

Affirmative action keeps eye on charges of discrimination

By Joan Nyland
Of the Emerald

"Discrimination may be as overt as: You're too old to go to graduate school or math is not for women, or as subtle as: Making racist jokes in class and never calling on physically-disabled students." But these are the type of complaints the University's Office of Affirmative Action has had to handle in the past.

Students, staff and University employees can consult the office if they are, or believe they have been, discriminated against because of race, color, marital status, sex, national origin, handicap, age, religion and veteran status.

"If students don't get fair and equal treatment, this is the office they should come to," says director Norma "Bean" McFadden. Students who feel they have been discriminated against should contact Jodi Leslie, formerly the Equal Education Specialist. Presently, this half-time graduate

teaching position is open.

McFadden has noted an increase in the number of grievances reported to her office in the past year. She expects this is because of budget reductions which involve employment procedures.

Affirmative Action solves most of their cases informally. There is no obligation for victims of discrimination to file a complaint, though the office will help them process the official University grievance.

"We do our very very best to respect people's privacy," McFadden says of those who consult her office.

The University will be enacting formal rules this fall regarding nepotism and sexual harassment. McFadden notes that her office has been effectively using the proposed rules for three years.

The Office of Affirmative Action is located in room 472 Oregon Hall, 686-3123.

Penk case enters second year

One — or rather many — sex discrimination grievances at Oregon colleges and universities over the years has turned into a class action suit against the State Board of Higher Education.

The class action suit, Anna Penk et al v. The Oregon State Board of Higher Education, alleges the state system discriminates in matters of pay, promotion, and tenure against female faculty. The suit is in its second year of litigation and a trial date has not been set.

Earlier this summer, a similar suit involving six women at Western Oregon State College was awarded to the plaintiffs. U.S. District Judge Helen Frye gave the women twice the actual damages requested, saying the college administration did not act in good faith on the sex-discrimination issue. The state has filed an appeal on the case, says Solicitor General Bill Gary.

Information used in the WOSC decision also applies to certain members of the pending

class action suit. Judge Frye has indicated that the evidence supports the plaintiffs' case. The defendants have filed a 50 plus page memo on the problem with her order, according to Gary.

The state is presently motioning to have Judge Frye removed on grounds of impartiality. The state argues that one of Frye's law clerks has worked for the plaintiff's attorney, Portland attorney Don Willner.

"I would challenge (the Attorney General's office) to find a more impartial judge," says OSU professor Margaret Lumpkin, plaintiff and president for Faculty Women for Equity, the group representing the class. "How can you say the next judge, because he's a man, won't be impartial," Lumpkin adds.

Presently, U.S. District Court Judge James Burns will be deciding the motion for recusal of Judge Frye so that "Judge Frye or whoever hears the case," says Burns, can rule on

the delayed motions still pending in the Penk case.

"The same thing at WOSC seems to pervade the state system," says Hilda Young, director of the office of veterans' affairs and special projects and representative of the University at some Faculty Women for Equity meetings. Young says the women are still pursuing the suit "with vigor" and hopes it will settle the issue once and for all. "It's the idea that you should be obeying the laws... not avoiding them," Young says.

"My interest is in seeing justice prevails," says Jerry Casby, assistant attorney general. "I haven't seen anything in the case of the other side which convinces me they should win."

Presently, both sides in the case have compromised to exclude women in the Chancellor's Office from the case. Other definitions of the class of plaintiffs are still under question.

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