

UMD COMMISSION ON WOMEN

Minutes for 11 July 1990

Present: Sabra Anderson, Gloria Brush, Jane Maddy, Shirley Swain, Sharon Torrison, Judy Trolander, Bilin Tsai

Guest: Pat Mullen

Sexual harassment time line issue

The university formulated a sexual harassment policy in 1981, which was revised in 1984, during which the time line for filing complaints issue first arose. The university has never had a time line. Pat Mullen has had cases as old as ten years. For example, a graduate student (male) had traveled abroad with a male professor, during which some physical contact occurred. Ten years later, the graduate student was still in graduate school and still bothered by what had happened. As a way of getting on with his life, he reported what had occurred ten years before.

A sexual harassment victim can sue under a variety of different federal and state mechanisms, one of which is torts. Torts have no time lines. Since it is in the interest of the institution, including respondents, to handle these matters internally, the university is better off without a time line.

Should a time line be instituted, the proposed one year time line is too short. Five years might be more reasonable. Mullen has not analyzed her cases to see how many might have been eliminated with, for example, a five year time line. It is harder to handle a case after a long time. When the time line issue was raised in 1984 on the Twin Cities campus, sentiment was not strong enough for a specific time line proposal. Meanwhile, interest in the sexual harassment issue has revived due to publicity revolving around a case being handled by Paul Sprenger and also Pat Mullen's review.

Other sexual harassment issues

Mullen met this morning with the sexual harassment board and the entry level officers.

The preliminary report on the sexual harassment survey was just released. A more detailed report will be available this fall and should contain some campus by campus analysis. Mullen would like us to have the full report prior to our fall quarter meeting with the "Friends" of the UMD Commission.

Discipline needs some flexibility. Mullen has always had administrative cooperation in this area. However, if the respondent goes to the judicial committee, problems are likely to

arise with the respondent winning. U.E.A. should be aware of the negatives of its position on sexual harassment. In cases where victims go outside the university and damages are awarded, they are never assessed against the respondent. Internally, the university may pay expenses, but never damages.

Mullen, the sexual harassment board, and the E.L.O.s all favor mediation. The Minnesota Data Practices Act has been amended to make more public information. This may deter victims from bringing complaints. With mediation, there is more pressure on changing the situation and less on determining right and wrong. Follow-up procedures, i.e. asking victims six months after a resolution how they then felt about it, are advised. ✓

Informal cases have not been documented in a centralized fashion. Mullen logs both informal and formal. She defines an informal complaint as one where the victim is willing to have someone do something if they don't have to do anything. Mullen sees a need to monitor the informal mechanisms more. The sexual harassment board is taking a look at informal complaints. Mullen is sending Kaplan her logging procedure. People who need to know have to know.

People who serve on the sexual harassment board should be knowledgeable about the subject at the time of their appointment. They should know sexual harassment law, have a reputation for fairness, and be supportive of the law. The chancellor appoints board members, but our group needs to know where the chancellor gets suggestions for appointments and should also suggest appointments to the chancellor. In addition, we might also request an observer from our group be on the board, charged with reporting back to our group, and we should request minutes from the sexual harassment board as well as be formally notified of the results of the annual reviews of sexual harassment procedures that that board is supposed to do. We don't want to find out about issues in this area by accident, as was the case with the time line issue. ✓

The role of the sexual harassment board is to hear appeals. Neither the Twin Cities nor the UMD boards have had many cases. If the complaining party is a victim facing a professor and the victim has to put on her own case before the board, that can be quite intimidating. Therefore, Mullen recommends discipline so that she faces the respondent. However, having a board determine discipline would put more weight behind it. The Twin Cities sexual harassment board monitors Mullen as the E.L.O. and she meets with them on a quarterly basis. Thus, the board can note inconsistencies and also protect Mullen if she's attacked.

In any action where discrimination is the focus, Mullen's

office is notified, attends the hearing, and discusses the decision, although her office's recommendation may not be followed.

Other issues not related to sexual harassment

Mullen pointed to a number of positive developments, including the regents' resolution this spring and her appointment to President Hasselmo's cabinet. She also mentioned the addition of a new position to her office and full funding for the Commission on Women. Seven women are currently on the president's cabinet, which contains all the vice presidents, selected staff, and, for certain meetings, the four chancellors. The president and vice presidents are encouraging the deans to consult with groups like ours.

With the expiration of the decree, we can expect a lot of talk in the fall regarding search procedures and other issues. Should the Commission on Women move into a more political role and take positions? Women need visibility here. A number of regents are supportive, but women will have to be selective on issues. Mullen also acknowledged a conflict between affirmative action and equal opportunity or fairness and a need to balance the two.

Mullen also had various pieces of advice for us, as follows:

1. Keep taking positions until we're consulted and build a constituency that's tight and has alliances.
2. Go for big turnouts at events.
3. Do more with collegiate units.
4. Continuity is more important than winning a particular battle.
5. We need to continue to go after funding for staff for our group to prevent member burnout. Maddy should call Greg Fox regarding budget request procedures. UMD must show support for our group, although money can be an add-on.
6. Quarterly updates to the annual report from our group might be helpful.

On changed search procedures and staffing within the system for affirmative action, Mullen said earlier approval requirements in the search process would make for better control. She is willing to yield some sign-off authority in return for more monitoring at lower levels. However, procedural distinctions would be made between good and bad units. If more monitoring is done at a lower level, this means someone at that level has to be given the time to do it.

We felt that our greatest success was establishing respect for ourselves as an elected group.

After Pat Mullen left, those of us remaining decided that we want to go on record in opposition to a timeline for sexual harassment complaints. We decided to ask Jane Maddy to circulate the draft of such a letter for comments and approval.

Finally, Bilin Tsai suggested that we think about the role our group should play in the formation of the upcoming vice chancellor's search committee. ✓

Respectfully submitted,

Judy Trolander
Judy Trolander
Secretary for the day

THIS IS A DRAFT....ADD OR EDIT AND SEND COMMENTS TO ME BY NEXT TUESDAY.

July 19, 1990

TO: Chancellor Ianni

FROM: Jane Maddy, Chair, UMD Commission on Women
(formerly the Duluth Planning Group for MN Plan II)

RE: A Sexual Harassment Time Line

When you last met with the UMD Commission on Women, you brought up the issue of a time line for sexual harassment charges. At that time, the UEA had suggested a time line of one year.

Since our meeting with you, the Commission has met with the UEA Meet and Confer team, Holly Nordquist, Judith Kaplan and Pat Mullen. It was our intent to gather information on this issue from many sources.

The Sexual Harassment board has also studied this issue and has recommended to you that there not be a time line. It is the Commission's decision at this time to concur. We do not feel that a time line on sexual harassment charges is in the best interest of the parties involved nor UMD.