

*Rutgers AAUP*

*Emeriti*

# Reporter

Volume 12 – Issue 1

February 2008

## THE CHAIRPERSON'S CORNER

**Donald A. Borchardt, Vice Chairperson**  
Emeritus Professor of Visual and Performing Arts

Chairperson Shanti Tangri has continued to contact and schedule speakers as special events for the Emeriti Assembly. He has also continued to be active with the Retired Faculty Association in helping to co-sponsor events for retirees. He is an active poet who has read his work publicly and has had some of his poems published in periodicals. In New Brunswick, he has been helpful in providing information and feedback to The Rutgers University Libraries for getting greater clarification regarding emeriti use of Interlibrary Loan services and instituting a major change in the database access policy for off-campus emeriti. We will welcome Shanti back when he returns from a well-deserved hiatus to visit family on the West Coast. He will be scheduling meetings of the Planning Committee and the General Membership to further the activities of our organization during the new semester. Participation of the membership, of course, is welcomed. We will look forward to forwarding the mission of the Emeriti Assembly as stated on the back page of this newsletter. Please review the status of your membership which is renewable annually, and take action if you need to send in the ten dollar dues. We wish also to thank members of the Executive Council of the Rutgers AAUP-AFT for the assistance they have granted and to the members of the Staff who make it possible to communicate by mail, and record the details of the budget income and expenses. Working together makes it possible to continue the Emeriti Assembly.

## INVITED POETS

Professor Emeritus of Economics and Chairperson of the Rutgers AAUP Emeriti Assembly Shanti Tangri presented a reading of his poetry at the Princeton Public Library in Princeton, New Jersey, on December 12, 2007. He appeared with New York poet Doug Goetsch in the U.S. 1 Poets Invite Series.

## CO-SPONSORSHIP

Along with several other organizations, the Emeriti Assembly co-sponsored a statewide health care conference on November 10, 2007. It was organized by New Jersey Citizen Action and held in the Labor Education Center from 8:45 a.m. to 3:00 p.m. It was entitled "Health Care for All" and it included many experts on the subject of health care. Various options to improve our health care system were explored.

The Emeriti Assembly co-sponsored with the Retired Faculty Association speaker Gerald M. Pomper, invited by RFA Executive Director Todd Hunt. The topic scheduled for the President Room at The Rutgers Club, February 12, was the nomination process leading up to the February 5 Super Primary Day.

**EDITOR:**  
**DONALD BORCHARDT**



## SCHOOLMATE SEXUAL HARASSMENT

Ronald Hyman, Professor, Graduate School of Education at Rutgers University, spoke to the Emeriti Assembly on October 9 at Lucy Stone Hall, Livingston Campus. The title of his presentation was "Schoolmate Sexual Harassment: Two Major New Jersey Lawsuits." He has written an article on this subject. The following edited excerpts from the article propose to capsule the content of two detailed cases.

### Introduction

This article deals with two relatively recent New Jersey lawsuits that arose from the peer sexual harassment of two boys in their local school districts. The districts are Toms River and Oceanport in the central-eastern section of the state and are about 30 miles apart. The harassment, based on the perceived sexual orientation of the two boys, began in early elementary school, was persistent throughout their attendance in their local schools, was offensive verbally and physically, and had similar negative results on the respective boys' personal and school lives. While the essential facts of the harassment are strikingly similar, the two families proceeded along different legal routes in search of remedies.

Essential Facts of the Sexual Harassment (Toms River). When one boy was in the fourth grade (1995-1996) he began to hear taunts from his schoolmates. They called him such words as "gay," "homo," and "fag." He did not then understand what the terms meant. He asked his aunt, "What does "gay" mean? That's what everyone says I am, so what does it mean?" Later on students called him other insulting words, such as "butt boy," "fruit cake," and "fudge packer." When he arrived in the middle school in seventh grade, students called out their slurs loudly so that everyone in the hallway could hear. In gym class the boys told him that he should use the girls' locker room. The name-calling never abated.

He testified that when asked about his day at school, he would reply that he had a good day when nobody called him anything. One day during seventh grade, when the harassment intensified, he found a note attached to his locker that read, "You're a dancer, you're gay, you're a faggot. You

don't belong in our school, get out." At another time a student "whipped" him over the back of his neck with a necklace chain, leaving him with welts. After that four significant episodes of harassment stand out, the first two during middle school and the second two during the opening month of his freshman year in high school. These incidents involved verbal and physical abuse. After the fourth incident he never returned to a Toms River school.

The legal Route in Search of a Remedy. The boy's mother spoke with school officials about the harassment that her son suffered. Although school officials spoke to the harassing students and even suspended some, the school situation never improved. The case reached the New Jersey Supreme Court after three lower level decisions had been issued. It was concluded that discrimination against New Jersey citizens is a matter "of concern to the government of the State" and that "discrimination threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State." It said, "We require school districts to implement effective preventive and remedial measures to curb severe or pervasive discriminatory mistreatment. Appropriate and reasonable measures will reinforce the basic principle that student-on-student sexual harassment is unacceptable." Then the court remanded the case to the Division of Civil Rights to determine whether the Toms River district met the standard that was just established.

Essential Facts of the Sexual Harassment (Shore Regional). The intentional name-calling against this boy began as early as the second grade. Students called him a "girl" and said, "You're a girl in boys' clothes." Name-calling was severe and constant throughout his elementary school years (1-4) and his middle school years (5-8). His schoolmates called him such names as "faggot," "gay," "homo," "slut," "transvestite," "queer," "loser," "big tits," and "fat ass." Students also said to him, "I hate you." They said that they hoped he would go to another school. Schoolmates also isolated him. When he sat down at a table in the cafeteria, the other students moved away. By the end of fourth grade he had only one friend. In the fifth grade at the middle school he had no friends.

The relentless sexual harassment, including the social isolation, intensified in the middle school. At one point in the locker room for gym class students

hit him on the head with the padlock for his locker. Regarding the sexual harassment, the judge for the Federal District Court of New Jersey noted that the students who were not participating in the harassment failed to defend him for fear of being harassed themselves. As a result, his ability to learn while in the fifth grade decreased. Near the end of fifth grade the school's Child Study Team classified him as being eligible for special education. He then received help in Mathematics in a resource room. While that step led to improvement in achievement, it nevertheless isolated him further from his peers. At the beginning of eighth grade the harassment led him to attempt suicide by cutting his wrists. He later told his mother that the reason he attempted suicide was to show the middle school principal, who had not sought to stop the harassment and who had been "insensitive" to his needs, how badly he was hurting.

The Legal Route in Search of a Remedy. His mother spoke with school officials many times about the harassment of her son by his schoolmates. During the eighth grade the parents applied to another regional high school about five miles north of their home for their son to attend that school's performing arts program. His father filed for a due process hearing pursuant to the federal statute on special education. The purpose of filing was to take the necessary first steps for seeking tuition reimbursement from Shore. After an administrative law judge held three days of hearings and ruled in favor of the boy and his family, and after a federal District Court of New Jersey judge reversed the administrative law judge, the case reached the Third Circuit Court of Appeals, headquartered in Philadelphia. Writing for a unanimous panel of three judges, Judge Alita on August 20, 2004 issued a decision to reverse the district court. The result of the decision by the Third Circuit, based on the due weight standard, led to his receiving a four-year tuition reimbursement.

#### Commentary

The harassment of both boys occurred at about the same time and at the same age in the same section of New Jersey. The harassment persisted over time and only ceased when the boys enrolled in alternative schools where there was no hostile educational environment. The lawsuits in both cases were successful. The main difference in the

lawsuits is that the case of the first boy's remedy was sought by invoking a state civil rights statute while the second case sought a remedy by invoking a federal special education statute.

New Jersey school districts must seriously recognize and take clear and visible steps to implement their legal obligation to protect all of their students, especially the students who are highly vulnerable to harassment. School districts must seek to create school environments that are safe and healthy, environments in which all students can learn and achieve the academic, social, and personal goals for which schools were established. All staff members and students, especially leaders at all levels of every school group, should learn that they have a role in stopping harassment, that harassment is unacceptable in schools. Educators should recognize that the gripping fear felt by victims of harassment has enduring effects not only on the victims but also on all related aspects of school life. Included in every school's efforts to provide a safe learning environment should be a program for teaching students tolerance of people who are different from themselves. They should teach students how to protect and defend victims of harassment.

#### Conclusion

The lawsuits on behalf of the two boys were complex ones in that they dealt with new aspects of the law related to schoolmate sexual harassment. Although the lawsuits have had successful outcomes for the boys, both suffered deeply. While the laws involved in the two cases supported the boys and in turn supported the concept that schoolmate sexual harassment creates an unacceptable hostile educational environment, the laws and the courts did not make the boys whole. Nor could they ever make them whole because there is no recipe for repairing such human damage.

Ronald Hyman

**AN INTERVIEW WITH KAREN THOMPSON,**  
Staff - Rutgers Chapter of AAUP-AFT  
*By Isabel Wolock, AAUP Emeriti Assembly*



***What is your title at AAUP-AFT?***

Staff Representative (for Contract Enforcement and Part-Time Lecturer Affairs)

***What kinds of roles and tasks does this position entail?***

Most of my work focuses on Part-Time Lecturer (PTL) representation, fielding phone calls concerning PTLs, processing PTL grievances and arbitrations, and so on. I staff the Executive Board of the Part-Time Chapter (PTLFC-AAUP-AFT) as well as the PTL Negotiating Team and other PTL committees when in place. For instance, we currently have a negotiated Labor-Management Committee looking into additional (less costly) health insurance options for PTLs. In addition to my PTL responsibilities, I share contract enforcement work for the large faculty / TA / GA bargaining unit with Patrick Nowlan with my responsibilities focusing around governance as I serve on the University Senate and the New Brunswick Faculty Council including both of the Executive Committees of those two bodies. I also get involved in legislative work whenever the topic of part-time / adjunct faculty arises.

***For how long have you been involved with AAUP?***

Since 1985, when I was hired part-time to do faculty grievances. Not long after that, I was asked to organize a part-time lecturer chapter which was certified in 1988. It took until 1991 to win a first collective agreement and since that time I've worked alternatively enforcing the contract and negotiating another. Last year I became full-time staff taking on the additional contract enforcement work for all faculty.

***Do you hold any other appointments at Rutgers, not related to AAUP work?***

My other appointment at RU, very much related to my staff work, is as a PTL in the Writing Program of the English Department where I have taught part-time since 1979. That is, my teaching pre-dates my AAUP work.

***Getting back to the AAUP position, how did you first get involved with AAUP?***

In 1985, I was not reappointed to my PTL position, apparently due to an oversight. Someone said I should go to the AAUP but I knew I wasn't represented by the AAUP union. Nevertheless, when I called to inquire out of curiosity, the leadership of the AAUP at that time (Jeanne Burton was president, Miles Galvin was an officer, as well Wells Keddie; Anna Benjamin was president after that) started thinking about organizing a part-time unit. They hired me to replace the grievance administrator who was going on leave for some months and when he returned I began the organizing work. The next year 1986, I applied to teach in the Writing Program again (Kurt Spellmeyer was the new director) and I was immediately hired based on my credentials and record.

***Tell me the things you find most satisfying about your AAUP work?***

It's rare to be employed in a paid position where you know you are actually helping to improve peoples' lives. This is definitely true at the Rutgers AAUP-AFT, plus you get to work with a whole array of interesting and supportive individuals.

***What kinds of experiences or situations in the past led to your decision to become involved with union activities?***

Whew, this is a long story. First, I'm from Chicago – a very union town. Then, I did all of my degrees at the University of Wisconsin, Madison where there is a very progressive environment and where I and other students became involved in a series of union experiences including the TAA strike, when the first union of teaching assistants originated. After that, I left academe for a time, working as one of the first woman oil workers at an east coast oil refinery, where my union experience demonstrated to me that men can be less sexist than unity-

## MY LIFE IN THE AAUP

minded when it comes to working together. My husband / partner is a past president of an OCAW union.

### ***What did you do before coming to Rutgers?***

Returning to academic / teaching work to have a family, I taught at both a correctional facility and Rutgers, after leaving the impossible situation of working outdoors in rotating shifts as my husband did.

### ***Is there any one event or experience or person that had the greatest influence on your life?***

It would be difficult to choose just one after being involved in so many movements: civil rights, anti-Viet Nam war, women's rights, labor, . . .with so many inspiring leaders and participants.

### ***What type of prior training/education did you have?***

As I mentioned, all my degrees are from the University of Wisconsin: BA in English, MA in Linguistics, and PhD (abd) in Arabic Linguistics. Along the way, I also attended UC – Berkeley and the American University in Cairo as well as doing a year's dissertation field work in North Africa. Too bad I didn't stick with it – I'd be in high demand right now.

### ***If you were to do it all over again, would you pursue the same career or would you choose another one?***

Sometimes I think I should have done the expected thing and become a professor of linguistics, probably in Montana or somewhere, but I can't really see myself in that spot. But it's hard to say, so much of who we are is a result of what we've done.

### ***Any personal information that you would care to share?***

Family : Our son is a law student at Wisconsin now. He graduated from Duke, after doing undergraduate research in South Africa and then programs in Costa Rica, Spain and Brazil.

Hobbies and interests: Avid reader and try to swim regularly.

Following is Henry J. Frank's summary of his talk to the Emeriti Assembly on December 4, 2007. Professor Emeritus Henry J. Frank is Professor Emeritus of Finance from Rider University in Lawrenceville, New Jersey.

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I joined the American Association of University Professors at Rutgers (New Brunswick) chapter meeting in the fall semester of 1948 while I was an instructor in Economics at the College of Arts and Sciences. After I left Rutgers, I maintained my AAUP membership for the ten years I was at Princeton University, the five years I was at Fairleigh Dickinson University, and the twenty-three years I taught Finance at Rider University. I am currently an AAUP member in retired status.

I held office in the chapters at Fairleigh Dickinson University, Rutherford, and at Rider University, Lawrenceville, at various times.

I was active in the affairs of the New Jersey State Conference since its inception in the fall of 1961 when it broke away from the regional New York Metropolitan Conference. I served as its Treasurer 1988-1996 and its Representative to the State Board of Higher Education and its successor, the Commission on Higher Education, 1990-2001. The State Conference urged the creation of the State Board of Higher Education and the Department of Higher Education in 1966 and was saddened to see them disappear in 1994.

I have attended annual meetings of the national AAUP since 1963 including every June annual meeting, except three, since 1980. At those I first attended, the highlights of the meeting were the plenary sessions where the description of the economic status of the profession and the various committee reports and their discussion took place. Lately, the annual meetings have deteriorated to a few hours Saturday morning and a few hours Saturday afternoon where the time is spent on censuring (and removing from censure) colleges

and universities that fail to abide by the principles of academic freedom and tenure adopted by the AAUP and the AAC in 1940 and voting on integrated dues for certain state conferences. All attendees are provided with photocopies of committee reports to take home from the annual meeting, but no reports are given or discussed in plenary session.

The AAUP has championed many social causes, such as the proposed Equal Rights Amendment, the sale of insurance without gender-specific rates, and opposition to the proposed Balanced Budget Amendment which are outside of the central themes of higher education. In my opinion, this was a waste of the Association's resources.

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Professor Frank's talk generated interesting discussion about faculty governance, academic freedom, grievance procedures, bargaining, and personal recollections of life associated with the AAUP.

## HUMOR

Another round of humor was presented by Professor Emeritus Donald A. Borchardt, Department of Visual and Performing Arts, at Lucy Stone Hall on September 12, 2007. The session was entitled "A Serious Look at Humor: An Analysis of Selected 'New Yorker' Cartoons." Professor Borchardt explained that in his teaching career he used cartoons to give students practice in using higher order thinking skills including analysis, synthesis, and evaluation. Social criticism could be found beneath the humor in the cartoon by defining the real problem presented in the visual depiction of an imagined situation. One of a dozen cartoons projected showed a salesman in a men's hat store talking to a customer who was trying on a visored cap with a checkered pattern and a decorative button on top. He was staring straight ahead with a blank expression on his face. The salesman had a happy grin on his face as he said to the customer: "So what if people do laugh? The world can use a

little more laughter, can't it?" The hat was obviously out of character for the man dressed in a conservative suit and tie and a long overcoat. The problem for the customer was that he would look silly to other people, and the salesman, in order to sell the hat, was giving the impression that the world would be better off if he bought the hat. He was not concerned with the dignity of his customer's identity. It was a highly exaggerated frame of reference. The cartoonist was Dana Fradon. The search for the social comments of other cartoons provided an entertaining session.

### **ATTENTION ALL MEMBERS**

**IF YOU HAVE NOT ALREADY PAID YOUR DUES FOR 2007-2008, PLEASE SEND YOUR \$10 AS DIRECTED ON THE LAST PAGE OF THE NEWSLETTER INCLUDING YOUR NAME AND ADDRESS.**

**MEMBERSHIP IS FROM SEPTEMBER 1, 2007 TO AUGUST 31, 2008. CHECKS SHOULD BE MADE PAYABLE TO RUTGERS AAUP EMERITI ASSEMBLY. THANK YOU FOR YOUR IMMEDIATE ATTENTION.**

**Below is a list of organizations and their contact information including web sites you may find useful:**

**Rutgers Council of AAUP Chapters, AAUP-AFT**  
48 Street 1603  
(Livingston Campus)  
Piscataway, NJ 08854-8036  
Phone: 732-445-2278  
Fax: 732-445-5485  
E-mail: [aaup@rutgersaaup.org](mailto:aaup@rutgersaaup.org)  
[www.rutgersaaup.org](http://www.rutgersaaup.org)

**NJ Department of Treasury  
Division of Pension & Benefits**  
Links for retirees:  
<http://www.state.nj.us/treasury/pensions/retiree-home.htm>

**Sign up with Rutgers AAUP-AFT's Action Center:**  
<http://www.unionvoice.org/rutgersaaupaft/home.html>

**American Association of University Professors**  
1012 Fourteenth Street, NW, Suite 500  
Washington, DC 20005-3465  
Phone: 202-737-5900  
Fax: 202-737-5526  
E-mail: [aaup@aaup.org](mailto:aaup@aaup.org)  
[www.aaup.org](http://www.aaup.org)

**American Federation of Teachers, AFL-CIO**  
555 New Jersey Avenue, NW  
Washington, DC 20001  
Phone: 202-879-4400  
[www.aft.org](http://www.aft.org)

**AFT's Web Page for Retirees:**  
[www.aft.org/retirement/index.htm](http://www.aft.org/retirement/index.htm)

**Rutgers University's Web Page on Retiree Services:**  
<http://uhr.rutgers.edu/ben/RetireeServices.htm>

**AARP**  
601 E Street NW  
Washington, DC 20049  
Phone: 1-888-OUR-AARP (1-888-687-2277)  
[www.aarp.org](http://www.aarp.org)

**AARP NJ**  
Forrestal Village  
101 Rockingham Row  
Princeton, NJ 08540  
Phone: 1-866-542-8165 (toll-free)  
Fax: 609-987-4634  
E-mail: [njaarp@aarp.org](mailto:njaarp@aarp.org)  
<http://www.aarp.org/states/nj/nj-news/>

## MISSION AND MEMBERSHIP

The Mission of the Emeriti Assembly is to sustain and enhance the personal, intellectual and University interests of retired faculty. These interests will be met through meetings, special programs, a communications network, and work with other groups concerned with retiree issues. All retired faculty individuals, who are members of AAUP-AFT, are eligible for full membership. Non-voting, Associate Membership is available to retired faculty who are not AAUP-AFT members.

Membership extends from September through August. If you are not a paid member you may fill in the application form below. Your membership enables us to continue to publish the newsletter and make plans for the activities during the year. Membership in the Emeriti Assembly also entitles you to an associate membership in the Rutgers AAUP-AFT Chapters. Some Emeriti also continue AAUP National dues and membership.

Name _____ Telephone (    ) _____
Street Address _____
City _____ State _____
Zip Code _____ E-mail Address _____
<input type="checkbox"/> Enclosed is my check for \$10.00 payable to Rutgers AAUP Emeriti Assembly.
<input type="checkbox"/> NEW member 2007-08 <input type="checkbox"/> RENEWING membership 2007-08
Return to Rutgers AAUP-AFT, 48 Street 1603, Bldg. 4103, Livingston Campus, Piscataway, NJ 08854-8036

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