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April 27, 2001

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Proposed harassment policy divides GW

By Vaishali Honawar
THE WASHINGTON TIMES

A proposed sexual harassment policy at George Washington University has sparked opposition from some faculty members who say it would rob them of a fair chance to defend themselves and restrict what they say in classrooms.

Faculty senate members will vote today on a resolution that condemns the administration's proposed policy and recommends that the president reject it in favor of a version proposed by the senate.

Under the administration's policy, opponents say, faculty members accused of sexual harassment would not be told the identity of the accuser or the specific charges against them. They also say teachers could be charged with sexual harassment if something they say in class can be construed as such.

"Primarily, the code doesn't offer any protection to us," said John Banzhaf, a professor of law at the university and member of the faculty senate.

The policy "will chill freedom of academic expression and academic freedom," he said.

Mr. Banzhaf said that under the policy, faculty could be charged with sexual harassment if something they said in class was misunderstood by a student or made them feel uncomfortable, such as a law professor using graphic language to explain a rape case. Students also might use the proposed policy to retaliate against teachers for poor grades, he said.

But the administration's representatives say the policy looks out for the interests of everyone involved.

"The policy does not favor anybody, but is set up in a way that benefits faculty, staff and students," said Donald Lehman, vice

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president of academic affairs.

The faculty senate, which has about two dozen members, reviews university policies related to academic matters. Regardless of whether the senate passes the resolution in a vote today, university President Stephen Joel Trachtenberg will implement a policy "as soon as possible," Mr. Lehman said.

The university -- which has 14,580 full-time students and roughly 1,000 full-time faculty members -- is required by law to have a sexual harassment policy, and it has gone through several revisions since an interim policy was proposed in 1997. An ad-hoc committee was set up in 1998 to draft a permanent policy, but last May the Senate rejected the recommendations made by the committee. The interim policy, also rejected by the faculty senate, was adopted in 1999.

The university appointed a team of three law professors, one outside counsel and a university lawyer to review the policy in January, and they came up with the version now being considered.

Peter Pantaleo, a lawyer hired by the university to revise the policy, said the team had looked at sexual harassment policies in several universities before coming up with its final draft.

The policy, Mr. Pantaleo said, creates an informal process for handling sexual harassment charges.

As for classroom conduct, the new policy "reasonably exempts classroom conduct related to the subject matter being taught," Mr. Pantaleo said. For instance, he said, a movie containing some sexual material shown in a film class would be exempt if it were "reasonably related" to the matter being taught.

About the faculty's concerns of not getting basic legal rights, Mr. Pantaleo said they would be "guaranteed sufficient information to formulate a response . . . the faculty will not be denied due process." He also said identifying the student would have a negative effect because it "would chill the complainant from coming forward."

Some faculty members on campus support the administration's version. Law professor Michael Selmi, who was on the team that reviewed the policy in January, said he did not understand all the opposition.

He added that unlike the administration's version of the policy, which guaranteed protection to everyone, the senate's version "was meant to protect faculty members rather than students."

The faculty senate proposed in its version that the five-member panel hearing a sexual harassment case against a teacher should be made up of four faculty members and one student. The administration's version calls for two faculty members, two non-teaching staff members and one student.

Cynthia Harrison, a professor of history and women's studies, said "a large number of the faculty supports a balanced sexual harassment policy" such as the one proposed by the administration.

She said the members opposing the policy were upset by the idea of having a sexual harassment policy at all, and added that if the senate voted to reject it today, it would not be speaking for a majority of the faculty members.

The policy, meanwhile, has attracted criticism from observers outside the campus. Thor L. Halvorssen, executive director of the Philadelphia-based Foundation for Individual Rights in Education, said he finds the policy "indecent."

"The administration's sexual harassment policy would create a chilling environment from a free-speech point of view," said Mr. Halvorssen, whose foundation offers legal advice and publicity to

professors and students who are involved in issues of campus liberty.

Some students at the university, however, have voiced their support for the policy. In Monday's edition of the GW Hatchet, sophomores Kelly Adams and Jennifer Heitel, both members of the GWU Feminist Majority Leadership Alliance, wrote that the revised policy is balanced and "will protect everyone." They also pointed out that the anonymity clause would help students feel comfortable about coming forward.

* Andrea Billups contributed to this report.

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