



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee  
N307 Elliott Hall  
75 East River Road  
Minneapolis, Minnesota 55455  
Telephone (612) 626-1850

FACULTY CONSULTATIVE COMMITTEE MEETING  
and  
DISCUSSION WITH PRESIDENT KELLER  
October 23, 1986  
10:00 - 12:00  
300 Morrill Hall

AGENDA

Apprx. time

- 10:00 1. For Information.
- A. Report on preliminary discussions of possible Senate representation of Waseca and Duluth faculty.
2. For Action.
- 10:05 A. Approval of 10/2/86 FCC minutes (attached).
- B. Proposed motion to Faculty Senate to establish a Committee on the Faculty Retirement Plan. (Draft motion attached to FCC.)
- 10:15 C. Approval of informational report to Faculty Senate on the membership and charge of the Faculty Development Committee.
3. For Discussion.
- 10:20 A. Program for November 13 lunch meeting with the Regents.
- 10:30 B. Possible change of Planning Committee charge. See Carl Adams' memorandum (attached to FCC).
- 10:35 C. Membership of and charge to a special committee of the Faculty Senate to evaluate certain aspects of the Academic Professional classification as resolved by the Faculty Senate (6/84 for action in 1986). Need to make brief informational report to faculty Senate. (Attachment to FCC: portion of 6/7/84 Faculty Senate minutes.)
- 10:45 D. Academic Priorities: Vice President Benjamin's proposal for a faculty review and advisory committee.

Cont. ...

11:15 4.

DISCUSSION WITH THE PRESIDENT

- A. Faculty lobbyist.
- B. Organizational changes in the Office of Vice President for Academic Affairs.
- C. Staffing Support for Senate and Assembly committees.

NON-AGENDA ATTACHMENT: 9/4 draft memorandum from President Keller to the vice presidents regarding administrative reorganization.



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October 15, 1986

President Kenneth H. Keller  
202 Morrill Hall

Subject: October 23 FCC meeting

Dear Ken:

In addition to any items you wish to bring to us on the morning of October 23, there are three which the FCC would like to discuss with you:

- 1) Faculty lobbyist;
- 2) Staffing support for Senate and Assembly committees;
- 3) Organizational changes in the Office of the Vice President for Academic Affairs.

As Meredith has reported to Marsha, we're just asking for 45 minutes of your time in the morning meeting.

Sincerely,

Ellen Berscheid  
Chair, Faculty Consultative  
Committee

EB:mp

Encl.: FCC agenda



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MINUTES APPROVED 11/6/86 and ff.  
FACULTY CONSULTATIVE COMMITTEE MEETING  
AND  
DISCUSSION WITH PRESIDENT KELLER

October 23, 1986  
10:00 - 12:35  
300 Morrill Hall

Members present: Ellen Berscheid (Chair), Mark Brenner, Charles Campbell, Shirley Clark, Richard Goldstein, Joseph Latterell, Cleon Melsa, Paul Murphy, Ronald Phillips, W. Phillips Shively.

Guests: Vice President Roger Benjamin, President Kenneth Keller, Associate Vice President V. Rama Murthy, Marsha Riebe.

1. For Information.

Report on preliminary discussions of possible Senate representation for Waseca and Duluth faculty.

Professor Berscheid reported on her conversation with Professor Virginia Katz, president of UEA at the Duluth campus. It was Professor Katz's impression, without benefit of a poll, that much of the Duluth faculty was uninterested in rejoining the Senate. Both believed that the condition, stated in Attorney Schanfield's 9/22/86 memorandum to President Keller, that participation would have to be part of faculty's work assignment (and hence negotiated), presented major complications. Professors Berscheid and Katz agreed the suggestion should be put on Hold. The FCC concurred in this conclusion.

2. For Action.

A. Minutes of 10/2/86 were approved with the condition that corrections and suggestions may be submitted by Monday, October 27.

B. Motion for the Faculty Senate to establish a Committee on the Faculty Retirement Plan. Professor Goldstein distributed copies of the motion in the form in which it will appear in the docket. He reported that the only controversy had been over how to allow for academic professionals in the voting membership. When it was determined that this group of employees comprises approximately 6% of the faculty retirement plan, the membership was redefined to call for "3 regular faculty/academic professional members." (Two of the three ex officio members, those from the Office of Investments and Cash Management and the Department of Employee Benefits, will themselves be academic professional staff.) Prof. Goldstein reminded

FCC that the impetus to establish this committee came from the relatively poor performance in recent years of the faculty retirement funds administered by the insurance companies.

The Faculty Consultative Committee approved submitting the motion to the Faculty Senate for its November 6 meeting.

C. Faculty Development Committee: informational report to the Senate on its status.\* Professor Berscheid reported that there was, for the most part, agreement between FCC and central administration on the membership and the charge. Representation from Academic Affairs would require further discussion.

Professor Shively, with FCC concurrence, recommended an addition to the charge letter asking that the FDC define goals in such a way that they can be objectively assessed at regular intervals.

**MEMBERSHIP DISCUSSION: MEETING CLOSED.**

Professor Clark moved, and Professor Murphy seconded, that the meeting be closed to discuss the FDC's membership. FCC voted without dissent to close the meeting.

The FCC then discussed its understanding of who among the Academic Affairs officers was being proposed for the FDC. FCC regards it as vitally important that the Academic Affairs member be someone closely involved in the University planning process.

**THE MEETING WAS REOPENED.**

3. For Discussion.

A. November 13 luncheon meeting with the Regents. Professor Berscheid suggested that, given the continuing dilemma as to what will make these occasions valuable to all participants, time could be taken at the November 13 meeting to discuss jointly what all of us want the relationship to be. Since the purposes of the quarterly meetings remain vaguely defined, she suggested the two groups might consider calling a meeting only when there was cause.

Professor Shively questioned whether it would be wise to meet only in a crisis, and said the meetings fail because there is no business.

Professor Clark agreed, observing that the business of the Regents is expressed in their committee meetings. Both she and Professor Shively suggested that faculty views could best be conveyed through faculty representatives speaking in Regents' committee meetings on the business before them. Professor Clark said such participation need not preclude the tradition of more general meetings.

Professor Phillips asked whether it is a bad idea to have a faculty Regent, and said some university boards do, including Cornell's.

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\* Later in the meeting this discussion was continued with Drs. Keller and Benjamin. See pages 4-5.

Professor Berscheid will telephone Regent McGuiggan to describe the realm in which FCC would like the upcoming discussions to take place.

(NOTE: Agenda items 3.b. and 3.c. were postponed until a later meeting because of insufficient time.)

D. Academic Priorities: Vice President Benjamin's proposal, presented to FCC on October 9, for a faculty review and advisory committee.\*

Professor Shively asked how the proposed committee will interact with administrative planning groups, and how it will be composed. Professor Berscheid asked how faculty will do this task while performing their regular duties. Professor Campbell, speaking for himself and a number of colleagues, recommended against a summer assignment when, in general, the faculty best suited for this assignment are working on research; he recommended instead they be released from some teaching time during the regular academic year. Summer should also be avoided, he urged, because in that period the faculty members could be less in touch with colleagues. There was a consensus of FCC opinion that compensation will be necessary to get the right people for this particular committee.

Because of a story in the October 16 Minnesota Daily based on an interview with Dr. Benjamin, which emphasized cuts and a smaller faculty, FCC members are confused about administration plans. FCC is in agreement that it needs a much clearer understanding of what the faculty committee would be expected to do. Professor Campbell saw that FCC might have a role working with Vice President Benjamin defining that group's charge.

Professor Phillips recalled that the task force on the biological sciences found itself facing an insurmountable problem in trying to evaluate quality because the area for review was so vast and diverse. He recommended that, because criteria for assessing quality vary among different kinds of programs, addressing this difficulty be part of the charge to the faculty review committee.

Professors Murphy and Shively referred to CLA's faculty review committee which has, systematically, for about the past six years, reviewed every CLA program. Professor Shively has found those discussions serious and the decisions in the balance wiser than if made by administrators alone without a faculty committee.

Professor Berscheid said she was worried by the enormity of the central faculty review task and feared faculty, for lack of time, could be led into ratifying what others had put before them. She emphasized that if faculty are to do the job they must be given resources.

Professor Berscheid said she and Professor Clark would report to Vice President Benjamin the FCC's sense that it could not discuss the proposal further without more clarification.

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\* Later in the meeting this item was discussed briefly with Vice President Benjamin; see pages 6-7.

Professor Shively told his FCC colleagues he had found the Committee's October 2 discussion with Dr. Benjamin exciting because, in contrast to this University's tendency to move by drift, the proposal provides the chance to get away from incremental funding.

#### 4. DISCUSSION WITH PRESIDENT KELLER AND VICE PRESIDENT BENJAMIN

At 11:15 Drs. Keller, Benjamin, and Murthy joined the meeting.

##### A. Faculty Legislative Liaison: MEETING CLOSED.

The president and the FCC jointly agreed to close the meeting to discuss names for the lobbyist position.

President Keller authorized the Faculty Consultative Committee to offer the position to a colleague, saying if FCC found someone willing, central administration would work with that person. He believes a direct request from the FCC is a more appropriate process since it would be perceived as a faculty call for someone to represent them at the legislature. He said central administration's offer of support to the faculty member's department will be at the same level as before. (Professor Shively said he had been given 25% release time for the 9-month academic year.

The FCC was inclined to discuss the situation and then proceed to make an invitation.

##### B. The Faculty Development Committee: MEETING CLOSED.

President Keller told FCC he agreed in most cases with the first recommendation in the pairs of names FCC had proposed, but he mentioned what he regarded as gaps in the suggested make-up. First, while two of the faculty members FCC recommends are in IT, no one in engineering is on the list; he believes the engineering perspective should be represented.

Second, no one is recommended who is a Regents professor. He proposed substituting a professor of engineering for the chemistry professor (or for the back-up physics professor), and adding a Regents professor from the natural sciences. He suggested the individuals he had in mind. FCC accepted these suggestions. President Keller then requested that Professor Berscheid proceed to call the prospective chair.

FCC discussed with Drs. Keller and Benjamin both Academic Affairs representation on the committee and staffing needs. Vice President Benjamin said he sees the committee as important and would be pleased to work with it. The group agreed that a second Academic Affairs officer will also be a member and that Mary Bilek will serve as staff.

Charge letter to FDC. President Keller asked that the charge of considering the proper size of the faculty be dropped since that follows from the other three charges; the student-teacher ratio can be added to the list of faculty support concerns. He told FCC it is appropriate for the state to determine the size of the University's appropriation and for the faculty to determine its use.

Professor Campbell said he would like to have discussed the size of the faculty of the various units; President Keller said he would be glad to have that discussed but recognizing the question does not yield the same answer in each instance.

President Keller will return to FCC the draft charge letter with his suggested editorial and content changes.

C. Organization of the Office of Academic Affairs and Distribution of Assignments: MEETING CLOSED.

Dr. Benjamin told FCC that Robert Kvavik, Assistant Vice President for International Education, also has several general assignments which concern University planning. Dr. Benjamin has nominated a faculty member to serve for one year as an Acting Associate Vice President for planning. The Regents will act on that nomination in November. Dr. Murthy and Dr. Robinett continue with faculty affairs and other assignments.

Future reorganization under consideration. President Keller indicated he would now give wide distribution to his memorandum on implementation of Peat, Marwick recommendations; the memorandum in draft form has already been circulated to the vice presidents and the SCC. In the future, he said, Student Affairs will be more closely coordinated with the Provost's Office and the Office of Finance and Operations may be split since Finance is a University-wide assignment and Operations concerns the Twin Cities Campus.

Professor Campbell voiced faculty dismay that operations would compete with academic affairs for the Provost's attention. Dr. Benjamin said he understands that point and wants to make certain that the academic mission is not diminished. On the other hand, he is glad that the University has made the office of Vice President for Academic Affairs the institution's top academic office. President Keller agreed the balance of responsibilities has to be carefully worked out; the structure should probably include a director of operations reporting directly to the Provost.

D. Reorganization of Academic Affairs: MEETING CLOSED.

The Committee discussed with President Keller and Vice President Benjamin both policies regarding searches for associate and assistant vice presidents generally, and the specific recent instance of the nomination of an acting associate vice president for a fixed term.

FCC generally did not quarrel with the process of an expedited search for an associate vice president; the necessary condition is that it be sufficiently open that genuine opportunity exists for nominations and self-nominations. However, Professor Berscheid commented that there are instances when even that process elapses so unobtrusively and rapidly that faculty became aware of a search only after the decision has been made.

There is serious FCC quarrel, however, with an acting appointment, even one of a single year duration, which is made entirely in private. Professor Shively contended such appointments appear to evade the principle of a fair search. Dr. Benjamin, while apologizing for not consulting



with FCC prior to acting, said functionally the acting appointment was not an attempt to evade procedures. He acted speedily because of his sense of urgency about starting the academic planning process and because Academic Affairs was very understaffed. He looked specifically for a capable, competent individual to complete the planning team, and he was unwilling to wait for months. At the end of the year, if it is concluded there should be a permanent associate vice president for planning, there will be a normal search.

Professor Brenner acknowledged the sense of urgency and the University's disadvantage in not having a clearly identified planning officer.

Professor Clark said she would like to see the temporary, fixed-term nature of the appointment underscored. Without Academic Affairs setting a proper model, she said, it is easy for faculty in their departments to be rather cynical about their own processes.

The group agreed on the need for further future discussion regarding faculty consultation.

Professor Clark pointed out that the FCC was completely unaware central administration was considering this position and appointment, and learned of it only after the fact and incidentally. Among other questions, she said, the faculty wonder about adherence to affirmative action guidelines.

President Keller said affirmative action must be adhered to and a search committee serves that purpose. However, it should not be a role of a search committee to limit the options available to the superior officer, as has happened on occasion. He thinks some positions should be more restrictive, including post-doctoral fellows. Professor Campbell rejected the implication that opening up the search process could limit the choices available to the senior administrator, but President Keller said that can happen and has happened when the administrator is limited to choosing from three names the committee forwards.

E. Commitment to Focus, University Planning, and the Possibility of a Smaller Faculty: MEETING REOPENED.

An article in the October 16 Minnesota Daily with the headline, "Benjamin calls for cuts to U programs, faculty," called for elucidation. One faculty inference was that the outcome of evaluation was being determined in advance.

President Keller reiterated his declaration that Commitment to Focus is not a euphemism for retrenchment but that University credibility regarding good application of our resources depends on our internal willingness to rearrange the resource distribution. Heretofore we have done that only in the face of retrenchment. Now, without retrenchment, we must make the proper changes and shifts, reducing in some areas and increasing in others. The choices ought to come out of planning, he said; there is no predetermination of which areas will grow and which will be reduced.

Vice President Benjamin described the University's course as moving from growth to change. Discrimination in use applies to both legislative funding the the funds from private sources. He apologized for the effect of the Daily story, saying he had probably not spent enough time to give the reporter adequate background information and context for his remarks.

He told FCC that to meet our obligation to the legislature and the state there has to be change, and the change has to part of a planning process. Whatever we do will take several years. The first step will be to send the set of planning documents to units the second or third week in November. President Keller, he said, may send an accompanying memo which links this planning process to the current legislative request.

President Keller commented that a reduction in undergraduate enrollments does not in itself imply a reduction in faculty members, especially given the too-high student to faculty ratios in many areas.

Professor Brenner asked what might be the involvement of the Senate Planning Committee. Vice President Benjamin said that he was prepared to take the planning document to the SCC and other Senate committees following the deans' review of it and his October 31 meeting with them. He noted that the faculty review committee will be functionally involved at a later stage (when unit plans have reached central administration).

President Keller suggested the document could go to the Planning Committee at the same time as to the deans. The FCC encouraged that suggestion. Professor Brenner commented that the Planning Committee does not want to be limited to reacting. President Keller remarked that a committee can be reactive and at the same time contribute to the next stage of a process.

Composition of and charge to the faculty review committee. Dr. Benjamin said he wanted to meet soon with the FCC chair to consider names for the faculty review group. Professor Berscheid explained that FCC has concluded it must have a clearer description of what the committee will be expected to do before asking colleagues to work on it. President Keller said that he now sees in the review process a role for the Senate Finance Committee and particularly for its chair, Professor Shively.

The president said he is not comfortable with a total merging of the governance and administrative processes and wants a sensible way of separating the functions and yet conveying enough information that the committees can participate genuinely. His premise, he said, is that the more the administration is able to share information, the better off it is at the end of the process.

#### F. The President's Items.

(1) University communications regarding sexual harassment. The president distributed copies of his letter which will accompany distribution of a new University brochure which explains clearly the policy regarding sexual harassment. To infer that only deliberate, explicit, or aggressive actions are wrong, he said, is missing the point. He wants to do what he can, via this letter, to increase understanding of the real problem: "consensual" relationships. The issue affects the lives and careers of students

FCC

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at the University.

The faculty members thanked him for his attention to the matter and for the content of the letter.

(2) Faulty college constitutions. President Keller reminded FCC that included in some constitutions are odd mandates which obligate or prohibit defined parties in completely inappropriate ways. The administration wants to proceed on some of these problematic issues, he said, and do so in a way the faculty find acceptable. He asked FCC to consider how this might be approached. He requested discussion time on the subject at a later meeting.

The meeting adjourned at 12:35 p.m.

Respectfully submitted,

Meredith Poppele  
Executive Assistant

*unic Fac 1/8*

DEC 8 1986



UNIVERSITY OF MINNESOTA  
TWIN CITIES

Office of the University Attorney  
330 Morrill Hall  
100 Church Street S.E.  
Minneapolis, Minnesota 55455  
(612) 624-4100

December 4, 1986

TO: Ellen Berscheid  
FROM: Karen G. Schanfield *KGS*  
RE: Senate Participation for Represented Faculty

I recently read the minutes of the Faculty Consultative Committee Meeting of October 23, 1986. The minutes contained a report on preliminary discussions of possible Senate participation for Waseca and Duluth faculty, in which a reference is made to a memorandum of September 22, 1986, which I wrote.

This is intended to confirm what was said in the earlier memorandum, that the decision whether faculty members represented by the UEA participate in the Faculty Senate is not one which must be negotiated; rather, it should be discussed with the UEA through the "meet and confer" process. Because participation is permissible under PELRA only if it is part of an employee's work assignment, and because "work assignment" is a term and condition of employment which must be negotiated, there may have been some confusion. The contract between the University and the UEA currently provides that each member is to devote a reasonable amount of time to professional service to the institution, the academic discipline, and the community. (Section 250.900).

KGS/mam

cc: Roger Benjamin  
Greg Fox  
Tom Lindahl

## COMMITTEE ON THE FACULTY RETIREMENT PLAN

### MOTION:

To amend the Bylaws of the University Senate to add the Committee on the Faculty Retirement Plan (Article IV.3.C) as a Standing committee reporting to the Faculty Senate through the Faculty Affairs Committee.

### C. Committee on the Faculty Retirement Plan

The Committee on the Faculty Retirement Plan represents interests of the participants in the faculty retirement plan.

#### Membership

The Committee on the Faculty Retirement Plan shall be composed of 3 regular faculty/academic professional members and ex officio representation as specified by vote of the Senate. Members shall be appointed by the Committee on Committees, in consultation with the chair of the Committee on Faculty Affairs, with the approval of the Senate.

#### Duties and Responsibilities

- monitor the investment performance of the basic and optional faculty faculty retirement plans with the assistance of the University's Investments Office.
- review various investment alternatives offered on the basic and optional plans, and recommend changes in alternatives and investment objectives, policies, and procedures as necessary with the assistance of the University's Investments Office.
- submit an investment status report to the Faculty Affairs Committee four times per year and ensure that this information is generally available to participants in the faculty retirement plan.
- examine benefit options available for retiring faculty and suggest alternatives as necessary with the assistance of the Employee Benefits Department.
- monitor the counseling of participants in the plan regarding available investment alternatives prior to and at retirement, and propose changes in counseling as necessary with the assistance of the Employee Benefits Department.
- determine the ongoing adequacy of the reporting available to individuals in the plan and propose changes as necessary with the assistance of the

Employee Benefits Department

- monitor, with the assistance of the Employee Benefits Department, any legislation that may affect the plan and ensure that all contracts governing the plan are current.
- submit an annual report to the Faculty Senate through the Faculty Affairs Committee.

MOTION:

To amend the Rules of the University Senate to add ex officio members to the Committee on the Faculty Retirement Plan (Article III.2).

(One ex officio member shall be appointed from each of the offices listed below)

- Faculty Retirement Plan--Office of Investments & Cash Management; Department of Employee Benefits; and Office of Provost & Vice President, Academic Affairs.

MOTION:

To amend the Rules of the University Senate to add staff support for the Committee on the Faculty Retirement Plan (Article III.5).

- Faculty Retirement Plan--Office, Vice President, Finance & Operations (through the Office of Investments & Cash Management and the Employee Benefits Department); Office, Vice President & General Counsel (Office of the University Attorney)

RICHARD GOLDSTEIN, Chr.  
SCC Subcommittee

ELLEN BERSCHIED  
Chair



UNIVERSITY OF MINNESOTA

University Senate Consultative Committee  
N307 Elliott Hall  
75 East River Road  
Minneapolis, Minnesota 55455  
Telephone: (612)626-1850

December 9, 1986

Patricia Mullen  
Director, Office of Equal Opportunity  
and Affirmative Action  
419 Morrill Hall

Dear Pat:


At a recent meeting of the Faculty Consultative Committee, we learned that it is not uncommon for a professor or administrator to be awarded a temporary appointment to fill a position, for a search for a person to permanently fill that position to be conducted, and then for the person who was on the temporary appointment to win the permanent job. We should like to follow up on this a bit and wonder if you could provide us with the following information:

- 1) Do some units of the University (counting administration as one "unit") follow this practice more frequently than others?
- 2) For those that do sometimes use this method of hiring, what percentage of their permanent appointments are of this type?
- 3) What percentage of such appointments (T followed by P) are made to female and minority persons? What percentage of other appointments (i.e., permanent appointments not preceded by time in the job on a temporary appointment) are made to women and minorities?

We were a trifle concerned, Pat, for it seems to us that such a practice could subvert the spirit and goals of affirmative action, although it need not, of course.

We'd appreciate any information you could give us about this (when it is convenient, no rush), and wish you a happy and peaceful Christmas.

Sincerely,



Ellen Berscheid  
Chair, Faculty Consultative Committee

EB:mp

c: Shirley Clark  
Associate Chair, FCC



UNIVERSITY OF MINNESOTA

Office of the President  
202 Morrill Hall  
100 Church Street S.E.  
Minneapolis, Minnesota 55455

October 20, 1986

Dear Colleagues:

The enclosed brochure deals with an important and troubling issue in our society and in our University: sexual harassment. There are few of us who would disagree that sexual harassment is offensive and inappropriate, that it is quite properly illegal in our society, and that the University had good reason first in 1981 and then again in 1984 to adopt strong policies proscribing such behavior.

The difficulty is that while most of us would agree to these statements in the abstract, sexual harassment remains a complicated subject. It is complicated because the harassment takes many forms and too often has been accepted or excused or explained as part of our ordinary experience or behavior. It is complicated because the term suggests an easily identifiable, aggressive, conscious act and oftentimes it is considerably more subtle than that.

The enclosed brochure is intended to illuminate some of these issues, to explain the University's definition of sexual harassment and the policies toward it, and to provide through discussion and examples a better understanding of what sexual harassment is. I hope that you will take the time to read it because a good deal of personal pain and institutional damage can be avoided if we come to a better understanding of the problem.

I invite your particular attention to the section on consenting relationships. Because terms like "sexual harassment" and "power differential" suggest conscious and threatening circumstances, the sense in which consensual relationships can fall under the category of sexual harassment is sometimes misunderstood or lost. Our policy states that "... it will be exceedingly difficult to prove immunity (from a charge of sexual harassment) on grounds of mutual consent." The interpretation we place on that statement is that mutual consent implies a consent free from conscious or unconscious negative psychological or material factors, some of which are almost always inherent in a relationship, for example, between faculty member and student. It implies further that a faculty member or another person practicing as a professional within the institution, should be expected to be very sensitive to such issues and, therefore, should bear a large fraction of the



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responsibility for the negative outcomes of a relationship that appears, superficially, to be consenting.

There are other important points in the policy that warrant your careful study. Let me emphasize that sexual harassment is a real problem at the University. Each year we deal with a number of cases that affect people's lives and careers and destroy some part of our fragile academic environment. I hope that if you have questions or suggestions as to how we could improve the brochure or how we might better inform the community about this problem, you will contact Ms. Patricia Mullen in our Office of Equal Opportunity and Affirmative Action.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Kenneth H. Keller".

Kenneth H. Keller

KHK:kb

Enclosure