
THE UNIVERSITY OF CHICAGO RECORD



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Report of the Ad Hoc Committee on Learning Disabilities

November 1995

Introduction

Federal non-discrimination laws require that universities ensure that persons with disabilities have access to their programs and facilities. We are all familiar with the increased concern about removing physical barriers to access that has accompanied the passage of the Americans with Disabilities Act and earlier federal legislation. A group of special concern to universities, however, is people with learning disabilities, for whom the obligation to remove obstacles extends to the modification of educational requirements and methods of instruction that impose barriers to effective learning or demonstration of competence, provided that the seekers of accommodation are "qualified" for the program, that the modifications do not "fundamentally alter" the program or the demonstration of required individual competency, and that the accommodations not cause an "undue burden."¹

The University has been working toward a program of accommodation under the many uncertainties about sound educational and administrative practice that arise in novel situations. This committee was appointed by Provost Geoffrey Stone in October 1994 to review the University's current process for accommodating students with learning disabilities and to make recommendations as to how we should best understand and implement the requirement for reasonable and appropriate accommodation.

General Considerations

The committee began its deliberations with an awareness and affirmation of the special character of the University of Chicago as a research university of the highest international standing. Our University community shares a deep and uncompromising commitment to the discovery of new knowledge and the transmission of knowledge at the very highest level. That commitment in turn demands that the University apply the highest standards of selectivity in the recruitment of faculty and students, and that it impose particularly rigorous standards of performance and evaluation on all the academic work of community members.

This consensus about the character of the University guided the committee's thinking about how we should approach the question of accommodating individuals with a documented learning disability. When we identify individuals with the values and intellectual ability to share in our mission, we will naturally seek to remove barriers that appear to obstruct their successful participation, but we will properly apply our usual standards to our judgment and assessment of their overall academic performance. Neither the community nor the individuals concerned would be well served by applying special or lesser standards of admission or of evaluation.

In surveying the approaches other prominent colleges and universities have taken to the challenge, in some instances we identified foci that differed from our emphasis on sharing in the production and transmission of knowledge. The models and approaches embraced by various other schools cannot be taken whole here at the University because of the differing conceptions of mission, goals, and the nature of academic

programs. For example, some institutions have consciously taken as part of their mission the recruitment and teaching of learning disabled students. We saw that such efforts not only rested on a different view of the role of students in the university, but also that they often arose in the context of extensive programs in education and educational psychology maintained by their institutions that grounded them intellectually and provided important resources to them.

A Framework for Understanding Learning Disabilities and Their Accommodation

Disability law requires schools and universities to provide effective means for making their programs accessible to otherwise qualified disabled individuals who find the operation of usual teaching methods and non-essential procedures and standards of evaluation pose artificial barriers to their achievement. Both the statutory and regulatory mandates for accommodating learning disabilities recognize that the accommodations required need only be reasonable and appropriate to the circumstance rather than ideal, should confer equal opportunity rather than special advantage on the beneficiary, and must not infringe on the essential requirements of the program. The reasonableness of accommodations is limited when they impose undue hardship on the University, although required accommodations may in fact be dramatically expensive. An accommodation must not compromise an essential requirement of the program or fundamentally alter the program. "Academic requirements that the [University] can demonstrate are essential to the program of instruction being pursued by such student . . . will not be regarded as discriminatory."² Disabled students are entitled to services necessary for their unimpeded learning, services such as assistance with note-taking that will level the playing field, but they are not entitled to personal aids such as tutoring that may enhance their learning. Difficulties arise in judging the proper interaction of these goals and standards.

We reviewed the language of the disability laws and their interpretive manuals; probed the scholarly literature on learning disabilities; and scrutinized the patterns of testing recommended by practitioners who work with, test, and evaluate the learning disabled. From this inquiry and discussion, a model of learning disabilities emerged that served as a guide to much of our subsequent thinking. That model involved the identification and measurement of an impaired physical or cognitive ability that could be judged discrepant in relation to a standard established for a person's unimpaired faculties. Just as a blind or deaf person is thought of as functioning at a certain level of intellectual attainment, subject to the barrier of impaired sight or hearing, a learning disabled person can be thought of as functioning at a certain level subject to the impairment of discrete cognitive or communicative faculties. Thus in dyslexia, which often is regarded as the normative learning disability, practitioners isolate the capacity to recognize and reproduce certain written symbols from general intellectual ability as seen on other indicators. Similarly the batteries of tests recommended to assess the

learning disabled attempt to identify particular processing or communicative faculties that perform less well than most others. Practitioners then attempt to determine whether or how adaptive strategies can be addressed to develop, modify, or circumvent those faculties.

The committee found this model of limited discrepant functioning quite helpful in thinking about such issues as the balance of accommodation and essential requirements, the tailoring of accommodation to specific need, and the differentiation of claims based on learning disability from those based on anxiety or emotional need. Many of our recommendations flow from the consideration of issues in light of a model of discrepant faculties.

Essential Requirements and Reasonable Accommodation

The law does not require any compromise of the essential requirements of the program and we believe there should be no change in program standards. As we began to wrestle with the problem of clarifying the tension between demands for accommodation and the maintenance of essential requirements, our conversations turned repeatedly to the problem of requests for extended time on examinations. Case histories showed that students claiming a disability tended to focus overwhelmingly on the issue of time allowed for tests and that, moreover, teachers showed a strong disposition to turn first to the relaxation of test times as an accommodation. Our reading of cases and of the literature provided some indication of the sources of this situation. Much of the early thinking about learning disabilities in elementary and secondary school settings revolved around dyslexia. Dyslexics have difficulty accurately assimilating and reproducing written materials under time pressure. Teachers and counselors, who could deal informally with many of the dimensions of learning, had to deal administratively with test time issues, especially in the context of the predictable failure of dyslexic students on standardized timed tests. Relaxation of test times became the dominant administrative remedy for asserted learning disabilities, and the claim of a learning disability became the language of choice for those seeking extended time on tests.

Members of the committee found the frequent requests to expand test times troubling in several ways. The requests raised issues of fairness among students within a course, suggesting different performance requirements for some students. Concerns about fairness arose especially because the rationales for the requests were rarely precise, often going no farther than a belief that the student would do better, or feel better, if given more time. Most important, the requests raised questions about how to judge when modifications in testing procedure began to alter the essential performance standards and requirements of a program or a set of examinations that are designed to assess skills essential for accreditation in the field of study.

Our discussions helped us to clarify several points. First, we recognized the wisdom of the administrative procedures developed in the Provost's Office. After an initial screening, students are asked to submit to a bat-

tery of psychoeducational tests. The results then go to an independent consultant familiar with the University, who identifies as clearly as possible the nature of the disability and advises the University on the nature and general scope of appropriate accommodations. In many cases the student is most appropriately directed toward support services or study skills advice—University counseling that is available to all students—that does not entail program modifications. This will be the usual response where the problem involves stress or anxiety rather than demonstrable learning disabilities. Where necessary, the consultant's recommendations can provide the University with the means for an informed discussion with the student of whether the accommodation requested by the student is reasonable given the nature of the disability or would be inconsistent with the essential requirements of a program of study.

Secondly, we came to recognize that the relationship between the ability to work under time constraints, as in a test, and the essentials of a program varies markedly from situation to situation. At the extreme, time performance may be an essential requirement of a program and a profession. A medical school, for example, can argue persuasively that the ability to analyze symptoms and reach a diagnosis quickly is fundamental. In an emergency it could mean life or death, and to certify a physician who could not respond appropriately under time pressure would be irresponsible. Specific programs might require strong competencies of other kinds. A prospective researcher in Chinese literature might be expected to achieve a high order of facility and comprehension in the language. Thus it would be inappropriate to waive the language requirement. On the other hand, it is hard to argue that moderate time concessions, or even small exceptions to standard requirements, such as for language, would disqualify a student from receiving a liberal arts B.A. An intelligent and educated person might pursue many career and life paths in which fast response times or particular background requirements would not be decisive.

We discussed at length a mid-range example that would sometimes be encountered here. To what extent would the need to relax time-performance standards act as an absolute bar to certification as a Ph.D. researcher and potential university teacher? We became persuaded that learning-disabled individuals might employ their skills in many ways, including some university careers. Most academic schedules could accept a professor who, because of some cognitive processing deficit, required limited and well-defined adjustments such as an extra hour to prepare a lecture or an extra week to finish a paper. The essential qualities—the ability to master large bodies of information, to think creatively, to analyze complex problems, to organize and communicate ideas effectively—can be gauged in a variety of ways that differ from the usual performance-under-time-pressure expectations.

These considerations led us to the general issue of essential requirements. We concluded that there was no simple, all-purpose statement to make, nor could there be. Rather, the guiding principle must be

that it is the role and province of the faculty to engage in the discovery of important new knowledge, to determine the most effective means to communicate that knowledge to students and to cultivate in them the understanding and skills that will enable them to engage in the further pursuit of knowledge, and to supervise and evaluate the training of students for entry into their professions.³ This activity by the faculty goes to the heart and soul of the academic enterprise and requires their best judgment as to the state of knowledge in the field and whether students not only have acquired this knowledge but also the tools to work in the field at the highest level of skill and ability. In this endeavor, however, the faculty must be prepared to use their knowledge and professional experience to separate the useful from the essential.

The faculty of each program must be prepared to evaluate carefully each disabled student's abilities and deficits with well considered and articulated statements about the skills and content to be mastered to fulfill the essential elements of a program or about the requirements for professional certification that follow from it. In a very broad way, a university such as ours, and the professions for which it prepares students, select on the basis of intellectual ability. Institutions and professions require the ability to perform complex intellectual tasks in a reasonable period of time and with accuracy, to communicate clearly, to assimilate and process large amounts of information, and to think creatively and clearly. They properly exclude at admission or exclude along the way students whose intellectual abilities are modest across many faculties. Such students are not properly the focus of learning disabilities accommodation. Inability to do work at this high level does not in itself constitute a disability. Rather, the focus must remain on the model of discrete deficits within an overall pattern of high aptitude and performance. Beyond these general statements, of course, each case will require individual evaluation.

Finally, and somewhat parenthetically, we arrived at some conclusions that seemed to offer good counsel to faculty members faced with requests for accommodation. Faculty members should follow the University procedures described in this report. Establishing different test conditions for one student in a class has an evident quality of unfairness, and, perhaps more importantly, such informal accommodations to a claim of disability may validate in the student's mind (and unfortunately to the external authorities they sometimes appeal to) a claim that careful professional scrutiny would find unjustified. The concessions made in one class may then become the basis and the baseline for an equal or greater request in another class, despite the absence of a documented disability. When faced with requests for accommodation, individual faculty members should refer the matter to the appropriate Dean of Students, or the central coordinator,⁴ and not attempt to reach a conclusion on their own.

Given that accommodation for a learning disability is popularly reduced to the additional amount of time a learning disabled student is allowed to complete a timed exam, it will continue to be important for

faculty to consider the interplay among accuracy, skill, and speed in the completion of an assignment or examination and whether speed is simply a traditional proxy for skill itself.

When instructors conclude that time performance is not a strong factor in evaluation, they may choose to substitute loosely timed exercises such as take-home examinations for timed tests. Where they believe time performance is important to completion of a requirement, they must be prepared to provide tightly reasoned explanations of the necessary time limits. They must also be prepared to assist their Dean of Students in defining an appropriate accommodation.

Admissions

The central problem in considering the learning disabled for admission is to balance the need for appropriate consideration of special needs with the obligation to remain true to our admissions standards. The law demands that persons with disabilities not be discriminated against on the basis of their disability; it requires that their abilities, including those which can only be exercised or fully exercised with reasonable accommodation, be the basis on which admission is granted or denied.

Decisions about the admissions process should be structured to elicit the information each unit needs to identify applicants who show promise for its programs, while at the same time providing the applicants with the information to decide whether the program is right for them and allows them the best opportunity to demonstrate their potential.

Evaluation of Applicants

Applicants with learning disabilities are subject to the same admissions standards as any other applicants and come with no special presumption of admissibility or inadmissibility. Admissions at the University of Chicago invariably involve a selective process in which we choose the most promising among candidates of high ability. Candidates with learning disabilities, like all candidates, only merit admission if they otherwise qualify as among the most promising. Nationally, controversy arises about the consideration of learning disabled students because of uncertainties in the interpretation of standardized tests (SAT, GRE, etc.) for these students. Inasmuch as decisions at this University result from a broad consideration of grades, recommendations, prior experiences, samples of previous work, and so forth, this problem is less acute here than at institutions that rely heavily on standard criteria and set rigid cutting points. Admissions officers may wish to discount criteria that appear less reliable, but should not become incapacitated by doing so. Attention should continue to focus on the applicant's whole record and promise for intellectual distinction in our programs.

Procedural Issues

It is legitimate to ask open-ended questions in the application that provide the applicant an opportunity to discuss special needs and circumstances, but it is illegal and inappropriate to seek or require disclosure of disability status. Admissions officers should

not request additional information about any disability that may come to their attention due to disclosure by the applicant during the review period; such requests will always create the appearance that the admissions decision focuses on the disability rather than on the applicant's academic ability. The possibility of disability should not draw attention away from the usual focus on evidence of intellectual distinction and on demonstrated ability to do the kind of work expected here.

Once the admissions decision is made, successful applicants who self-identify as having disabilities should be engaged in early discussions of their needs and our ability to meet them. At this point in the process, it is appropriate to seek necessary documentation of the learning disability. The focus should be on timely planning for accommodations and on informing the applicant about what we can offer. It is critical that University officials (particularly area Deans of Students and faculty admissions committees) understand and communicate to students that accommodation plans must meet a test of reasonableness, rather than an ideal or a uniform standard. One of our goals should be to avoid having new students arrive with erroneous expectations or without having initiated discussions about potential reasonable accommodations prior to their arrival. Informed applicants may properly decide that they would prefer to be at another institution that better matches their goals and expectations. It is always appropriate, and, indeed, encouraged, at every stage of the admissions process, to seek the advice of a Dean of Students or of the central learning disabilities coordinator.

Accommodation Process

To ensure that experience gained in one sector of the University benefits those studying and working elsewhere and to maintain consistency across the campus, the committee endorses the current structure and believes that a central coordinator should continue to oversee the range of accommodations the University provides. That coordinator seems appropriately located in the Provost's Office, or the Office of the Dean of Students in the University, units that have a broad coordinating function for academic-administrative matters. Clearly, the student must take part in the accommodation discussion and take responsibility for helping to increase the prospects for his or her academic success at the University. Recognizing that intimate knowledge of particular program requirements and options is properly and practically the domain of faculty in these programs and of area Dean of Students staff locally charged with supporting students in those programs, the committee recommends that these individuals remain an integral part of the accommodation process. Input from an expert in learning disabilities and from the Director of the Student Counseling and Resource Service (SCRS) add specialized professional judgment to accommodation discussions. Such a cooperative team approach, encompassing breadth and depth within the context of a student's particular situation, is best suited to working with a student with a learning

disability. Below the committee outlines and elaborates on the accommodation process.

Self-Identification

To engage the accommodation process, the student needs to come forward to self-identify. When a student asks to receive an accommodation for a learning disability, the student should be directed to the central coordinator. These two should discuss what learning difficulties the student is experiencing; what history of academic difficulties, learning disability evaluation, and accommodation the student has; and what strategies and resources the student has brought to bear on the problem at hand. A student shall be encouraged to initiate the process as early as possible since it will be difficult to establish an accommodation when a course deadline is looming.

Preliminary Evaluation

The central coordinator should make the student aware of the Academic Skills Assessment Program (ASAP) at the SCRS and ask the student to schedule an appointment with the Director of the SCRS or his designate, for example the ASAP clinician. As the supervisor of ASAP and the principal resource to the University administration on psychological matters involving students, the Director of SCRS is an important part of the team that works with students with learning disabilities. Even one session may help determine if the asserted learning disability is the source of the student's academic difficulties. Sometimes, for example, the problem may instead be severe depression and attendant profound lack of motivation.

In other cases, working with the ASAP clinician to reduce procrastination, improve time management and organization, accelerate reading, enhance comprehension, manage test anxiety, sharpen memory, and increase concentration may be enough to resolve the academic problem. Even if the student has a learning disability, strategies and coping mechanisms developed in ASAP may still prove useful in minimizing the impact of the learning disability. In many cases these measures will prove to be more appropriate long-term forms of accommodation than short-term program modifications—the skills and tools a learning disabled student acquires in ASAP may aid the student throughout his or her career.

Documentation

Except in unusual, temporary circumstances, accommodation should not be provided without appropriate documentation of a learning disability. The central coordinator should give the student a list of the specific tests the University accepts as learning disability documentation. The student should be asked to authorize the Director of the SCRS and the University's learning disability consultant to discuss the test results with the appropriate University officials. Prior test results should be no more than three years old to be accepted. This is the standard used at almost every university we contacted. If there is no acceptable prior testing, the student should then be appropriately tested. In that case, the names of a few reliable psychometricians or diagnostic

centers experienced in working with adults with learning disabilities should be provided, although the student should not be limited to those choices. The student is financially responsible for testing expenses except when the student presents with a timely pediatric evaluation, an outdated adult evaluation, or a timely but inconclusive adult evaluation; in such cases, the University will share a portion of the cost of retesting with the student.

Evaluation of Documentation

Test results should be forwarded to the University's learning disability consultant, who should then render a professional opinion on the presence—or absence—of a learning disability; which, if any, learning processes it affects; and what sensible strategies or reasonable accommodation may be appropriate under the circumstances, including the particular program in which the student is enrolled. We believe that the University is well advised to refer cases to a regular consultant, who will have in view the nature of our programs, rather than relying piecemeal on the advice of the various professionals students may consult; these professionals often view their role as unconditionally supporting the expressed preferences of their client, the tested student, without understanding the student's academic context. All or part of this evaluation should be shared with the student, the cen-

tral coordinator, the area Dean of Students, and potentially with faculty who are teaching the courses or administering the exams for which a student has requested accommodation. In some cases, it may be important to involve the department Chair or the area academic Dean. Teaching and laboratory assistants and other appropriate University officials may also need to be part of such discussions, to assure appropriate and effective accommodations.

Advocacy

We considered the advisability of designating a learning disabilities advocate, a University employee focused exclusively on the concerns of the student with such disabilities, to represent the student in discussions with other University administrators and faculty. We concluded that we should not do so. The committee was concerned that such an advocate sets up an adversarial relationship between the student and the institution. It was pointed out that in many complicated matters that faculty and administrators handle daily on our campus, the interests of one individual are weighed against the interests of the institution. Having a designated advocate for this particular problem is contrary to the expectation that we have of our students that they function as responsible adults and contrary to the expectation that we have of our faculty and administrators that they func-

tion as reasonable, fair-minded decision-makers. The process of determining reasonable accommodations for a student's learning disability is a collaborative one, not an adversarial one. The student should, of course, remain free to avail himself of advice or support on his own initiative. Area Deans of Students, the Student Ombudsman, and the Affirmative Action Officer are among the resources available.

Essential Goals and Accommodation

As noted earlier, it is the responsibility of the faculty to establish the essential goals and elements of a course, exam, or program. The central coordinator and other appropriate administrators should work with the faculty to ensure that essential academic goals and elements are articulated and preserved and that equity and standards for excellence are maintained while at the same time the student is given a reasonable opportunity to demonstrate his or her knowledge and ability. A proposed accommodation should always be discussed with the student's instructor and should not be provided without the instructor's knowledge. Once provided, an accommodation may be and should be revisited and adjusted as appropriate.

We emphasize that compliance with the law does allow us to maintain our rigorous academic standards and simultaneously to meet the legitimate, documented needs of

our students. While the field of learning disabilities still has much to learn about itself and clear answers may sometimes be difficult to find, we must thoughtfully and critically consider each documented case and make reasonable and appropriate accommodation without compromising the integrity of the program.

Notes

1. See Sections 302 (b)(A)(ii) and (iii) of Title III of the Americans with Disabilities Act, 42 U.S.C. §§12182 (b)(2)(A)(ii) and (iii); 28 C.F.R. §§36.301 (a), 36.302 (a); see also §504 of the Rehabilitation Act of 1973, 29 U.S.C. §794; 34 C.F.R. §§104.3 (k)(3), 104.4, 104.41–104.44.
2. See, e.g., 34 C.F.R. §104.44 (a).
3. See *Report of the Committee on the Criteria of Academic Appointment* (1972), p. 1.
4. The central coordinator is currently Ingrid Gould, Assistant Provost, 702-5671.

The Ad Hoc Committee on Learning Disabilities

Edward Cook, *Chair*
Theresa Czarnik
Ingrid Gould
Lars Hansen
Frank Merritt
Martina Munsters
Stephen Poskanzer
Morton Silverman
Diana Woo
Amanda Woodward
Richard Zansitis

Annual Report of the Committee on University Security

January 15, 1996

The Committee on University Security held five meetings during the 1994–95 academic year. This report describes the committee's activities and sets forth its observations and recommendations.

I. Informing the Community of the Committee's Existence

The charge that established the committee in 1986–87 directed the committee to "notify the University community of its existence and purpose." To meet this responsibility in the 1994–95 academic year, the committee sent a letter on November 21, 1994, to all Resident Heads, Deans of Students, and Deans-on-Call informing them of the committee's existence and requesting them to post a notice (which we enclosed) describing the committee's functions and explaining how students and other members of the University community can bring complaints to the committee's attention. The committee sent similar letters on November 21 to the Black Graduate Forum, the Organization of Black Students, the Coordinating Council on Minority Issues, and the Student Ombudsperson. The committee also sent letters on November 21 to all Black and Hispanic students describing the committee's functions and encouraging students to bring to the committee's attention any complaints they might have—past or present—involving the University Police Department.

II. Recurring Issues

The committee considered two recurring issues concerning the administrative treatment of complaints.

A. Use of the classification "not sustained": The appropriate treatment of cases in which a complainant's version of the facts differs from that of an accused officer (or several officers) is an important and recurring issue. During the 1993–94 academic year, there were several such cases (#93-04-06 and #93-04-07 were typical) in which the department classified the complaint as "unfounded," on the ground that the weight of the evidence tended to support the officers' version or that there was insufficient objective evidence to corroborate the complainant's version of the incident. The committee objected to this approach, and the department responded with further explanations that the committee examined in several meetings and in discussions with Director Nimocks during the 1994–95 academic year.

The committee recognized that complaints against the department sometimes are not especially credible, even when no objective witnesses can explicitly refute such charges. Nonetheless, the committee would be very troubled by a standard that could result in classifications of "unfounded" just because of a lack of corroborating evidence to support a complainant's allegations. The committee concluded that it is inappropriate

to make credibility judgments in cases involving directly conflicting stories that are not clearly resolvable on the basis of the testimony of disinterested witnesses or internal contradictions in the complainant's account. The committee believes that the "not sustained" category is the only appropriate classification in such cases.

The department was concerned about the impact on officer morale and personnel records of a standard that would often make it impossible to treat allegations unlikely to be true as "unfounded." Nonetheless, the committee concluded that this situation is inherent in the meaning of a not sustained finding, and of course it also carries implications for the significance of such determinations for the officer. Because the complaint is not resolved one way or the other, there is no stigma necessarily attaching to such a finding. Conversely, particular circumstances or a string of similar allegations against the same officer by independent complainants might prompt inquiry or concern. This is as it should be.

Accordingly, the committee concluded that complaints should be classified as "not sustained" whenever there are materially conflicting versions of the incident that are not clearly resolvable on the basis of the testimony of disinterested witnesses or internal contradictions in the complainant's account. After discussion, the department accepted the committee's approach and agreed to the following restatement of the

four classifications used, as set forth in the Committee's letter to Director Nimocks, dated June 6, 1995:

1. *Unfounded*, which means that the allegations are not factually accurate; the alleged conduct did not occur.
2. *Exonerated*, which means that the alleged conduct did occur but was justified under the circumstances.
3. *Sustained*, which means that the alleged conduct did occur and was not justified under the circumstances.
4. *Not Sustained*, which means that the written record of the investigation does not permit a determination of whether the alleged conduct occurred. A classification of *Not Sustained* is used whenever a case involves conflicting stories that are not clearly resolvable on the basis of the testimony of disinterested witnesses or material internal contradictions in the complainant's account. A "not sustained" classification does not imply, directly or indirectly, any finding of fault on the part of the accused officer.

B. Treatment of "supplemental issues": In the course of investigating complaints, the department (at its own initiative or at the committee's request) sometimes identifies problems that were not raised as specific allegations by the complainant. These additional allegations, including apparent deviations from department policy, are usually listed as "supplemental issues," in order to keep them separate from charges raised

by the complainant.

The committee asked the department for further information about how such supplemental issues should be treated. The committee was especially interested in whether such supplemental issues should be tracked and recorded in the same manner as formal complaints and whether the issues should be recorded as "sustained" when the facts warrant. The department explained that additional allegations were normally kept separate from charges raised by the complainant; rather than categorize them as "sustained" or "unfounded," the department prefers to address them through a "Notice of Corrective Action" that remains a permanent record in the officer's file and in the file relating to the complaint. This document will specify what the supplemental issue was and record the corrective action that was taken. The department reaffirmed that the committee would of course be free to examine the Corrective Action form at any time. The committee accepted this approach.

III. Complaints Reviewed by the Committee

The committee reviewed nineteen complaints during the 1994-95 academic year, an unusually large number that represents a 58 percent increase over last year. Although six of the complaints were reconsiderations of matters from the prior academic year (compared to only four reconsiderations among last year's complaints reviewed), the number of new matters reviewed (thirteen) still represents a significant increase over the number of new matters (eight) reviewed last year. The complaints reviewed during the 1994-95 academic year are described below:

1. #92-06-14: The complainant had a confrontation with an officer at the visitor's entrance to the hospital. The complainant alleged that the officer was belligerent, rude, and unprofessional. Subsequently, however, the complainant failed to cooperate in the investigation, and the department was unable to discover other witnesses to the incident. Accordingly, the complaint was classified as not sustained.

In reviewing the record during the 1993-94 academic year, the committee noted that the clerk at the visitor's entrance was interviewed but his statement was not included in the file we received. The committee accordingly asked the department to supply a copy of that statement and to remind investigating officers of the need to include such statements in the investigative file. In a letter dated June 8, 1994, Director Nimocks supplied the missing memorandum, which in essence stated that the clerk in question was not aware of any incident at the time in question. The committee then accepted the department's disposition of this complaint.

2. #92-07-017: The complainant, a Chicago police officer, was stopped in the hospital and his bag was searched, because hospital employees had reported that someone fitting his description appeared to be stealing hypodermic needles. The complainant alleged (1) that he had been subjected to an illegal stop and frisk, and (2) that an illegal contact card had been made out by the University police officer who confronted

him. The department classified the first complaint as exonerated, on the ground that the stop and the search of the bag were justified under the circumstances, and it classified the second complaint as unfounded, on the ground that the officer in fact had not filled out a contact card.

In reviewing the record during the 1993-94 academic year, the committee did not agree that the complainant had voluntarily consented to the search of his bag. However, the description, though vague, seemed sufficient to provide probable cause for the search under applicable judicial precedent. Accordingly, the committee accepted the Department's disposition of the two charges contained in the initial complaint.

A further problem in this case, however, was that the accused officer did not fill out a contact card. Director Nimocks's letter to the complainant correctly noted that this was improper and stated that the accused officer was reprimanded accordingly. In its review during the 1993-94 academic year, the committee agreed with the department's approach on this point. However, in order to insure the accuracy of our records, the committee indicated that a third charge should have been added to the complaint, namely the failure to fill out a contact card, and this charge should have been classified as sustained. The department responded that additional allegations or apparent deviations from policy that are uncovered during the course of an investigation would be listed as "supplemental issues" in order to keep them separate from charges that were raised by the complainant. This year, the committee reviewed the matter and accepted this approach; the committee also recommended that the disposition of "supplemental issues" be tracked and recorded in the same manner as other issues raised directly by complainants themselves.

3. #93-04-06: The complainant alleged that he was in the lobby of an apartment building when a male University police officer used unnecessary force to detain and frisk him. The department's records and the statements of witnesses other than the complainant indicated that two city police officers (both female) were first on the scene and were the only ones who had physical contact with the complainant. Accordingly, the department concluded that the complaint should be classified as unfounded.

Reviewing this case during the 1993-94 academic year, the committee noted that the disposition of the complaint depended entirely on the credibility of the opposing witnesses. The committee therefore pressed the department to explain why this complaint was not classified "not sustained" (i.e., neither proved nor disproved). The department responded during the 1993-94 academic year with a further explanation of why the lack of credible evidence to support the complainant's version of the event made the "unfounded" classification appropriate. In reviewing the matter this year, the committee concluded that because the Chicago police officers accepted responsibility for the incident, they should be considered disinterested witnesses, and under these circumstances the classification of the complaint as "unfounded" was appropriate. The committee stressed, nonetheless, that the "unfounded" classification should never

be used merely because there is no affirmative evidence to corroborate the complainant's claims or merely because the complainant's version of the incident is contradicted by the testimony of the accused officers or other interested witnesses. (See section II.A above).

A further problem in this case was that the record did not indicate whether the University officers who responded to the call prepared a contact card. The department explained that its guidelines require a contact card to be prepared only when its officers initiate an investigative stop, and not when its officers are present but have no significant contact with individuals stopped by city police. The committee accepted this approach.

4. #93-04-07: An individual being treated in the hospital's Emergency Room became agitated and unruly. A University police officer took him into custody and handcuffed him for his own safety and that of others. The individual complained (1) that the officer put the handcuffs on too tight, cutting off circulation and bruising his wrists, and (2) that the officer wheeled him out of the Emergency Room naked from the waist down, in front of women and children who were in the waiting area. The department classified both complaints as unfounded, on the ground that disinterested witnesses contradicted the complainant's version of the events.

Reviewing this case during the 1993-94 academic year, the committee agreed that the statements of disinterested witnesses at the scene were sufficient to refute the second allegation, and accordingly the classification as unfounded was appropriate. With respect to the first charge, that the handcuffs were too tight, there was no independent evidence to support the allegation, but there was also no evidence from disinterested witnesses that directly refuted it. Although the committee felt that on the record as a whole, the handcuffs charge was not especially credible, the committee nonetheless stressed, as in case #93-04-06 above, that a "not sustained" classification is proper only when the charge is clearly refuted by major internal contradictions in the complainant's testimony or by unambiguous evidence from disinterested witnesses. Accordingly, the committee concluded during the 1993-94 academic year that this charge should have been classified as not sustained.

The department responded with an explanation of why it felt that the evidence refuted the complainant's allegations concerning the handcuffs, but the department nonetheless agreed, because of the committee's concerns, to change the classification of the complaint to not sustained. (See section II.A above).

A further problem in this case was that the record did not indicate whether the officer prepared a contact card. During the 1993-94 academic year, the committee requested a copy of the contact card, which the department then supplied.

5. #93-07-017: A hospital employee attempted to prevent an out-patient and her child from using an employee elevator, and a scuffle broke out. A person at the scene wrestled the employee to the floor and sat

on him until University police officers arrived. One officer pushed the employee against the wall, frisked him, and restrained him until he calmed down. Subsequently a bystander complained that the officers had used excessive force in restraining the employee. Because the employee who was the alleged victim of the police action stated that he did not feel excessive force was used to restrain him, the complaint was classified as unfounded.

Reviewing this case during the 1993-94 academic year, the committee was concerned that the investigators had not focused sufficiently on the specific allegations of improper conduct. The department responded with a detailed review of the investigation and an explanation of why it believed the inquiries were adequate. Nonetheless, Director Nimocks also indicated that he would also call to the attention of the investigating officer in this case the importance of follow-up questions designed to elicit appropriate detail. This year the committee reviewed the department's response and accepted these assurances.

6. #93-07-018: An employee at the Woodlawn Social Services Center called for assistance when a client of the facility became unruly. Subsequently, the person who called filed a complaint alleging (1) that the dispatcher did not take sufficient information about the disturbance and (2) that the University police officer who came to the scene acted unprofessionally by engaging in provocative behavior toward the suspect and using inappropriate language in the course of her effort to restrain the suspect while awaiting city police officers. The department classified the first allegation as unfounded, because tapes made clear that the dispatcher did take sufficient information and send units to the scene promptly. The second allegation was classified as sustained and the accused officer was reprimanded.

Reviewing this case during the 1993-94 academic year, the committee agreed with the department's classification of both allegations in this complaint. However, the committee was not in a position to assess the adequacy of the sanction imposed, without knowing the nature of the personnel record of the accused officer. The committee therefore requested the department to advise it whether the officer's file contains any previous disciplinary notations or any complaints that led to dispositions of either sustained or not sustained. In its reply, the department assured the committee that a summary of past disciplinary actions will henceforth be included in any file when either complainant allegations or supplementary issues result in a finding of "sustained." In addition, the department provided the committee with a summary of the disciplinary record of the officer involved in this complaint. This year, the committee accepted the adequacy of the sanction imposed. We also agreed with the suggested procedure for assuring that disciplinary records be provided routinely to the committee when needed.

7. #93-08-020: In August 1993 the complainant and an officer had a confrontation in the lobby of Mitchell Hospital. The complainant alleged that the officer was loud, abusive, and unprofessional in the manner

in which he asked the complainant for identification. In addition, the complainant alleged that the officer lied in telling a third person that the complainant had said something to provoke the officer. Because the versions of the incident provided by the officer and by the complainant were in conflict on the decisive points, both allegations were classified as not sustained. The committee accepted this disposition of the complaint.

8. #93-12-029: Two officers were summoned to a party when a resident of the building complained about loud music. There were between 200 and 250 people at the party, and several of the people there had been drinking heavily. The officers requested that the music be turned down and then left. When the noise level was not reduced the officers returned and called for assistance. In the meantime one officer escorted one of the students out of the apartment into the hallway and an altercation between the officer and the students ensued. Because the apartment was not on University-owned property, the city police were called, and when they arrived the University police left the scene.

Along with a co-complainant, the student who had been escorted from the party filed a complaint alleging (1) that the officer had forcibly shoved him and jerked him back and forth for an extended period of time, (2) that the officer had used discriminatory language derogatory of the students' ethnic background, (3) that the officer had made threatening statements, (4) that the officer had refused to give his name and had tried to hide it, and (5) that another officer at the scene had refused to give his badge number.

Although the incident was witnessed by a relatively large number of persons, the investigation produced conflicting statements with respect to most of the allegations. Nonetheless, the department concluded that the accused officer had used unnecessary force in the encounter with the principal complainant. As a result the first allegation was sustained, and the officer received a five-day suspension. Because of the conflicting evidence, all the other allegations were classified as not sustained.

The investigation also revealed that two University supervisory officers did not respond promptly enough to calls for assistance from the officers at the scene. This matter was added to the complaint as a "supplemental issue." Accordingly, the two supervisors were also sanctioned, one by a one-day suspension and the other by an oral reprimand. The committee agreed with the conclusions reached and with the sanctions imposed. The committee also requested and received copies of the contact cards that were prepared in this case.

9. #93-12-031: In December 1993, the complainant entered the emergency room at the Medical Center by using ambulance bay doors that are not supposed to be used by the general public. He sat down in the waiting area and was observed rummaging through some bags that he had not brought in with him. An officer asked for identification and, when this was refused, asked the complainant to leave. When the complainant refused, the officer began putting hand-

cuffs on him, with the intent to arrest him for criminal trespass. At that point a person being treated in the E.R. approached and explained that the complainant was with him. At that point the complainant was released. The complainant alleged that he was falsely placed in handcuffs. The complaint was classified as exonerated, on the ground that the officer had acted correctly in concluding that the complainant should be arrested. The committee accepted this disposition of the complaint.

10. #94-01-01: In January 1994, an unidentified person called the University police to report the presence in the School of Social Service Administration reception area of a person who did not appear to belong there. The caller said that "he's not disturbing anybody," but the caller also indicated that because there was a young woman receptionist alone in the area, the situation should be checked out. The officer sent to the scene talked to the receptionist and was told that the young man had not caused a problem but that he had made the receptionist nervous by speaking to her in an emotional way. The officer then requested the man's identification, and when he could not produce a University I.D., the officer insisted that he leave the building. The man said he could call someone who could come down and verify that he was supposed to be there, but the officer refused to let him use the phone unless he could produce an I.D. A second officer arrived at this point and joined the first officer in insisting that the man leave. Under threat of arrest, the man left the building, and the officers locked the doors. He had to wait outside the building, on a cold night, for approximately ten to twenty minutes until the person he was waiting for arrived. It was subsequently determined (though not known to the officers at the time) that the man was at SSA as an invited guest participating in a research project involving people who, like himself, suffer from epilepsy.

The man filed a complaint alleging that the officers (1) did not allow him to use the phone to call the person he was supposed to be seeing at SSA, (2) required him to leave the building under threat of arrest, and (3) refused to check his story to verify the reason for his being at SSA. In addition, a Professor in the School of Social Service Administration filed a written complaint making substantially similar charges. Her letter alleged, in addition, that the officer insisted on inappropriate forms of identification, ignored the young man's efforts to alert the officer to the nature of his disability, and exposed the young man to serious health risks by forcing him to leave the building in sub-freezing weather that could easily have triggered an epileptic seizure. The Professor's letter also reported that a sergeant who came to the scene at a later point made comments that seemed to suggest unfamiliarity with or insensitivity to epileptic disabilities.

The department concluded that the three charges against the first officer should be classified as exonerated, on the ground that his actions were justified under the circumstances, and that the charges against the second officer should be classified as unfounded, on the ground that he was not significantly involved in the incident. The

department also recognized, however, that the episode indicated an apparent deficiency in our officers' familiarity with epileptic disabilities. The department therefore initiated steps, in conjunction with the Epilepsy Foundation of Greater Chicago, to improve training in this area.

The committee regarded this as an especially serious complaint, and discussed it at length, both in several committee meetings and in a personal meeting with Director Nimocks. The committee appreciated the prompt steps taken by the department to improve training in regard to officers' contacts with individuals who may suffer from epileptic disabilities. Nonetheless, the committee was troubled by the disposition of this complaint, because there were many disagreements among the witnesses about important details and particularly sharp disagreement about the degree to which the complainant displayed a cooperative or uncooperative attitude at the time. The committee pressed the department to explain why the complaint should not be classified as sustained, particularly with regard to the complainant's objection that he had not been permitted to use the telephone.

After extended discussions with the department, the committee recognized that the evidence was not sufficiently clear or undisputed to permit a finding sustaining this complaint. At the same time the department acknowledged that the initial classifications were not warranted in light of the evidence offered by the complainant and several of the other witnesses. Under these circumstances the department agreed to change the classification of the complaint to "not sustained" for both officers. The complainant was notified accordingly. The committee accepted this disposition of the complaint.

The committee also raised two more technical points regarding this case:

1. A Professor in the School of Social Service Administration filed a written complaint in this matter, and the tone of both her letter and her interview made clear that she was very distressed that the complainant, who was her guest at SSA, was not (in her view) given appropriate courtesy and concern. Nonetheless, the Professor was not treated as a formal complainant, and was not initially notified about the disposition of her complaint. This oversight was rectified at the committee's request.

2. Although this incident involved a formal request for identification, followed by an eviction from a University building under threat of arrest, a contact card was never prepared. The department explained that this omission resulted from the officer's perception that the complainant was uncooperative and that he was refusing to supply any identification. Although the fact of the matter on this point was sharply disputed, the committee accepted the department's view that where such circumstances are present, it is not appropriate to expect the officer to complete a contact card.

11. #94-03-04: In January of 1994 a female student charged that she had been sexually assaulted at a fraternity party. Shortly thereafter she and one of her friends were interviewed about the incident by a female University police officer. The victim's friend subsequently complained that the officer

who conducted the interview had been insensitive and unprofessional, had made disparaging remarks about men, and had inappropriately told the victim that, under the circumstances she had described, she had not been sexually assaulted. Because department policy requires officers who conduct interviews under these circumstances to limit their inquiries to information necessary for an immediate lookout message, the department concluded that the interviewing officer's remarks had gone far beyond those permitted and that all the allegations of the complaint should be sustained. The accused officer was reprimanded and counseled. The committee accepted the department's classification of the complaint as sustained.

With respect to the sanction, the committee reviewed the officer's personnel history and considered the seriousness of the infraction. In order to assess the adequacy of the sanction, the committee requested more information about the nature of the counseling provided to the officer. The department responded with considerable detail about the counseling involved and about the circumstances that affected its judgment about the sanction that was appropriate for this case. The committee then accepted the department's disposition of the complaint.

The committee also raised several questions about the appropriate approach to interviewing in a campus sexual assault case. It seems apparent that the department's policy was drafted with an eye toward rape cases in which city police are sure to be called and in which detailed interviewing is certain to follow. The committee asked the department to consider whether it would be appropriate to conduct training in a different kind of interview for situations when the victim may not have decided whether to file a report with city police. The department responded that in situations of that sort, counseling can be provided through the Dean of Student's Office, Student Health Services, and Sexual Assault Hotlines, and that the availability of these services is and will continue to be publicized. The committee accepted this approach.

12. #94-06-09: A resident's house was burglarized and his car was stolen. He told the University police officer sent to investigate that he had seen the car (an orange BMW) parked on 53d Street. The officer kept the car under surveillance, and when he observed a person sitting in it, the officer called for backup, approached the car with his gun drawn, and arrested the man in the car. A few minutes later, the burglary victim arrived at the scene, inspected the car more closely, and realized that it was not his car. The man who had been arrested was then released, but he filed a complaint alleging that the officer had not used proper police procedures in the investigation and had unjustly handcuffed him.

Because the officer had probable cause to arrest and released the suspect as soon as the mistake was discovered, the department classified both charges as exonerated, meaning that the actions occurred as alleged but were justified under the circumstances. The investigation also revealed, however, that the officer had violated department regulations in two respects—by not informing the arrestee promptly of the reason for the detention and by not preparing a contact

card. For these two violations the officer received a written reprimand, in accordance with the procedure for "supplemental issues" described above (section II.B of this report).

The committee agreed with the conclusions reached in this case and with the sanction imposed. After considering whether the two violations revealed by the investigation (the "supplemental issues") should be recorded as "sustained," the committee accepted the department's approach as set forth in section II.B. of this report

The committee had one further question about this case, because the officer had approached the parked BMW with his gun drawn. Although the officer had probable cause to arrest for auto theft and burglary, there was no indication that these crimes had been committed with a gun or that the suspect was armed, and the suspect was not acting in a suspicious or threatening manner. The committee therefore requested more information about the department's rules applicable to the drawing of weapons. In response, the department supplied a copy of its Deadly Force policy, together with a detailed explanation of that policy and the training that accompanies it. Under this policy, which is consistent with that used by city police, the FBI, and other law enforcement agencies, the suspicion of commission of a serious felony (in this case burglary), together with circumstances that would not necessarily permit the officer to assume the suspect was unarmed, made the officer's actions reasonable for his own protection. After discussing these issues, the committee accepted the department's disposition of the complaint.

13. #94-06-012: In June 1994, two officers observed a man who appeared to be looking into parked cars in a suspicious manner. The officers stopped him and asked for identification. A check revealed that the individual was the subject of a Maryland arrest warrant, but when the officers learned that he would not be extradited to Maryland, they made out a contact card and released him. The person subsequently filed a complaint alleging that one of the officers had threatened to hurt him if he did not leave the area. The officers denied this allegation, and the complainant did not cooperate further with the investigation or respond to requests for an interview. The complaint was therefore classified as not sustained. The committee accepted this classification of the complaint.

14. #94-06-013: Two Hyde Park residents affiliated with the University observed an officer who, twice within a brief period,

stopped and questioned a black man who simply appeared to be walking innocently along the street. The residents asked the officer for an explanation and were told that the man had previously been convicted and should not be allowed to walk unhindered because he did not belong in Hyde Park. The residents filed a complaint alleging that the officer had improperly harassed the man because of his race. Investigation established that the officer had a reasonable basis for suspecting the man, that the initial stop was therefore justified, and that the officer's reactions were not prompted by a racial motivation. The complaint was therefore classified as unfounded. However, because the officer did not have a sufficient basis for stopping the man the second time, and because he did not respond with proper courtesy to the residents' questions, the officer received a written reprimand for his behavior.

The committee agreed with the conclusions reached in this case and with the sanction imposed. However, the committee considered whether the classification of the complaint as unfounded gave a sufficiently complete picture of the incident. As in #93-12-029 and #94-06-09 above, the committee discussed whether the violations revealed by the investigation (the "supplemental issues") should be recorded as "sustained." As indicated in section II.B of this report, the committee accepted the department's approach to this problem; the committee reviewed the department's Notice of Corrective Action and accepted its disposition of the complaint.

15. #94-07-015: A young man who was suspected to be a gang leader was shot in the parking lot of Kimbark Plaza. A University police officer who arrived at the scene called an ambulance for the young man, who died at the hospital. A relative of the shooting victim later filed a complaint against the officer, alleging that he made derogatory comments about the young man both at the scene and when he encountered the relative several weeks later. The accused officer and several witnesses denied both allegations, which were therefore classified as "not sustained."

The committee agreed that this was the proper disposition of this complaint, in view of the unresolvable conflict in testimony between the complainant and other witnesses.

16. #94-08-017: The complainant alleged that an officer who was standing outside her window addressed abusive and threatening comments to her. Several witnesses who were present at the scene testified that the

accused officer did not have any inappropriate conversation with the complainant. Accordingly, the complaint was classified as not sustained. The committee accepted this disposition of the complaint.

17. #94-09-020: A student who was the victim of a theft at Kinko's complained that the University police officer called to investigate made rude and threatening comments to a Street-Wise vendor who was standing outside Kinko's at the time. Numerous disinterested witnesses at the scene corroborated the allegations of the complaint, which was classified as sustained, and the officer received counseling regarding the episode.

The committee regarded this as an especially serious incident, not only because of the unjustified harassment of the vendor but also because a more professional attitude might have succeeded in enlisting the vendor's help in obtaining a description of the thief. For those reasons, the committee felt that a more serious sanction might have been considered. In light of the absence of any significant prior disciplinary record for this officer, however, the committee accepted the department's judgment as to the appropriate sanction.

18. #94-11-027: The complainant parked near the Emergency Room entrance at the hospital, and the officer on duty ticketed her car. She alleged that the officer harassed her and improperly ticketed her car, which she claimed was legally parked in the handicapped parking area. The officer indicated that the complainant was illegally parked and that when he asked her for identification, she walked passed him and responded with profanities. Two witnesses who observed the incident corroborated the officer's version of the incident. The complainant failed to respond to repeated requests to contact the investigating officer, in order to provide her version of the episode. The department therefore classified the complaint as not sustained. The committee accepted this disposition of the complaint.

19. #94-11-028: A University police officer observed the complainant soliciting door-to-door on Harper Avenue and threatened to arrest him. The complainant filed a complaint alleging that the officer refused to give the name of his supervisor, threatened to make an arrest, and improperly stated that the complainant's activities were illegal. Subsequently the complainant stated that he considered his complaint resolved and did not wish to pursue it.

Because the accused officer denied refusing to give the name of his supervisor, this part of the complaint was classified as not

sustained. With respect to the remaining allegations, the department determined that door-to-door solicitation is not illegal in Chicago. But since a local ordinance prohibits peddling in parts of Hyde Park, including the area in question, the officer may have made a good-faith mistake regarding the legality of the complainant's conduct. For these reasons, the remaining allegations of the complaint were classified as sustained, and the officer was counseled regarding his actions and the reasons why the complainant's activities were lawful. The committee accepted this disposition of the complaint.

IV. Complaints Pending

Unlike prior years, the 1994-95 academic year closed without a file of hold-over cases reviewed once and awaiting committee consideration of responses from the department. Five investigations completed by the department in June and July 1995 were awaiting Committee review as of September 30, 1995—#94-11-024, #94-11-025, #94-12-029, #95-02-02, and #95-02-03. These complaints will be considered by the committee during the 1995-96 academic year. In addition, six complaints remained under investigation by the department as of September 30, 1995—#94-07-014, #94-09-021, #94-11-026, #95-03-04, #95-04-06, and #95-08-015.

V. Conclusion

The committee commends the department and its Director for their cooperation and seriousness of purpose. The number of complaints recorded remains a tiny fraction of the thousands of police contacts with members of the University community over the course of an academic year. We believe that the department's leadership and sensitivity have helped keep misunderstandings and serious infractions to a minimum. In addition, Director Nimocks has been most helpful in responding to the committee's concerns. Although the committee and the department have not always agreed, the department invariably has responded thoughtfully to the committee's recommendations. The department remains strongly committed to respecting individual rights at the same time that it attempts to fulfill its protective and law enforcement responsibilities.

Respectfully submitted on behalf of the committee,
Stephen J. Schulhofer, *Chair*

Stephen J. Schulhofer is the Julius Kreeger Professor in the Law School.

Report of the Student Ombudsperson for Summer and Autumn Quarters 1995

By Marc Jonathan Blitz

In the first six months of my term, one of my major goals has been to make the Ombudsperson's Office and its distinctive function more well known to the campus community. In trying to do so, I've found that many students seem to have a rather narrow view of the office's purpose; they seem to regard it as that of an unofficial court of appeals—a place, established by the President's Office, where one goes for one last try at reversing an administrative decision. There is a kernel of truth in this picture: we do indeed help students who have exhausted all other options and we sometimes recommend that a decision or policy be changed.

But the purpose of the Ombudsperson's Office is much broader: it acts first and foremost as an informal and confidential troubleshooting center—helping students to navigate the University's complex bureaucracy and to get their questions and concerns taken seriously by people with the power to help them. Consequently, while we strive to maintain the impartiality of a good judge, this does not mean that we are primarily in the business of judging or of issuing an opinion. More often, we find ourselves trying to break administrative deadlocks or to reconcile conflicting needs.

In this report, I try to give the campus community a sense of what some of these deadlocks are and how we deal with them. It is difficult to generalize about the sixty-seven complaints and inquiries which I and the Assistant Ombudsperson have received over the last two quarters (fifteen in the summer and fifty-two in the autumn)—and it would also be misleading to describe the issues I discuss below as the most significant ones with which we have dealt: each student, of course, feels that his or her complaint is significant and, with few exceptions, we will regard it as such, even if the complaint is not echoed by other students and even if it is not symptomatic of larger problems in the University.

I have chosen to discuss the following complaints either because I feel that they illustrate the Ombudsperson's role as an informal troubleshooter and dissolver of bureaucratic blockages or because they call attention to problems which deserve public scrutiny. With these ends in mind, I discuss three issues in the remainder of the report. First, I briefly describe a few situations where a student's attempt to solve a problem reached a standstill even before the student had exhausted all administrative appeals. Second, I discuss two kinds of complaints which may raise larger issues or questions: complaints about poorly publicized academic policy changes and complaints about the hiring of student employees. (I should note also that I have altered some of the details in a few of my accounts so as to protect the anonymity of those I write about).

It is my hope that this report will help clarify the Office's distinctive purpose at the University. Those who are more interested in what the Ombudsperson's Office does—or those who are contemplating making use of its services—can find out more about the office by reading our entry in the *Trouble Shooting Guide* in the 1995–96 *Student Information Manual* or by reading our World Wide Web page (accessible from the student information section of UCinfo at

<http://www/uchicago.edu/uoc/cc.student.html>). Students should also feel free to call us at 702-8422 or send non-confidential e-mail messages to ombud1@uchicago.edu.

Communication Breakdowns

Many students make a serious effort to use all official channels before coming to Ombudsperson, but find that they cannot easily go beyond the first step in the process. Some also find it difficult to appeal to a higher authority because they do not fully understand the decision they are supposed to appeal: a number of students, for example, claimed that their arguments were met only with an administrative “broken record” that kept playing evasive response after evasive response.

One student, for example, tried for six months to find out why his insurance (the University of Chicago Health Plan) would not pay for a visit he made to the hospital emergency room. Even after rereading the relevant policies, he was still convinced that UCHP should have covered his visit. Rather than answer the student's question, however, UCHP staff members responded by telling him what he already knew: they twice sent him form letters which reiterated the policy but nowhere explained why the policy justified their refusal to pay for his visit.

I phoned the acting director of UCHP, and she told me that, for some reason, the student's letters were being answered by individuals who were not qualified to address his questions. She offered to meet with the student to explain why UCHP did what it did and then to follow up this discussion with a letter explaining the decision (which he was still welcome to appeal).

Another student, who transferred here in 1993, was told repeatedly by the College Aid Office that he did not qualify for a federally subsidized Stafford Loan, one which he desperately needed and for which he thought he was eligible. He seemed to feel that the College Aid Office was stonewalling him; the College Aid Office seemed to think that he just would not accept the reality of his situation.

As it turned out, at least one key element of the situation had not been made entirely clear to him: namely, the University's specific (and perhaps idiosyncratic) method of applying a federal rule which limits the length of time that a student can receive federal aid. The rule specifies that a student can receive aid for 150 percent of the time that it normally takes to complete the program in which he or she is enrolled. Since the student was enrolled in a four-year bachelor's degree program, he could receive aid for up to six years. He and the College Aid Office disagreed, however, over how many of his six years of aid he had already used. The College Aid Office decided to count, towards those six years, the time spent by the student pursuing a two-year technical degree before he began pursuit of the bachelor's. The student argued (quite justifiably, in my opinion) that his two years of technical training should not be considered part of the same program as his work towards a liberal arts degree.

Fortunately, a solution to the student's problem did not turn on an immediate rethinking of policy and the Director of the

College Aid Office did an admirable job helping the student to pull together funds from other sources, funds which not only replaced the unobtainable Stafford Loan, but which also helped meet expenses he would not have been able to meet even with the loan.

Another complaint of this sort came to us last summer from a frequent user of the weight room in the Henry Crown Field House. He complained that, in spite of the unbearable heat, the Athletics Department was slow to acquire a standing fan for the weight room. He and other students pointed out to Athletics Department staff that there had been a standing fan in the weight room a few years ago, and they asked (repeatedly) for a new one. Each time they asked, they were told that a new fan would be arriving soon. Each time, nothing happened.

In fact, there were no plans to acquire a new standing fan. The student's request had remained in the lower echelons of the department and had never reached the administrator in charge of facilities. When I spoke to this administrator, he explained to me that both the Athletics Department and the Plant Department had removed the original standing fan because they considered it to be a safety hazard. They worried that the fan might be knocked over accidentally and that an accident was more likely to occur in the weight room than in other parts of the Field House—both because the weight room is usually more crowded than are other spaces in the Field House and because there are no Athletics Department staff assigned to prevent people from moving the fan around within the room.

The administrator also pointed out that when the standing fan was moved out ceiling fans were installed to improve the circulation of air. But the Plant Department did send someone to the weight room to take temperature readings and make sure that the ceiling fans were adequate. He found that the temperature was “excessively warm and humid, especially for working out, and in the prevailing weather.” So he recommended that the circular ceiling fans already in the weight room be replaced with larger fans set at higher speeds. This was done soon afterwards and apparently did lower the temperature.

Publicizing New Academic Policies

During the Autumn Quarter, a number of students came to us to complain that they had learned of a recent policy change the hard way: by learning that it might wreck or seriously undermine their plans for the current year. In all of these cases, the relevant administrators had tried to get information about the new policies to those students who needed it. But somehow the publicity failed to reach all students, and, in two of the cases, even administrators charged with informing confused students about the new policies were themselves confused by (or ignorant of) what the new policies required.

Language Placement Exams

One fourth-year returned from summer break to learn that a year-old policy might prevent her from graduating this year. She had preregistered for, and was planning to take, two sequential language courses this year—one in the autumn and one in the winter—which together would allow her to

complete her language requirement. But in the first few days of the autumn class, she and a few other students were told by their instructor that the language placement exams they had taken three years ago were no longer valid and that their status in the course was now questionable.

Their placement tests, it turns out, had been nullified by a new departmental policy dictating that a student must take a language course within a year of placing into it. If a student wishes to wait longer than a year before taking the course, then the policy requires that she retake the language placement exam (again, no more than a year before entering the course) to prove that she still has sufficient command of the language. The argument for the new policy seems quite sensible: a student can forget a lot in the two or three years that may pass between taking a placement test and entering the language course she places into. The department that made the policy change, in fact, did so because students were entering language courses unprepared for the course and were “holding the class back.”

Unfortunately, the student had no idea that her exam had “expired” and had not prepared to retake the test. She and other students in her situation were allowed to stay in the course this autumn, but were told that they could not advance to the next language course in the sequence (in the winter) unless they received at least a *B* in the autumn course. While other students receiving a *C* or *D* in the class would be allowed to advance, these students would—if they received an equally low grade—be barred from the next course and, consequently, from fulfilling a graduation requirement.

What disturbed the student was not the new policy itself, but her lack of knowledge about it: her adviser had not stopped her from preregistering for the language courses at the end of the last Spring Quarter, and no one had warned her that it might complicate her study plans. Had she known, she might have begun a new language sequence over the summer or perhaps prepared to retake the placement test this autumn.

Fortunately, we were able to find someone in the relevant department who had both the power to change the student's situation and the desire to make the new policy work to all students' benefit. She assured me that the policy was not supposed to undermine students' graduation plans, and she quickly contacted the course director and asked that no students be penalized for “expired” placement tests. She told me that such students would be offered additional help outside of class (so that they would not slow the class down). She also said that she would explore ways to better inform College advisers about the new language placement policy and to warn students who might be affected by it.

Teaching and Tuition Support

Another new policy which has confused students—and even some administrators—is the one which answers the question of whether graduate students can receive tuition aid in exchange for teaching. The policy is one with critical implications for financially strapped graduate students, many of whom rely on teaching jobs to make ends meet. If earnings from teaching

must be set aside to pay tuition, then making ends meet is all that much harder.

Unfortunately for those who want a simple and straightforward answer to every policy question, the answer to the question of whether a student can receive tuition aid for teaching seems to be "it depends." And it depends primarily not on any inherent characteristic of the teaching assistantship or lectureship itself, but rather, on the status of the student who is filling it. If you are a graduate student in your first four years at the University of Chicago, then the administration will deny you teaching-based tuition aid on the grounds that there is another form of tuition aid available to you—namely, the merit-based tuition aid dispensed annually by each division. If, on the other hand, you are in the fifth year (or beyond) of a graduate program, you might receive teaching-based tuition aid. This is because graduate students in their fifth year (or beyond) generally do not qualify for merit-based aid. Teaching-based tuition aid is therefore (in all likelihood) the only form of University aid for which they are eligible.

I say, "might receive," because there are still other criteria which are used to determine whether a graduate student will receive tuition aid in exchange for teaching, the most important of which seem to be where you teach and the division in which you study. No teaching-based tuition aid at all is given to graduate student teachers in the Basic Program (run by Continuing Studies). And students may find that their division has adopted a variation of the above rules which suits its needs and circumstances.

While such a complex policy will naturally cause some confusion, I worry that a lack of communication may have made the policy change more obscure than it needs to be.

In fact, the policy was misinterpreted even before it went into effect (on July 1, 1995). Many students seemed to think that the administration had simply eliminated teaching-based tuition aid, and even some administrators came to believe this story. One advanced graduate student heard it from his area Dean of Students Office. When he asked if his teaching assistantship entitled him to tuition aid, an administrator in the Dean of Students Office told him that teaching assistantships no longer come with tuition aid. With the help of the University Dean of Students Office, we did manage to get the student's tuition aid restored.

Still, I think it is worrisome that this student and many others never received a reliable account of the new policy until long after the policy took effect. In fact, I think it is appropriate to echo something said by John Slocum (the 1989–90 Ombudsman) on the last occasion that the Ombudsman's report featured a discussion of confusing new TA policies: namely, that those administrators who make a policy change like this should be aware of "the necessity of making adequate and timely notification *directly to students* of policy changes which directly impinge upon their status" (or for that matter, upon their prospects of paying their rent).¹ This is because it is sometimes difficult to predict exactly who, in the community of potential teaching assistants and lecturers, is going to need the information: even when a graduate student seems to have no immediate need to

know about the policy, he or she may be thinking quietly about whether to take a teaching job and may, in doing so, be relying on the wrong policy.

Consequently, I hope the administration considers doing more to make this policy clear to students and that graduate students who want to know more about the policy change will go to their department's administrative assistant or area Dean of Students Office and ask about it.

General Reflections about Publicizing Policy Changes

As for the more general issue of informing students about new policy changes of importance, it is obviously futile to hope that all students will always learn of all relevant policies before they need them. Even if administrators follow the principle of providing "adequate and timely notification *directly to students* of policy changes which directly impinge upon their status," and even if they do this unflinchingly, there will undoubtedly be some students, and even some staff members and faculty, who will not become fully aware of the new policy until it has already undermined their plans. For example, one case in the Autumn Quarter brought to my attention the fact that in a College course which had recently been changed to a "Pass/Fail only" option, students were still expecting quality letter grades, and instructors were still giving them. The new policy in this case was not hidden from students but was, on the contrary, made quite clear in the *Time Schedules* and the College course guide.

Moreover, it would obviously be counterproductive (as well as very expensive and inefficient) to assure that *every* student on campus was told of *every* policy change. Chances are that students would soon abandon trying to locate relevant policies in the growing morass of information they receive. Consequently, some problems will always have to be solved after the fact (in places like the Ombudsman's Office, Deans of Students Offices, or advisers' offices).

Nonetheless, I believe it would be a mistake for the administration to stop thinking of ways to inform students about policies likely to affect them. It may, for example, be useful to think about placing recent policies (say, those passed in the last year) in one central location on the World Wide Web or in a hard copy form in the library. Of course, it may also be the case that new policies would be just as obscure as they are now even if people knew exactly where to find them, so I am quite tentative about this proposal.

What I can say with more confidence is that a significant amount of the suffering we hear about in the Ombudsman's Office might be avoided if staff and students could better publicize the "stealth" policy—changes which suddenly undermine many students' carefully made plans.

Student Employment and Hiring Decisions

Many Ombudspersons have written about the problems student employees face when in the workplace. One case brought to our office was notable in drawing attention to problems that might arise even before the job begins: the job

may, for example, disappear.

One student who came to us was told a day before she was to start work that she had never really been hired: while the department had planned on hiring her, and had perhaps acted *as though* they were going to hire her, they did not technically hire her.

She explained to us why the department's action seemed indistinguishable from a job offer. She had been told of a job opening and had spoken with the administrator in charge of filling it. This person chatted with her, said it would be fine if she worked part time, and then gave her some tax forms to fill out. She was then told to introduce herself to another person in the department (the person who would be her direct supervisor) and make sure that that person also thought that she was suitable for the job; she did this, received the supervisor's approval, and mentioned a tentative starting date, which the supervisor said would be all right.

It is not surprising, I think, that she inferred the job was hers—even in the absence of any written contract or a formal declaration of some sort guaranteeing her the job. Unfortunately, the administrator did not see it that way: when new tasks had to be performed in her department, she felt it would be more efficient to add these new tasks to what was to have been the student's part-time job. This made it into a full-time job which, as the administrator realized, the student would no longer have the time to perform.

Unfortunately, the case was not an easy one to solve: another student had already been hired for the newly created full-time position and it would have been unfair for the administrator to fire him. Nonetheless, I called the administrator and explained to her why the student concluded (and was justified in concluding) that she had been offered a job. The administrator said she was sorry about the incident and that she would be willing to help the student find another part-time job. The student ultimately found another part-time job on her own.

This case merits a few comments. First, I think it underscores the fact that staff members and faculty should be aware of the expectations they create in students' minds and should do their best to honor those expectations when they are reasonable ones. Would-be employers should not act *as though* they have hired a student—and then argue that this simulated hiring does not constitute a commitment of any sort.

In fact, it is important for employers to think about students' expectations not only when they hire a student, but also when they lay out the requirements of a job. One student who came to me said that the professor for whom he was doing research had suddenly added new, quite burdensome requirements to the work, requirements which had very little relationship to the original job description.

Second, what makes such cases a little more complex is that they often involve more than disappointed expectations: the administrator I refer to above may have had very good reasons to combine the new tasks with the student's part-time job. It may have been much more efficient to have a single student do all of these tasks.

The need for efficiency, in fact, often

makes a complainant's—or Ombudsman's—problem much more difficult to solve. As the Ombudsman pointed out in 1979, a significant number of our cases deal with "conflicts between the efficient operation of the University and an ideal of fairness."² While I am not prepared to present a general principle to help resolve this conflict everywhere it arises, I would hope that University employers at least accept—as a rule of thumb—that an individual's reasonable expectations should be sacrificed only for major gains in cost or convenience. Moreover, even when justifiable sacrifices occur, those responsible for disappointing a student's expectations can (and should) offer their help in compensating the student in some way.

Statistics

At the risk of introducing some confusion into our enumeration of complaints, I would like to change the way we calculate the total number of cases handled by our office. Ombudspersons of the last few years have counted only those cases in which the office intervened (made a phone call, sent a memo, or held a meeting). I would like to reintroduce the practice (used in the Ombudsman's reports in 1979–80) of listing *both* complaints in which the office directly intervened and those in which we dispensed advice or information.

This is because the Ombudsman's Office, as I said at the beginning of this report, is just as crucially an informal center for advice as it is an office dedicated to investigating complaints. This does not mean that the table includes every minor question addressed to the Ombudsman's Office (e.g., "Who do I call for help in understanding my tuition bill?"). But the table does include under the "Discussion" category the many cases in which I or the Assistant Ombudsman talked at length with students and helped them weigh and understand their options.

Readers should in any case keep in mind that past Ombudspersons, when calculating the total number of complaints in the last two quarters, would have counted only those complaints which I categorize under "Action."

Notes

1. John Slocum, "Report of the Office of the Student Ombudsman for Autumn Quarter 1989 and Winter Quarter 1990," *The University of Chicago Record*, vol. 25, no. 1 (25 October 1990).

2. Bruce Lewenstein, "Report of the Student Ombudsman for the Autumn Quarter, 1979," *The University of Chicago Record*, vol. 14, no. 2 (4 April 1980).

Marc Jonathan Blitz is the Student Ombudsman for the University during the 1995–96 academic year.

Statistics

Summer Quarter 1995

	Action	Discussion	Total
Academic Affairs	2	1	3
Admissions	0	0	0
Grade Appeals	0	0	0
Policy Inquiries	2	1	3
Other	0	0	0
Student Affairs	4	1	5
Athletics	1	0	1
Hospitals	1	0	1
Housing and Commons	0	0	0
Student Activities	0	0	0
Student Employment	2	1	3
Other	0	0	0
Administrative Affairs	5	0	5
Bursar	0	0	0
Discipline	0	0	0
Facilities and Security	1	0	1
Financial Aid	0	0	0
Legal Problems	1	0	1
Library	2	0	2
Registrar	1	0	1
Other	0	0	0
Sexual Harassment	0	1	1
Discrimination	0	1	1
Miscellaneous	0	0	0
Total Cases	11	4	15

Autumn Quarter 1995

	Action	Discussion	Total
Academic Affairs	10	5	15
Admissions	0	0	0
Grade Appeals	4	2	6
Policy Inquiries	5	2	7
Other	1	1	2
Student Affairs	15	6	21
Athletics	2	2	4
Hospitals	2	1	3
Housing and Commons	5	2	7
Student Activities	4	0	4
Student Employment	0	1	1
Other	2	0	2
Administrative Affairs	9	6	15
Bursar	1	0	1
Discipline	2	0	2
Facilities and Security	1	2	3
Financial Aid	2	1	3
Legal Problems	0	0	0
Library	0	1	1
Registrar	2	1	3
Other	1	1	2
Sexual Harassment	1	0	1
Discrimination	0	0	0
Miscellaneous	0	0	0
Total Cases	35	17	2

Faculty Appointments and Promotions

Appointments

January 1, 1995, through December 31, 1995

Herbert T. Abelson, Professor, Pediatrics
John Christian Bailar, III, Professor, Health Studies
Menachem Brinker, the Henry Crown Professor, Near Eastern Languages and Civilizations and the College
Dipesh Chakrabarty, Professor, South Asian Languages and Civilizations and the College
Pradeep Chintagunta, Professor, Graduate School of Business
Susan N. Coppersmith, Professor, Physics, James Franck Institute, and the College
Jean Bethke Elshain, the Laura Spelman Rockefeller Professor, Divinity School and International Relations
Tikva Frymer-Kensky, Professor, Divinity School, Jewish Studies, and Ancient Mediterranean World
Victor Ginzburg, Professor, Mathematics and the College
Carl Kaestle, Professor, Education and the College
Claudio Adler Lomnitz, Professor, History and the College
James Norris, Professor, Chemistry and the College
Martha C. Nussbaum, Professor, Law School, Divinity School, and the College
Glenn Steele, the Richard T. Crane Professor, Surgery; Dean, Division of the Biological Sciences and the Pritzker School of Medicine; Vice-President for Medical Affairs
Richard Thaler, the Robert P. Gwinn Professor, Graduate School of Business

Yair Argon, Associate Professor, Pathology and Immunology
Michael Dietler, Associate Professor, Anthropology and the College
Lawrence Layman, Associate Professor, Obstetrics and Gynecology
Gopalan Nadathur, Associate Professor, Computer Science
Mitchell C. Posner, Associate Professor, Surgery and Cancer Research Center
Elizabeth Povinelli, Associate Professor, Anthropology and the College
Viresh Rawal, Associate Professor, Chemistry and the College
Nancy J. Roizen, Associate Professor, Pediatrics and Psychiatry
Xiaobing Tang, Associate Professor, East Asian Languages and Civilizations and the College

Ellen C. Benya, Assistant Professor, Radiology
Alan Brichta, Assistant Professor, Surgery
Sheila Cain, Assistant Professor, Physical Education and Athletics and the College
John Eric Carlstrom, Assistant Professor, Astronomy and Astrophysics and the College
Nicholas Christakis, Assistant Professor, Medicine
Theodore D. K. Chung, Assistant Professor, Radiation and Cellular Oncology
Hari S. Conjeevaram, Assistant Professor, Medicine

Peter H. Domer, Assistant Professor, Pathology
Fernette Eide, Assistant Professor, Neurology
Terry Gaasterland, Assistant Professor, Computer Science
Elizabeth Garrett, Assistant Professor, Law School
Benjamin Glick, Assistant Professor, Molecular Genetics and Cell Biology
Austan Goolsbee, Assistant Professor, Graduate School of Business
David Gross, Assistant Professor, Graduate School of Business
Thomas Hemmer, Assistant Professor, Graduate School of Business
Barbara Hendrickson, Assistant Professor, Pediatrics
David Hummels, Assistant Professor, Graduate School of Business
Kyoung Ja Hyun, Assistant Professor, School of Social Service Administration
Charles Kinder, Assistant Professor, Medicine
Shih-Fan Kuan, Assistant Professor, Pathology
Ekaterini Kyriazidou, Assistant Professor, Economics and the College
Owen Lamont, Assistant Professor, Graduate School of Business
France Leclerc, Assistant Professor, Graduate School of Business
Brigitte Madrian, Assistant Professor, Graduate School of Business
Edward Maydew, Assistant Professor, Graduate School of Business
Satya Menon, Assistant Professor, Graduate School of Business
Larry F. Norman, Assistant Professor, Romance Languages and Literatures and the College
John O'Connor, Assistant Professor, Physical Education and Athletics and the College
Jemi Olak, Assistant Professor, Surgery
Nipam H. Patel, Assistant Professor, Organismal Biology and Anatomy, Genetics, Developmental Biology, and the College
Josef Perktold, Assistant Professor, Economics and the College
David Pezen, Assistant Professor, Medicine
Catherine Pfister, Assistant Professor, Ecology and Evolution, Evolutionary Biology, and the College
Frank M. Phillips, Assistant Professor, Surgery
Daphne Preuss, Assistant Professor, Molecular Genetics and Cell Biology and Developmental Biology
Sampson Sarpong, Assistant Professor, Pediatrics
Lewis B. Schwartz, Assistant Professor, Surgery
Girish Sharma, Assistant Professor, Pediatrics
Toshiyuki Shibano, Assistant Professor, Graduate School of Business
Marion Priscilla Short, Assistant Professor, Neurology, Pathology, and Pediatrics
William Sites, Assistant Professor, School of Social Service Administration
Gary Smith, Assistant Professor, Obstetrics and Gynecology
Kirk T. Spencer, Assistant Professor, Medicine

Toby Stuart, Assistant Professor, Graduate School of Business
Ivan Torres, Assistant Professor, Psychiatry
Tamara Trojanowska, Assistant Professor, Slavic Languages and Literatures, East European and Russian/Eurasian Studies, and the College

Margaret Armstrong, Instructor, College
Gregory Arone, Instructor, Mathematics and the College
Gregory R. Scott Budinger, Instructor, Medicine
Eric Caplan, Instructor, College
David Carbone, Instructor, College
Luci M. Chen, Instructor, Radiation and Cellular Oncology
Jeffrey Christenson, Instructor, Chief Resident, Medicine
Ovidiu Costin, Instructor, Mathematics and the College
Christopher Cox, Instructor, College
Rosemary DeAngelis, Instructor, Chief Resident, Medicine
Yuan Lou, Instructor, Mathematics and the College
Patricia Mumby, Instructor, Psychiatry
Amos Nevo, Instructor, Mathematics and the College
Surendra Rajiv, Instructor, Graduate School of Business
Margaret Reid, Instructor, College
Peter Sattler, Instructor, College
Brooke E. Shipley, Instructor, Mathematics and the College
Andrew Wallace, Instructor, College
Eugene Wang, Instructor, Art and the College
Nancy Yousef, Instructor, College

Promotions

January 1, 1995, through December 31, 1995

Andrew Biewener, Associate Professor to Professor, Organismal Biology and Anatomy and the College
Prasenjit Duara, Associate Professor to Professor, History, East Asian Languages and Civilizations, and the College
Robert Gertner, Associate Professor to Professor, Graduate School of Business
William F. Hanks, Associate Professor to Professor, Anthropology, Linguistics, and the College
Elena Kagan, Associate Professor to Professor, Law School
Steven Neil Kaplan, Associate Professor to Professor, Graduate School of Business
Rashid Khalidi, Associate Professor to Professor, Near Eastern Languages and Civilizations, History, and the College
Richard Kraig, Associate Professor to Professor, Neurology, Pharmacological and Physiological Sciences, and Neurobiology
Jack Lance Lichtor, Associate Professor to Professor, Anesthesiology and Critical Care and Pediatrics
Fabrizio Michelassi, Associate Professor to Professor, Surgery
H. Clive Palfrey, Associate Professor to Professor, Pharmacological and Physiological Sciences, Cell Physiology, and Cancer Biology

Mark Phillippe, Associate Professor to Professor, Obstetrics and Gynecology
Mark J. Ratain, Associate Professor to Professor, Medicine, and Clinical Pharmacology
Jacob Rotmensch, Associate Professor to Professor, Obstetrics and Gynecology
Julian Solway, Associate Professor to Professor, Medicine and Pediatrics
Everett E. Vokes, Associate Professor to Professor, Medicine
Stephen M. Walt, Associate Professor to Professor, Political Science and the College

Lawrence Lessig, Assistant Professor to Professor, Law School
Raghuram G. Rajan, Assistant Professor to Professor, Graduate School of Business

Leora Auslander, Assistant Professor to Associate Professor, History and the College
Beverly W. Baron, Assistant Professor to Associate Professor, Pathology
George Chauncey, Jr., Assistant Professor to Associate Professor, History and the College
Peter F. Dorman, Assistant Professor to Associate Professor, Oriental Institute and Near Eastern Languages and Civilizations
David A. Ehrmann, Assistant Professor to Associate Professor, Medicine
Jennifer Francis, Assistant Professor to Associate Professor, Graduate School of Business
Donna Hammond, Assistant Professor to Associate Professor, Anesthesia and Critical Care
Kevan Herold, Assistant Professor to Associate Professor, Medicine
Boaz Keysar, Assistant Professor to Associate Professor, Psychology and the College
Peter J. Klenow, Assistant Professor to Associate Professor, Graduate School of Business
Marc James Knez, Assistant Professor to Associate Professor, Graduate School of Business
Christopher Looby, Assistant Professor to Associate Professor, English Language and Literature and the College
Nicholas Gerald Polson, Assistant Professor to Associate Professor, Graduate School of Business
Stephen Pruett-Jones, Assistant Professor to Associate Professor, Ecology and Evolution, Evolutionary Biology, and the College
William Schweiker, Assistant Professor to Associate Professor, Divinity School and the College
Harinder Singh, Assistant Professor to Associate Professor, Molecular Genetics and Cell Biology, Developmental Biology, Immunology, Cancer Biology, and Genetics
Lars Andreas Stole, Assistant Professor to Associate Professor, Graduate School of Business
Katherine Trumpener, Assistant Professor to Associate Professor, Germanic Studies, Comparative Studies in Literature, General Studies in the Humanities, and the College

Mary C. Wisniewski, Assistant Professor to Associate Professor, Physical Education and Athletics and the College
Luping Yu, Assistant Professor to Associate Professor, Chemistry and the College

Michael Blanco, Instructor to Assistant Professor, Medicine and Comparative Medicine and Pathology
Deborah Burnet, Instructor to Assistant Professor, Medicine and Pediatrics
Mark W. Chang, Instructor to Assistant Professor, Medicine

Daniel Krauss, Instructor to Assistant Professor, Medicine
Igor Kukavica, Instructor to Assistant Professor, Mathematics and the College
Thomas N. Levin, Instructor to Assistant Professor, Medicine

John C. Lieske, Instructor to Assistant Professor, Medicine
Miriam Redleaf, Instructor to Assistant Professor, Surgery
David Schloen, Instructor to Assistant Professor, Oriental Institute, Near Eastern Languages and Civilizations, and Jewish Studies

University Disciplinary Actions: 1994–95

By Edward M. Cook, Dean of Students in the University

December 3, 1995

The Dean of Students in the University has been asked by the Council of the University Senate to report each year on matters pertaining to the University disciplinary legislation enacted by the council on May 23, 1970, and amended on June 8, 1976.

I am happy to report that no University disciplinary committee was required to meet during the 1994–95 academic year.

The Dean of Students also reports to the council on disciplinary matters that have occurred in the various academic units during the year. During the 1994–95 year, area disciplinary committees were convened on seven occasions to act on questions involving ten students.

The Committee on College Discipline was convened three times:

The committee considered the conduct of a student who plagiarized a course paper. The student's personal circumstances and frank acknowledgment of misconduct indicated that a strict probation until graduation would be an appropriate sanction. A second hearing concerned a student who, in leaving a late-night party, physically and verbally abused a student who was passing by. The committee imposed a one-quarter suspension. The sanction was sustained

upon review. A third proceeding involved the affair of four students charged with telephone harassment and a sustained campaign to obfuscate the roles of several of them in it, as well as the request of two of the students for review of the resulting decision by the Director of Student Housing to remove them from the house system. The committee found that the students had participated in harassment and a campaign to obscure their involvement and suspended each of them for one quarter, but overturned the decision of the Housing Director to remove the two students in mid-quarter.

Disciplinary committees in the graduate schools met on four occasions.

In the Graduate School of Business, a student faced charges of submitting a false transcript in seeking admission. The committee found the charge true and expelled the student. Another committee heard charges that a student had plagiarized a course paper. In light of somewhat mitigating circumstances, it decided that it was most appropriate that the professor take note of the irregularity in grading. A third committee in the GSB found that a student had misused a computer to gain access to the files of others. It imposed a sanction,

which, however, was set aside when a review board returned the matter to the GSB on procedural grounds for rehearing. At the rehearing, the committee again found the student responsible for computer abuse and, after consideration of mitigating circumstances, placed the student on probation until graduation.

A hearing in the Social Sciences Division concerned a student who forged letters to misrepresent the state of completion of his dissertation. The student was suspended for nine quarters.

Below is a chart showing students sent before the discipline committees, 1985 to 1994.

Students sent before discipline committees, 1985–1994

Year	College/ Academic	College/ Other	Graduate/ Academic	Graduate/ Other	Total
85–86	1	3	4	1	9
86–87	2	—	4	—	6
87–88	4	2	1	2	9
88–89	2	4	2	—	8
89–90	2	11	13	4	30
90–91	—	6	—	2	8
91–92	2	5	15	6	28
92–93	3	1	5	2	11
93–94	1	5	4	—	10
94–95	1	5	3	1	10
Average	1.8	4.2	5.1	1.8	12.9

University Memorial Service Address

By Alison L. Boden

November 5, 1995

It is a challenging, a vexing, and ultimately a *very* humbling task to preach a kind of memorial address that makes no particular reference to anyone who has died (not that I, a newcomer, had the pleasure of knowing any of our honorees anyway), a reflection that ought not focus on any particular religion's belief concerning death and the state of the soul (if the religious tradition permits one) after death (if indeed the religious tradition *has* any understanding of any possible soul's continuing existence after mortal flesh has given out). As I said—a challenging, a vexing, a humbling task!

All of us who have ever lost someone—and precious few could be exempt from that company—most all of us then have shared experiences which cross every faith tradition and culture. In some instances, death is a release from pure suffering—it is a gift that frees our beloved at last from agony. No matter what the religious tradition, our only hope can be: that all hurt has come to an end, that suffering is no more, that she or he is beyond torment, and at rest. At other times death comes to one too young, or comes completely unexpectedly. Dismay, anger, betrayal—a host of feelings can accompany grief. How strange that a heart so full of emotion often feels, in the very same instance, unbelievably empty. It is, as Johannes Tauler described it, “a harsh winter of abandonment.” Grief leads us “into arid soulscapes that bruise and disorient us.” These places can seem bereft of any divine presence and filled with temptations to lose heart in the goodness, care, or sovereignty of any deity. In the words of the African-American spiritual, it's a place where we “couldn't hear nobody pray.”

As time passes, the challenge can become simply to remember—to remember vividly—the one we have lost. It is *very* frightening to begin to feel that we cannot really remember her face—not with clarity—that his laugh is fading from our ear's collection of treasured sounds, that our most important conversations have dissolved into snippets, that vocal inflections are fading, or shared experiences a blur. Those memories are our profoundest connection, and to feel them slip away is to have our loss compounded. Likewise, a sudden unheralded flurry of memory is a fresh encounter with their living spirit—so much more than simple recall, but a rich revisiting with their soul that can sustain us again for a long time. Yet we are not the only ones who remember them. They are remembered too by God—or by what is holy—and in our remembering of the divine, we actively engage the font of all remembrance and human connection. We remember our loved ones in our remembrance of God, and also, in our remembering of them, we are stirred simply to be *with* God.

And so we learn that we are stripped bare but not left naked. “In the midst of desolation we can be clothed with the garment of a deepened and purified life with God,” in the words of one theologian. In places of excruciating separation from the divine we often come to know the equally unbearable intimacy with the divine. Grief summons us into holy company or pushes us into the hands of a Holy One we may really know at no other time in our life. We learn that famine in the heart does not *have* to mean

famine in the soul. If we are very fortunate, the loneliness and grief we feel at the death of one we've loved become the vehicle for connection and even joy. We learn something about the nature of divinity, and we believe that it is good.

I have a punch line, if you will, that I often include in the funerals and memorial services in which I participate. It reflects the essence of what so many people have shared with me in the first hours and days after a dear one's death; it reflects too my own experience in coping with such a loss. It is this: we have been blessed. The enduring understanding can only be not that we have lost someone whose presence was our entitlement, but that we should ever have been so blessed as to have him or her at *all*. Death is inevitable, life is not. I've shared these thoughts with the parents who had come to bury their 23-year-old daughter and only child. I have shared them with three generations of a family who had gathered to bury their 103-year-old patriarch. They are words that can be senseless in the midst of deepest grief and only come to have meaning as time passes. They are words that can lend understanding at a moment when all foundations of meaning have been shaken to their core.

And so it is that, for some of us, we stand at a grave side, heart split in two, yet the words that rise up from our hearts and take shape on our lips are “alleluia, alleluia.” How can this be? In a time of greatest sorrow we have fleeting and flash experiences of gratitude, of praise, and even joy! The integrity and intensity of grief can force our spirits to move past the self-absorbing daily round of emotion and into an intimate encounter with whatever for us is ultimate reality. In its presence at last, unencumbered by any vanity, we are left naked by our own grief and freed to see clearly the sources of our deepest joy. We see that our lives are defined not by loss but by blessing. We grieve because we have loved. We have loved because we are very fortunate indeed.

I once served, for a period of several years, as a volunteer on the pediatric AIDS ward at Harlem Hospital in New York City. This was in the mid-eighties; we knew so much less about the virus then. The children we cared for often lived in our cribs for up to several years, abandoned by mothers who were too sick or addicted to care for them themselves. The babies were fighting off a variety of opportunistic infections, one more horrible, debilitating, and painful than the next. They were small, they were alone, and for however many months or years they had they suffered terribly. It was at just this time of year in 1988 that I stood in a potter's field in New York City as a small white coffin was lowered into the ground. James would have been four years old the next Christmas day. He had lived at the hospital since he was nine months old, abandoned by his family and continuously sick. He spent months at a time in intensive care. He never learned to eat because he'd had a feeding tube inserted in his stomach for so long. Later, he could insert his own nasal feeding tube into his nostril and thread it down his esophagus—all by himself. His life was consumed in physical pain. As I stood at his grave side—purchased, as was his coffin and funeral, by staff members at the hospital—I thought of his short, brutal life. I was heartbroken by his death. And I was visited

by joy so profound and with a sense of meaning behind human existence. I knew with the deepest conviction that there *is* a holy and active being whose very essence is love and that this Holy One is the author of all life, beginning with the child we were burying, this child who had given the few of us who ever knew him such unmeasurable joy. “Alleluia, alleluia” we all astounded ourselves by saying. In that moment we were coming to understand that sorrow was not to be our inheritance, but *joy*, joy and gratitude that we should ever have had James at all. His life was excruciatingly painful and very short, and the song in our hearts still was alleluia, it was gratitude, it was praise to the Creator.

There is, in the prayer book of Reform Judaism, a memorial meditation that speaks deeply to the mystery of the end of physical life. (I composed this address early in the week, before the assassination of Mr. Rabin. I am now doubly glad to have included these words.) The meditation reads:

“O God of life, amid the ceaseless tides of change which sweep away the generations, Your living spirit remains to comfort us and give us hope. Around us is life and death, decay and renewal; the flowing rhythm that all things obey.

“Our life is a dance to a song we cannot hear. Its melody courses through us for a little while, then seems to cease. Whence the melody, and whither does it go? In darkness as in light, we turn to You, Lord, the Source of life, the Answer to all its mysteries.

“Can it be that we, Your children, are given over to destruction, when our few days on earth are done? Or do we live in ways we cannot know?

“Only this have we been taught, and in this we put our trust: from You comes the spirit, and to You it must return. You are our dwelling place in life and in death.

“More we cannot say for all else is hidden from our sight by an impenetrable veil. We thank You, then, for the life we have, and for the gifts that daily are our portion:

“For health and healing, for labor and repose, for the ever-renewed beauty of earth and sky, for thoughts of truth and justice that move us to acts of goodness, and for the contemplation of Your eternal Presence, which fills us with the hope that what is good and lovely will not perish.

“Lord, what are we? A breath, a passing shadow. Yet You have made us little less than divine.”

I hope that some joy has come to each of you in whatever your loss or that it will come soon. May you be so blessed as to know your blessings, to know them before they slip away, and to cherish every one.

Amen.

Alison L. Boden is Dean of Rockefeller Memorial Chapel and Senior Lecturer in the Divinity School and the College.

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The 441st Convocation

Address: " 'A well-made rather than a well-filled head': A Humanist's View of Education"

By Philippe Desan

From antiquity to the present, people have always been interested in education. In France, for example, from Montaigne in the sixteenth century, to Rousseau and Marx in the eighteenth and nineteenth centuries (I know Marx is not French, but we read a lot of Marx in France in the early seventies), to Sartre in the twentieth century, thinkers have pondered what education should look like. America has even developed a concept of "liberal education" that in fact is not so different from the *trivium* and the *quadrivium* of the Middle Ages. I will argue that, although models of education certainly change over time, in the end they are not all that fundamentally different.

To return to France, every time a new government is formed—and these days governments come and go rather quickly—there is a new reform of education, a new plan for yet a better educational system. Every six months we produce new ideas about what an education should look like. On this side of the Atlantic things are pretty much the same. At the University of Chicago, for example, we just had a curriculum retreat and discussed what we should teach undergraduates, how we should teach it, and who should teach such a curriculum—in brief, in what sequence should "knowledge" be instilled in young adults. As you can imagine, there are almost as many views on this as there are people involved in education. Education is indeed an important issue, but the problem

with it is that, in spite of good intentions, we always have the tendency to stress content over process.

I believe it is time to approach education in a different way, to focus not on the content or the sequence of learning, but rather on its form. If we look back into the past, we can see that people have been arguing about the curriculum from ancient to modern times. And yet, I repeat, education has not drastically changed—in spite of the enormous changes in what we teach from decade to decade, even from year to year. History tells us that knowledge about the individual and the world constantly changes, but what does not change so much is a mode of thinking, a mode of approaching and understanding the world. And now I will go back to the sixteenth century.

As an academic I have the great advantage of being called by the same name as the writers and thinkers I study in my own field of research, the Renaissance. I am a humanist, and I *study* humanists. This gives me the liberty to collapse together almost five centuries and to plagiarize a great thinker of the late sixteenth century, Michel de Montaigne, a man who wrote one single book, which he called his *Essais*. At one point Montaigne was asked by a pregnant duchess to give his views on education. She apparently believed he could give her a few ideas about educating her own child. For this occasion he wrote a famous essay titled "Of the education of children" (1579). I would like to present

some of Montaigne's views on education that I believe are still valid today—precisely because these views move away from content in order to privilege form.

As we know, memory was extremely important in the Middle Ages. What you had in your head was the only intellectual baggage you could carry with you. Books were scarce. However, during the Renaissance, with the development of printing in Europe, people relied less and less on their memory. Views about education started to change. A good education became associated with being able to sort out the new and newly-available books. Let me quote Montaigne here: "To know by heart is not to know; it is to retain what we have given our memory to keep. What we know rightly we dispose of, without looking at the model, without turning our eyes toward our book. Sad competence, a purely bookish competence! I intend it to serve as decoration, not as foundation."¹

Montaigne writes precisely at this time when knowledge became rather conveniently accessible (although not yet on a CD-ROM). What was missing, nonetheless, was a way to make sense of all the books, to create some kind of order out of this confusion. Again I quote Montaigne on this issue: "It is more of a job to interpret the interpretations than to interpret the things, and there are more books about books than about any other subject: we do nothing but write glosses about each other."² (What would he say if he had the chance to browse at Barnes and Noble these

days!) Confronted with a mass of contradictory statements about Man and the Universe, Montaigne understood that the key to a good education was the ability to question the abundance of knowledge out there. Of his own education, Montaigne wrote: "To sum up, I know that there is such a thing as medicine, jurisprudence, four parts in mathematics, and roughly what they aim at. And perhaps I also know the service that the sciences in general aim to contribute to our life. But as for plunging in deeper, or gnawing my nails over the study of Aristotle . . . or stubbornly pursuing some part of knowledge, I have never done it" ("EC" 106–107).

An education is never complete. What is there left to be explored? you will ask. Montaigne would reply: "My conceptions and my judgment move only by groping, staggering, stumbling, and blundering; and when I have gone ahead as far as I can, still I am not satisfied: I can still see country beyond" ("EC" 107). You might think that you have acquired all the knowledge you need, or you might feel well equipped to tackle the real world, but do not be fooled by the books you have absorbed. They still require your judgment. It is not enough to learn passively; one must also espouse knowledge: "There is nothing like arousing appetite and affection; otherwise all you make out of them [students] is asses loaded with books. By dint of whipping, they are given their pocketful of learning for safekeeping; but if learning is to do us any good, we must not

merely lodge it within us, we must espouse it" ("EC" 131).

Beware! Becoming overconfident always has a price attached to it. Or, as Montaigne said, "Only the fools are certain and assured" ("EC" 111). And here I could also quote another great Renaissance writer, Dante. "Doubting pleases me no less than knowing," he said.³ You have certainly learned things, even objective things, but the time has come to digest all that knowledge and to produce something original. You have a lifetime to do this. Go, from friend to friend, from place to place, from culture to culture: "The bees plunder the flowers here and there, but afterward they make of them honey, which is all theirs; it is no longer thyme or marjoram. Even so with the pieces borrowed from others; he [the student] will transform and blend them to make a work that is all his own, to wit, his judgment. His education, work, and study aim only at forming this" ("EC" 111).

Personal experience is without question an essential part of an education, and even at the time of Montaigne, it became clear that it could not be acquired in just four years: "Everything that comes to our eyes is book enough: a page's prank, a servant's blunder, a remark at table, are so many new materials" ("EC" 112). In brief, one could argue that education is part of daily life; it is not something you receive on a campus or in a classroom. This "discovery" of the Renaissance is even more true today. In a sense, I would argue that you are now finished with your core requirements, and the electives are going to start. Life itself and its multitude of experiences are a series of electives. In the word "elective" is implied the notion of choice; understanding these choices is essential. Education is also about understanding and judging before making choices: "The gain from our study is to have become better and wiser by it. It is the understanding . . .

that sees and hears; it is the understanding that makes profit of everything, that arranges everything, that acts, dominates, and reigns; all other things are blind, deaf, and soulless" ("EC" 112).

In this world of electives and choices it will be equally important for you to experience others, experience the world: "Mixing with men is wonderfully useful, and visiting foreign countries, not merely to bring back, in the manner of our French noblemen, knowledge of the measurement of the Santa Rotonda, or of the richness of Signora Livia's drawers, or, like some others, how much longer or wider Nero's face is in some old ruin there than on some similar medallion; but to bring back knowledge of the characters and ways of those nations, and to rub and polish our brains by contact with those of others" ("EC" 112).

As Montaigne emphasized over and over, education does not stop after four years of college, or even a graduate diploma. You have received some tools which you will need to sharpen from time to time. Be on the edge; do not become dull. You will also need to modify those tools, taking into account your own individual experiences. New material will need to be processed. Your education is far from complete.

By graduating in the fall quarter you have a definite advantage over students who graduate at the usual time, in the spring: you can use this time to travel. "This great world, which some multiply further as being only a species under one genus, is the mirror in which we must look at ourselves to recognize ourselves from the proper angle. In short, I want it to be the book of my student" ("EC" 116). Here I am looking at your parents and I see frowns. Do not worry; they have helped you and supported you in your educational endeavors during these last four years, and you can explain to them that experiencing the world (that is to say, different cultures) is

also part of your education. Go, spend this semester abroad if you have not already done so. But do not go to Paris—you will not find any trains working these days.

The aims of education, as I hope you have understood, have not really changed during the past four centuries. As a humanist, I sometimes find it reassuring to see that other humanists (those of the Renaissance) had some pretty good ideas about education. A few years ago, in an evaluation on a course I had just taught on the French Renaissance, one young student commented: "This guy really knows Montaigne as if he was his brother." Well, I am not ashamed to have plagiarized my humanist brother in writing this convocation speech. With Montaigne I will conclude that education should strive to form "a well-made rather than a well-filled head" ("EC" 110). I hope that you have felt some of that "head shaping" at the University of Chicago. But let us not be arrogant about it; it is now up to you to continue this process and make certain that you keep this "well-made head" on your shoulders.

Notes

1. Michel de Montaigne, "Of the education of children," *The Complete Works of Michel de Montaigne*, trans. Donald M. Frame (Stanford, Calif.: Stanford University Press, 1948), p. 112; hereafter abbreviated "EC."

2. Montaigne, "Of experience," *The Complete Works of Michel de Montaigne*, p. 818.

3. Quoted in "EC," p. 111.

Philippe Desan is Professor in the Department of Romance Languages and Literatures and in the College, Master of the Humanities Collegiate Division, and Associate Dean of the Division of the Humanities.

Summary

The 441st convocation was held on Friday, December 15, 1995, in Rockefeller Memorial Chapel. Hugo F. Sonnenschein, Presi-

dent of the University, presided.

A total of 374 degrees were awarded: 47 Bachelor of Arts in the College, 1 Bachelor of Science in the College and the Division of the Physical Sciences, 5 Master of Science in the Division of the Biological Sciences and the Pritzker School of Medicine, 30 Master of Arts in the Division of the Humanities, 19 Master of Science in the Division of the Physical Sciences, 61 Master of Arts in the Division of the Social Sciences, 1 Master of Arts in Teaching in the Division of the Social Sciences, 94 Master of Business Administration in the Graduate School of Business, 1 Master of Liberal Arts in the Center for Continuing Studies, 5 Master of Arts in the Divinity School, 3 Master of Divinity in the Divinity School, 3 Master of Arts in the Irving B. Harris Graduate School of Public Policy Studies, 3 Master of Arts in the School of Social Service Administration, 2 Doctor of Law in the Law School, 1 Doctor of Jurisprudence in the Law School, 18 Doctor of Philosophy in the Division of the Biological Sciences and the Pritzker School of Medicine, 14 Doctor of Philosophy in the Division of the Humanities, 16 Doctor of Philosophy in the Division of the Physical Sciences, 36 Doctor of Philosophy in the Division of the Social Sciences, 4 Doctor of Philosophy in the Graduate School of Business, 7 Doctor of Philosophy in the Divinity School, 1 Doctor of Philosophy in the Irving B. Harris Graduate School of Public Policy Studies, and 2 Doctor of Philosophy in the School of Social Service Administration.

Philippe Desan, Professor in the Department of Romance Languages and Literatures and in the College, Master of the Humanities Collegiate Division, and Associate Dean of the Division of the Humanities, delivered the convocation address, " 'A well-made rather than a well-filled head': A Humanist's View of Education."