilt, was experienced by the colleague who remained in the unit.
- Litigation of the Rajender claims did not result in corrections of the community process in most cases. The University counsels took a settlement posture of "no fault"; few or no violating individuals were asked to review their discriminatory acts, and system processes of inequity were rarely reviewed. Most often deeply compromised monetary amounts were offered to claimants and a claimant was rarely in a position to insist upon corrections of policy and procedures. A few faculty workshops were mandated to correct bias, but resistance to the claimant at times then increased. The costs of court hearings, overall, were an area of deep inequity in that a claimant was allowed only \$6,000 in attorney fees under the decree while the University counsels appeared to have unlimited public funds as resources. Repeatedly, two or three University attorneys collaborated, with costs many times that of the \$6,000 limit set for claimants. In many cases findings and settlements were sealed as confidential, and the importance of cumulative data and system changes was not recognized.
- Post trauma stress has clearly emerged among some Rajender claimants. When shared social contracts were violated, when shared beliefs in a fair community and its quest for truth were shattered, the claimants suffered trauma. A long term process of rebuilding trust was necessary. The extreme cases of assault, betrayal, and threatened violence that have occurred in some departmental units have not likely been understood in the context of these above issues.
- Faculty and administrators who violated the rights of claimants usually advanced in their own career paths. These violators were rarely publicly addressed for their actions by central administration, and it is not apparent that their underlying belief systems were corrected. Inequality continues as faculty and administrators with track records of sex discrimination continue as though their wrongs to claimants are above question in our University community. Many conference participants described deep frustration regarding the incongruities between statements promoting equality from some departmental units and from central administration, and open continuation of discriminatory practices and behaviors by some. These incongruities bring questions by claimants of the truthfulness and intent of our University leaders.
- Both women claimants and FACW advisors varied widely in the phases of their careers at the University of Minnesota. Some assistant professors, without the support of tenure, brought claims under the Consent Decree, and later recognized the

strongly adverse system-wide responses to their decision. Without experience in their departmental units, they were unable to identify the organized, political response patterns that sometimes resulted in the loss of their positions. This problem was not identified early by FACW members and risk-taking was often not balanced for these younger faculty. Responding with strength to unfairness was often through idealism; as stated by one claimant, "I have challenged and continue to challenge our system because I believe in the purpose of our University." Senior faculty came to recognize the need to teach risk-taking within principles that better considered the context of one's career path. Yet, the idealism of these claimants clearly speaks to our greatest strength as a University community.

In summary, the prevalent themes in the case histories of Rajender claimants as discussed in this conference include shared strengths of courage, spirit, truth-seeking, and belief in our University's purpose. These case reports also include events resulting in disillusionment of ideals held and the recognition that just processes are still illusive in our University community.

### III. Ways of Understanding Characteristics of Sex Discrimination Within our University

In a recent Minnesota Alumni Association report Equal Opportunity Officer Pat Mullen is quoted as stating, "Discrimination is deeply subconscious and very emotional. We haven't even touched how you deal with it." Discussion in this section will attempt to reach deeper into characteristics of persons who discriminate and into system dynamics.

#### A. Characteristics of Discriminators

While Rajender cases varied widely, some characteristics of discriminators can be considered. The following statements will not fit for all cases but offer an important beginning recognition of variables that need to be examined for further review and interpretation.

- Discriminators of Rajender claimants tend to dislike women. This may be expressed through degrading comments on women's physical being and on their social roles and woman to woman relationships. While these comments may be expressed through humor, the pervasive theme is one of dislike. One interpretation of this is that most persons have both feminine and masculine attributes. If so, and if an individual has not come to balance and integrate both inner attributes, a task which is difficult in most societies, this imbalance may be projected outwardly as control, and as diminishing others who represent the repressed attribute. In western societies, which value dominant male attributes, females are openly controlled by males. A discriminator's behavior then may reflect the larger psychological and social problem.

- Discriminators express personal hostility, in some cases, through predatory behavior. This includes planned situations of wielding power and control in hostile ways. A likely purpose is often to generate fear responses in women. If a woman responds with fear, then a victory is identified and the process is escalated.
- Discriminators may use differences in women's scholarly assumptions and methods to demean a woman's thinking process. Underlying assumptions and related approaches for disciplined inquiry vary within every field. In this process, these legitimate differences will be exaggerated, presented with misunderstandings, and openly demeaned, with intent to diminish a woman's scholarly contributions.
- Discriminators appear to first hold intent to violate, then set forward means to this end. If this is understood correctly, it is likely that depth work will be needed to help such individuals resolve underlying psychic issues that are reflected in patterns of repeated harassment and discrimination toward women.

#### B. Characteristics of our Systems

Rajender claimants' cases, and the departmental systems from which they emerge, vary. System variables that emerge in some claimants' cases are offered for consideration and further review.

- A dominant theme of inequality among all employees' relationships is evident in some departments from which Rajender cases have emerged. In these departments a hierarchical power status exists; positions at the top are tightly controlled for access. Leadership often is rotated among the top members of this vertical line. Males tend to hold all top positions. Females can enter from what appears to be from the middle point downward. If a woman is not willing to acknowledge the power line and repeatedly offer deference to those above her, she is confronted by others in the line. This process then allows particular discriminators to have system support for acting out their hostilities. Thus, a pattern of power use and abuse is collectively agreed upon. Persons at the top of the power line are likely aware and consciously choosing this control pattern. Persons in lower positions on the line may be less conscious of their roles in the system process, but play out their own inner hostilities within these system dynamics.
- In some cases it appears that when a woman enters a system in which this power line operates she is 'assigned' to persons who 'guard' her so that she remains in line. This varies by department and may not be consciously recognized by all members. Claimants, too, vary in their levels of awareness and abilities to observe system dynamics. However, in some cases this 'assignment process' is recognized by claimants as one interpretation of how discrimination against women is carried out with covert and overt system support. As an example, a claimant repeatedly

attempted to speak in open meetings in her department. Repeatedly the same male interrupted, demeaned, or dismissed her statements. This occurred in the context of other faculty members' repeatedly allowing his behavior, without comment or correction.

- In such context a theme emerges of double-bind interactions that often place a woman in a lose-lose situation. If a woman is "out of line" and does not defer to those in the power line "above" her, she is then "signaled" to correct her transgression. If she does not agree to defer she then is often brought to a public process of shaming and shunning. Examples exist among claimants in which the entire faculty power line brought retribution upon a person who was unwilling to fit into the power system as expected. This isolation process occurred with amazing group unanimity, according to some Rajender claimants. Thus, these women were expected to respond to the pressure to conform to hierarchical use of power or experience further abuse through increased use of power. Other actions in our academic settings to sustain power over women who do not defer to the established power line have included limiting women's access to records and information, actual purging of their files, and structuring women out of their employment contracts. One claimant who was violated by the latter power process was told by a male colleague how her employment contract violation was "well orchestrated." He also expressed his power by telling her this with expressions of arrogance. The sustaining of such power systems deprive both women and men in our University of experiencing a just and supportive community.
- A major underlying dimension of systems of abuse is systemic control of emotions. In systems in which power is controlled, certain emotions are often regulated through shared agreement. Our societal norms have, overall, mandated different emotional control for men and women. In abusive systems expression of male anger is often exaggerated and overt expressions of emotional intimacy between males are punished. Women in these systems who express overt emotions may be tolerated, but privately demeaned. However, if anger is expressed by a woman a rapid silencing and shaming process is often evident. These normative expressions of emotion and related social forces were nationally demonstrated through the Anita Hill and Clarence Thomas Senate hearings. To many, Mr. Thomas was posturing through his use of anger. Perhaps Professor Hill would have been dismissed as arrogant or hysterical had she displayed anger in the way Mr. Thomas did. The all-male congressional committee repeatedly postured their power positions for each other. This example is offered here to illustrate one case that was observed by most readers of this report. Ongoing use of emotional control in system power dynamics likely hampers psychological growth for all members in that authentic emotional expression is discouraged.

- When emotions are suppressed and disguised over time, primitive psychological defenses may be expressed. Systems that control legitimate emotional expression may promote defense patterns of denial, projection, scapegoating, and lying. Defense mechanisms clearly vary among individual participants in systems. Yet, when leadership control is strong, the process of individuals responding defensively is often collective, and swift, and led by the most primitively defensive members. Case situations in the recent past within departments of chemistry, educational psychology, history and other units of our University could be studied in depth to further understand this systems pattern.
- Overall, in departments in which control of emotion and control of power through a hierarchial power line exist, and retaliation patterns for breaking power mandates exist, all members may suffer from a sense of unworthiness and a lack of respect for self or others. Some Rajender claimants, because of a strong sense of self worth and worth of all, chose to question such system control. Sorrow for the breakdown of our University community and of our shared moral contracts was expressed by many conference participants.

Overall, claimants recognized that all persons in our University community must choose to do both self examination and systems change work to end discrimination. Support for this commitment to build a just community can and must come forward as a collective voice from our larger University community.

### C. Characteristics of Claimants

While variations in claimants' characteristics are also present, the following discussion identifies some underlying variables to be considered for further study.

- Many claimants were not aware of academic politics and system patterns of power use, and they did not recognize their actions of filing claims in system context. While this allowed for their decisions to emerge from their own perspectives of ethics, it did not allow for other system parameters of power and retaliation to be considered. In discussions at the conference it was clear, however, that most participants would not have chosen differently.
- Great inner distress was expressed by some women who were claimants. These women seemed yet unable to process the traumatic experience. Some women cried as they spoke of behavior of their colleagues toward them. Such distress is not uncommon among persons who have been traumatized, in that the experiences of trauma are relived until the emotional pain can be processed.
- There was great variation in reported healing processes of conference participants. Some women had difficulty expressing outward emotions. Some did not accept a process view of healing. In this context, a description of stages of experiences of

discrimination was offered by one guest speaker, a systems consultant.<sup>28</sup> These progressive stages included denial of the problem, recognizing a problem exists but internalizing it and feeling self shame and self blame, experiencing depression, expressing outward anger and blaming, feeling disillusionment and grieving, recentering and action taking, forgiving and reconciliation. Not all women present had been able to experience inner peace and reconciliation. Yet, overall, they expressed concern for their own well being, for the discriminators' behaviors, and concern for our University community. One claimant commented on the difficult resolution of her case, "We all deserve better and the people of Minnesota deserve better from our University." A healing force of the group is the belief that our University community can progress beyond the misuse of power, and can emerge as a caring, moral, scholarly community.

- From the University of Minnesota Rajender process these conference participants emerge with wisdom, within great diversity in their system experience, age, participating style, and disciplinary expertise. Through this diversity their shared commitment to bring equality to our University was often expressed through their group processes of mutuality, openness to issues, and commitment to living with personal integrity. A deep sense of personal responsibility to the future of our University is present. In all of this, fine creativity and humor also emerges in their dialogues.
- The women claimants renew themselves with commitments to physical exercise, political action, meditative processes, community building, spiritual disciplines, and other uplifting activities. However, as they come to identify their experiences of discrimination, to speak their own accounts, to affirm their right to access information, to recognize our system disorder, they clearly own their own mistakes, and they have also learned to not own what is not their problem. This is very important because our social systems have often allowed for projection and scapegoating on women and minority persons, and system dynamics of power abuse are then not revealed.
- The Rajender claimants and FACW supporters find immense strength in learning from each other and in seeking good in themselves and beyond themselves. Many of the conference participants express this extension of self to care for others as crucial to the future of our University community. A strength of the Faculty Advisory Committee, as described in its mission statement, is that help is offered others without "the purpose of career advancement, either individually or collectively." Thus, freedom from all structures that allow abuse of power is a strength that was recognized in the founding of FACW.

Invited guest speakers in addition to the systems consultant,<sup>28</sup> included a feminist sociologist,<sup>27</sup> a clinical psychologist whose expertise is on sexual harassment in the work place,<sup>18</sup> women state legislators,<sup>15,19</sup> and the University Equal Opportunity Director.<sup>22</sup>

Through their presentations the context of the experiences shared was expanded to work settings in the business world, the state of Minnesota governance community, other academic settings, and male-female relationship patterns in general. This broad context raised other issues for discussion on the underlying dynamics of sex discrimination. Systems theory, emerging from toxic family and work environments and paralleled with the experiences of the Rajender claimants, brings forward the following themes for consideration:

#### **D. In-group Dynamics**

The experiences of Rajender claimants at the University of Minnesota were linked to larger cultural contexts by many speakers. A useful model that reaches across systems was offered by a systems consultant.<sup>28</sup> This model highlights a deep, ingrained structural dynamic of a process in which power is held in place. The following review highlights this conference discussion.

#### **Characteristics of the Toxic Workplace<sup>28</sup>**

- There is a self-appointed, homogeneous in-group
- The in-group makes up the rules and changes them at its pleasure
- Because the rules are not public, it is impossible for anything important to happen without the blessings of the in-group
- Within the in-group no individual's deviant behavior is challenged, so anything goes
- Anyone who tries to defy or expose the in-group or its members is shamed and scapegoated
- Individuals have no inherent worth; they are valued only for what they do and for how they benefit the in-group
- Power is valued and used for its own sake, not necessarily as a means to benefit all
- Anyone in the system who is not a member of the in-group may be subjected to abuse, exploitation, harassment, discrimination, or victimization
- Members of the in-group will open the system if it is less painful to do so than to keep it closed
- When a large organization is comprised of a collection of autonomous in-groups, the larger organization often does not have much influence over what goes on in the closed systems of the in-groups

Such abuses serve to limit the power, mobility and assertiveness of one group and support exclusive privileges of another group. The power differences underlying discrimination are deeply embedded in culture and are supported by a belief system to which persons from all groups may ascribe. These beliefs are encoded in language, law, custom, and resource allocation and influence many levels of society and the university.

In cases of sexual discrimination, such systems allow the tolerance of only one version of reality. Profound differences in the perception of experiences are revealed. Women (or the out-group) react to harassment as coercive, an abuse of power, and real. The discriminators of such acts likely respond with minimization, trivialities and admonishments to "play the game." Within the in-group the dynamics are often perceived by them as "fun." Persons who challenge the in-group are considered powerless and their concerns for equality are not recognized. In such closed systems all members are lessened:

- no one trusts anyone else and everyone is afraid
- civility and relationships do not prosper
- individuals experience physical and mental health consequences as stress builds
- job performance and productivity decline
- the organization deteriorates and loses the capacity to regenerate

Understanding the dynamics is necessary for both self-healing and for developing strategies for systems correction. At our University, our system dynamics affect interactions at many levels including interpersonal, departmental, college, and central administrative units. To be effective, change strategies need to take place on these multiple levels. If this in-group power prevails at our University, shared efforts for change will be needed in our legal, psycho-social and political arenas. Strategies will require care to avoid unintentional negative consequences toward out-group persons and groups. Large hierarchical systems, with powerful in-groups, share unique problems in attempts to create and enforce accountability and change.

#### IV. Implications for Future Change at Our University

Many common experiences of Rajender claimants were discovered in the Rajender Conference as participants discussed their claims, the contexts of their claims, and their grievance and legal processes. Their experiences and responses, while individual, were not unique nor isolated, but rather cut across various departments and colleges, revealing patterns within the University as a whole. We now have a wider view of system issues as they affected and continue to affect these University women.

While most Rajender claims were settled and some positive outcomes resulted from the Rajender Decree, there are still critical changes that need to be made in order for the University to achieve a fair and equitable academic environment.

What are these changes and how can they be instituted? The next phase in the Rajender process is to carefully explore corrections. We need to change how persons, individually, behave within the system as they represent the University, and how persons, together, carry on University business. Specifically:

- Individuals within University departmental and other unit structures, and the department or unit, as a whole, need to be held accountable for fair and equal treatment of academic colleagues.
- Grievance processes need to be reviewed; currently they take too long, and protections against retaliation for filing a grievance must be assured.
- The use of power in our systems of governance needs to be carefully examined in detail, and misuse of power must not be allowed.
- Qualitative research as a different but valid methodology needs to be recognized and supported.

Possible processes for exploring and understanding these needed changes include University community dialogue groups, problem-solving meetings with University administrators, discussions with outside consultants knowledgeable about system change, and future Rajender conferences.

This Rajender Conference Report reflects a period of our institutional history from which we all can learn. The problems identified and the changes suggested in this report are pivotal as we together work to strengthen our University.

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Our appreciation for support for this conference is extended to University of Minnesota Equal Opportunity and Affirmative Action Officer, Pat Mullen, Vice President Marvalene Hughes, Senior Vice President Ettore Infante, and to all Rajender Claimants.

November 1992 Rajender Conference Formal Presenters and Conference Committee

1. Annie Baldwin, Academic Achievement Center, University of Minnesota, Minneapolis
2. Katherine Benson, Social Sciences, University of Minnesota, Morris
3. Linda Brooks, St. Paul Academy (formerly Art Department, University of Minnesota)
4. Ann Burkhardt, Law School, University of Minnesota, Minneapolis
5. Miriam Cohn, emerita, Department of Social Work, University of Minnesota
6. Vicki Demos, Social Sciences, University of Minnesota, Morris
7. Dianna Diers, Writer, Editor, Social Worker, St. Paul
8. V. Lois Erickson, Department of Educational Psychology, University of Minnesota, Minneapolis
9. Patricia S. Faunce, Women's Studies Department, University of Minnesota, Minneapolis
10. Caroline Gilbert, General College, University of Minnesota, Minneapolis
11. Ann Goldman, Department of Public Health, University of Minnesota, Minneapolis
12. Fran Guminga, Business Consultant, Minneapolis
13. Lisa Hawley, Artist, Producer of film, "The Rajender Degree"
14. Eleanor Hoffman, Composition Department, University of Minnesota, Duluth
15. Phyllis Kahn, Minnesota State Legislature, St. Paul
16. Pattry Kakac, Feminist Singer
17. Joyce Kramer, Department of Social Work, University of Minnesota, Duluth
18. Marjorie Leidig, Clinical Psychologist, Feminist Author, Adjunct Professor, University of Colorado
19. Dee Long, Minnesota State Legislator, St. Paul
20. Janet Macy, Department of Family Social Sciences, University of Minnesota, St. Paul
21. Charlotte MacLeod, Medical School, University of Minnesota, Duluth

22. Pat Mullen, Equal Employment Officer, University of Minnesota, Minneapolis
23. Chris Olien, Rural Sociology, University of Minnesota, Minneapolis
24. Kathleen Olson, Civil Service, University of Minnesota, Minneapolis
25. Gwendolyn Perun, MacPhail School of Music, University of Minnesota, Minneapolis
26. Barbara Pillinger, Honors Program, University of Minnesota
27. Hilary Rose, Feminist Sociologist; Director of West Yorkshire Center for Research on Women; Professor, University of Bradford, England; visiting scholar, University of Minnesota, 1992-1993
28. Barbara Sanderson, Systems and Professional Ethics Consultant and former Director of the Minnesota Task Force on Sexual Exploitation by Counselors and Therapists
29. Stephanie Schleuder, Women's Athletics, University of Minnesota, Minneapolis
30. Charlotte Striebel, Department of Mathematics, University of Minnesota, Minneapolis
31. Judy Trolander, History Department, University of Minnesota, Duluth
32. Clare Woodward, Department of Biochemistry, University of Minnesota, St. Paul