

Salem in Minnesota

Barry R. Gross

Surtout, pas de zèle.
—Talleyrand

On 12 April 1989 four graduate students at the University of Minnesota, after extensive consultation with administrative officers, filed a formal complaint of sexual harassment against the Department of Scandinavian Studies, as well as individual complaints against each of its six full-time, core faculty. Seven months later, all charges were dropped for lack of evidence, but not before the reputations of individual faculty members were seriously damaged and the very existence of the department jeopardized. Even now, after having scaled back the department, the university threatens to merge Scandinavian studies with the Department of German.

The Department of Scandinavian Studies first learned of the complaints a month before they were formally filed, when Patricia Mullen, Director and Entry Level Officer for Sexual Harassment, visited its offices in March 1989. A midlevel administrator working out of the Office of Equal Opportunity and Affirmative Action, Mullen called the faculty around a table and announced that charges of sexual harassment had been made against them. However, when asked what the charges were, she refused to be specific. Mullen revealed that the complaints had come from some graduate students, but would not say who. Mullen said she wanted to alert the department to some problems, which she was looking into, and that her main objective was to protect the university from prosecution. And she advised the department that it had better “get [its] act together.” When asked how this could be done without knowing what was allegedly wrong, Mullen offered no assistance.

Weeks passed and the department heard nothing further. Then, on April 14, the Scandinavian studies faculty were summoned—some individually, some in small groups—to the office of Fred Lukermann, dean of the College of Liberal Arts. Lukermann handed each a sealed envelope and asked him to read its contents. The envelopes contained a covering letter from the Office of Equal Opportunity and Affirmative Action, a copy of the university’s policy statement on sexual harassment, and a formal complaint of sexual harassment. The complaint included a set of individual charges specific to each professor and a set of charges against the department *en bloc*. Also included was a “General Statement Regarding Core Faculty in the Department of Scandinavian Studies,” which listed nine “suggestions for remedying the situation.”

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(The department consists of six full-time, permanent “core” faculty and several part-time or visiting full-time faculty from other departments. Individual complaints were lodged against core faculty only, but *en bloc* charges applied to all faculty in any manner associated with the department, including—though no one seems to have noticed it at the time—university president and former departmental chair, Nils Hasselmo.)

Dated April 14 and signed by Patricia Mullen, the cover letter read:

This office has received a formal complaint that you have engaged in conduct which is prohibited by the Policy Statement on Sexual Harassment. . . . You should respond to me about this complaint in writing within ten days of receipt of this letter. While you are not legally required to respond, failure to do so is a breach of academic responsibility and notice will be given to the provost and academic vice president.

The formal complaints were signed by four female graduate students, three of whom were in the department, the fourth having done some work in it. All four signed each complaint—that against the entire department and those against each of its six core faculty—even though not every complainant had done course work for or had other contact with all six core faculty. Some of the faculty charged did not even know who all the complainants were. One professor, who had been on leave the preceding year, knew only one of the four students who had signed the complaint against him.

Though the formal complaint reads as if stemming from charges brought forward by the four students, in the “General Statement Regarding Core Faculty,” they refer to the “inquiry” as having been “requested” by Patricia Mullen: “Faculty response to an inquiry requested of us by Ms. Patricia Mullen and the Office of Equal Opportunity and Affirmative Action has been one of denial, hostility, and retribution.”

It is worth noting that the period during which department members are alleged to have been uncooperative extended from the time Mullen informed them of the complaints but refused to say what the charges were or who was making them to the time they finally received the formal charges. During that period, the core faculty were neither questioned nor otherwise made aware that any inquiry was underway.

After accusing department members of denying what they had not been told they were being charged with, the four students continued in this manner: “After long and serious consideration of the intractibility of these problems, we believe that only severe measures will make clear to the core faculty the impropriety of their behavior.”

Charges *en Bloc*

One of the most peculiar features of this case is that, in addition to individual faculty, the entire Scandinavian studies department as an entity was

charged with sexual harassment. Given the absurdity of the idea that a corporate entity could be guilty of sexual impropriety, it is not surprising that the complainants were asked, subsequently, why they chose to file charges *en bloc*. The four responded that they had been told to do so by Mullen and Lukermann. The latter deny this, but the four students stick to their story.¹

The charges brought against the department as a whole are:

Graduate students are never allowed to teach extension or summer language classes as is customary in other departments.

There is no sufficient organization of undergraduate teaching materials, policies, or methods.

Attempts on the part of graduate students to organize seminars needed for exam preparation are met with derision and hostility.

Visiting faculty have been misled as to the extent of their teaching duties during their tenure in the Department of Scandinavian Studies.

Graduate students are sent to the Department of Comparative Literature for training in literary theory. This we find inappropriate. When students then attempt to discuss literary theory with members of the Department of Scandinavian Studies, they are generally met with ridicule.

The alert reader will have noticed that none of these charges has anything to do with sex, much less with sexual harassment.

Of the nine "suggestions for remedying the situation" listed in the "General Statement on Core Faculty," three pertain to the department as a whole and may suggest why charges were brought *en bloc*: a financial audit of the department; "an audit of the productivity of the department to determine the percentage of graduate students who actually complete a degree"; and placing the department into "receivership" until it could be integrated with the Department of German. How would these "remedies" help to eliminate sexual harassment? And why would administrative reshuffling occur to students as a cure for anything? The university, however, has been trying to cut back financially—largely by combining departments. It is hard to suppress the suspicion that the administration may indeed have encouraged the complainants' "inquiry," suggested that they make charges *en bloc*, and helped them formulate their list of "suggested remedies."

Individual Charges

The charges brought individually against the six core faculty are odd in their own way. To begin with, one of the six charged with harassing female students is a heterosexual woman. The charges brought against her involve such things as allegedly unfair grading, but not sex. Most of the charges brought against

the male professors also have nothing to do with sex. Those that do are either quite trivial or strongly rebutted. But even the most serious of the charges fall short of alleging any improper physical contact or improper sexual requests, demands, or suggestions.

For example, one professor is accused by a student of being cool and unresponsive when she told him of her problems and of not giving sufficient attention to a draft of a paper she was writing. The same professor is alleged by another student to have identified rape and love in class. To the latter charge, he responds that they were discussing a story by Isak Dinesen in which the protagonist falls in love with a woman he had raped; he himself, he says, did not identify rape with love. And two students accuse him of ignoring their intentions in papers they wrote. They employed ideas drawn from the French philosopher, Michel Foucault, while he would have liked them to deal more directly with the texts.

Another professor is also accused by two students of wanting them to read certain texts more closely. This time, their preferred mode of reading was feminist. He is also alleged to have made some remarks, in the course of a conversation about deconstruction, that need not but could be construed as sexually suggestive.

More seriously, a third professor is charged with having disclosed some of his personal life to a student, thus enticing her to respond in kind, and to have asked her about how she feels when she has an orgasm. He denies this absolutely and says that the complainant insisted on following him from class to class to talk about her personal problems. He has a letter by an eyewitness and other corroborating material to support his version.

The same complainant also alleges that this professor gave a deliberately prurient interpretation of a line of Finnish poetry. But in the professor's account, it was the complainant and another student who read prurient meaning into a passage he cited in Finnish that, in translation, reads "And he blew on the wind."

Perhaps the most serious accusation is the one made against a fourth professor. He is alleged to have approached one of the complainants on campus and asked her whether a pair of women's underpants he had just found in a hallway were hers. This is the only charge brought against him and he denies that anything like it ever happened. There were no other witnesses, and the incident was supposed to have occurred in 1985, four years before the complaint was filed.

Several other charges go back to 1985 or even the winter of 1984. The fifth male professor was charged with having told one of the complainants that she had to choose between writing a good paper or just "cutting the balls off" a male critic. He claims that one of his Swedish origins would never use this language. In addition, he points out that he was on leave in the fall of 1985, when the incident was alleged to have occurred.

Many other charges were made, but all are even more remote from seriously suggesting sexual harassment than the aforementioned. Some of the charges seem more than a little strained. One professor is accused of having unfairly denied a student a teaching assistantship when, several years previously, he chaired the department. In fact, a clerical error had been made in the rank ordering of students for assigning assistantships; and when that error came to light, she received the assistantship. The student had signed a paper at that time, agreeing that the assistantship compensated for the error.

On the basis of such charges, the four complainants suggested, in addition to the three mentioned earlier, the following “remedies”:

Formal reprimand of all core faculty.

Denial of merit pay for current core faculty for a period of not less than five years.

Monthly sexual harassment workshops for core faculty members for a period of at least twelve months.

Annual sexual harassment workshops for all Scandinavian core faculty, adjunct faculty, visiting faculty, graduate assistants, reader-graders, and graduate students.

In addition, the remedies specify that a “full account of these events” be placed “in the permanent employment records of the core faculty.”

Anomalous Procedures Vainly Protested

As it happened, at the time the formal complaint was conveyed to the Scandinavian studies core faculty, the department was being chaired by an adjunct professor, Daniel Cooperman, a professor of sociology. Not being among those against whom individual charges were lodged, Cooperman was initially of an open mind and was perhaps expected by the administration to cooperate with the prosecution. However, he quickly became the department’s self-appointed chief defender.

Cooperman says that he pointed out to Mullen that she erred in processing the students’ charges as a formal complaint of sexual harassment before evaluating the evidence and determining that the charges fit under the university’s sexual harassment code. In reply, he says, Mullen insisted that anyone who fills out a sexual harassment form is entitled to press charges. Apart, however, from evidence that Mullen herself suggested that the students fill out those forms, this response ignores the fact that through her actions, it was the university, and not the students, that pressed charges. The University of Minnesota’s full power and reputation were put behind charges that no one in the administration had investigated—with serious consequences for the

reputations of the Department of Scandinavian Studies and every one of its members.

Having failed to persuade Mullen of her error, Cooperman wrote a memorandum, dated May 4, to both Mullen and Lukermann, protesting the university's actions on the ground that the students' charges did not constitute sexual harassment, even by the university's definition. He requested that a hearing be held on the question of jurisdiction, and he asked that the university follow its usual practice of providing the department legal counsel if the complainants have had legal counsel.

Lukermann did not reply to these requests, nor did Mullen, formally. In a May 9 telephone conversation, Mullen told Cooperman that the charges belonged together as a sexual harassment complaint, under the jurisdiction of the Office of Equal Opportunity and Affirmative Action. And she dismissed the demand for legal counsel on the ground that "this is only a fact-finding stage"—despite the fact that the university had brought formal charges against the department, as if already convinced of its members' guilt. Mullen also denied knowing whether the students had legal counsel.

In fact, one of the four complainants' father was a partner of a law firm that had successfully brought a sexual harassment suit against the university previously, and the department learned that this firm was providing the complainants legal counsel. Mullen refused to credit Cooperman's report of this.

On May 14, Cooperman reiterated his requests in a memorandum to William Donohue, at that time the university's general counsel. To the arguments advanced earlier, he now made two further points. First, the university erred in combining the charges of all four students into a joint complaint against the department. For the sexual harassment code, Cooperman claimed, "clearly is concerned with alleged misconduct by individuals against other individuals." One result of the combined complaint was that individuals not accused of any personal impropriety now were facing charges of sexual harassment merely because they taught or had formerly taught in the department.

Second, Cooperman objected to the four complainants having been allowed to sign each of the individual sets of charges, even when not all of the four made specific charges in a given list, or, in some cases, had ever had any contact with the professor. This, too, violates the harassment code, he said. Of course, this procedure enabled the complainants and others to say that four women alleged sexual harassment against a given professor, making his case seem much more serious than it actually was.

In a memorandum dated May 16, Cooperman provided Donohue with evidence that the four complainants had legal counsel. This consisted of copies of two letters, written on legal stationery (one of them signed by the students'

attorneys), soliciting information to be used against the Department of Scandinavian Studies.

On May 18, Donohue responded in writing, denying Cooperman's request for legal counsel for the department. Otherwise, he ignored Cooperman's arguments, objections, and requests. Cooperman was also rebuffed in subsequent efforts to make Lukermann and Donohue address his concerns. In response to his objection to the way disparate charges were packaged as one complaint of sexual harassment against an entire department, the dean said, "Look, it's just convenient to treat the whole thing this way," and the university's attorney said, "I'm a firm believer in one-stop shopping."

In August of 1989, an article on the allegations made against the Department of Scandinavian Studies appeared in the University of Minnesota campus newspaper. In it, the attorney for the complainants was quoted as admitting that "sexual harassment is not the right word to describe the allegations in the complaint." But, she added, "a finding of sexual harassment is not necessary in order to prove sexual discrimination."²

The investigation continued for seven months, though nothing was said to the faculty charged. Cooperman says that "every month or so I would call or write Pat Mullen and say, 'How's the investigation coming?' And she would say things like, 'I'm trying to call someone else, someone who is out of town.' I never knew who she was questioning. After five months I wrote her a letter saying, 'This thing is dragging on and the reputations of our faculty are in danger.'"

Further Charges

"Danger" understates the case. During the seven-month investigation the complainants were writing, on their attorney's stationery, to all former graduate students of Minnesota's Scandinavian studies department (many now professors at other institutions) to inform them of the complaint and to request further accusations. Many of those thus solicited replied indignantly, writing the administration in praise of the department and sending copies of the letters they received to Cooperman. Nonetheless, damage was done. Cooperman received queries from former colleagues and students asking: "What's going on there?"

Nor were the complainants' activities limited to letter-writing. At a conference of the Society for the Advancement of Scandinavian Studies held in Salt Lake City, some of the complainants arranged a lunch to which they invited all graduate students with any knowledge of the Minnesota faculty. At the lunch, they once again related their charges and sought more.

While the complainants' efforts in this direction appear to have turned up nothing, their own memories, ever more urgently ransacked, did provide a stream of additional charges, which the administration duly appended to

those first made. None of them are more impressive than those on the original list.

Why Sexual Harassment?

As at many other institutions of higher education, the University of Minnesota's sexual harassment code is loosely drawn, inviting a great variety of charges and offering little guidance on procedure. The booklet entitled *Sexual Harassment*—the university's official statement on the topic throughout this affair—states in its preface that sexual harassment “is broadly defined to include behavior that may not be considered overtly sexual.” The official definition itself states in relevant part: “Sexual harassment can be as blatant as rape or as subtle as a look. Harassment...often consists of callous insensitivity to the experience of women.”³

While even this definition fails to transmute a bad grade *ipso facto* into harassment, it makes sexual harassment out of such unlikely material as disputes about textual interpretation. For if insistence on a close reading of texts is perceived to dismiss feminist readings, feminists would then call that “callous insensitivity to the experience of women.” Thus, the harassment code, drawn up in response to pressure from campus feminists,⁴ has the effect of forcing professors to heed feminist doctrines. At the very least, professors cannot prevent their students from introducing extraneous feminist concerns into class discussions and written work. In fact, however, the reach of feminist orthodoxy is greater than this, as some of the students' most surprising charges show. The complaint, for example, that the department referred students interested in literary theory to other departments is really a complaint that the Scandinavian studies faculty were uninterested in feminist theory or such related forms of “theory” as deconstruction and Foucaultian analysis.

The university's sexual harassment code is defective in many other ways as well. To cite but one example, supervisors are told to discourage all behavior that might be construed as sexual harassment as defined. Thus, they must, among other things, prevent their staffs from exhibiting callous insensitivity to the experience of women. Yet, supervisors are not advised how they are supposed to be able to monitor the private actions of their employees.

The ambitious breadth of the sexual harassment code alone does not explain why charges of sexual harassment are made so readily and implausibly. When asked to explain why this happened to them, one of the department's core faculty said this:

About two years before all this hit us, posters had been hung all over campus inviting people to come forward with such cases, big posters picturing young women with professors leering over their shoulders, and the posters said, “You Don't Have to Suffer Alone—Come See Pat Mullen.”

Permanent Damage

After seven months, the university formally dropped the charges of sexual harassment for lack of evidence. However, in the letters Mullen wrote informing the accused of this, she offered neither explanation nor apology. Nothing was done to rectify the public impression that had been created of the department and its faculty. Cooperman complains that colleagues from other departments all too readily assumed that, in the phrase they often repeated, "Where there's smoke there's fire." This stigma has not been removed.

Nor did the university drop its efforts to eliminate the department. In 1990, the university announced the department's dissolution, but then reversed itself when, amidst other reaction, it received a note of diplomatic protest from the government of Norway.

Nevertheless, in what was called a financial reorganization, the department was rebaptized with its old name, the Department of Scandinavian Languages and Literatures. All sociological and political studies were dropped, and Cooperman was removed as chairman. Although he had a contract specifying that he would serve as departmental chairman for three years, Cooperman was never directly informed that he had been removed from the position. Instead, he learned about it when he received a photocopy of a letter appointing someone else to the post. Such are the wages of noncooperation.

The cost to the faculty, in time wasted and embarrassment, is of course enormous. Cooperman says that two of the core faculty are "psychologically devastated." Beyond that, there is a lingering intimidation. One professor says that he no longer confers with female students in his private office. In addition, he says he is now more restrained in what he teaches. He avoids reference to Freudian interpretations, for example, since feminists regard Freud as sexist.

In the meantime, the original four complainants, because their charges were dropped by the university, are now suing the University of Minnesota itself. The case is pending.

Notes

1. An article in the campus newspaper indicates that the students' attorney, Jean Boler, "has stated that her clients said they were encouraged to file a sexual harassment complaint by Pat Mullen" (Linda Seebach, "Faculty Face Allegations of Sexual Harassment," *Minnesota Daily*, 23 August 1989). Prof. Daniel Cooperman told me, "The students claim that both Dean Lukermann and Pat Mullen advised them to file a complaint. Pat Mullen and the dean have both denied this to me in person, but the students stick to their story. They say they wouldn't have filed the complaint if they hadn't been encouraged to."
2. Ibid.
3. Office of Equal Opportunity and Affirmative Action, University of Minnesota, *Sexual Harassment*, policy brochure, 22 May 1985, 2, 3.
4. In fact, the booklet indicates that it "was prepared with the assistance of...the Minnesota Women's Center."