

Jane Thompson case decision: A prolonged battle for equality

By NOEL RUBINTON

The path which led to the Rhode Island Commission for Human Rights ruling against Brown issued two weeks ago in the sex discrimination case filed by Health Services psychiatric social worker Jane Thompson was long and twisted.

Based on an examination of nearly 1000 pages of case-related material made public after the Commission's decision was disclosed, a picture of a lengthy and complex series of investigations, hearings, exhibits, and briefs emerges.

The Commission ultimately found that Thompson, who holds a Master of Social Work degree, performed work essentially similar to that of male psychologists with Ph.D.s on the Health Services staff, who are paid substantially more.

"Egregious error"

"Ms. Thompson should be paid for what she does. Simply giving her a different title when she does the same work does not warrant separate pay," the Human Rights group concluded in its report. "The University's reliance on titles to distinguish between people's work when what they do remains substantially the same is an egregious error," the report continued.

The commission recommended to Governor Phillip Noel

'54 that all state aid to Brown, totaling more than \$700,000 a year, be withheld until the discrimination is corrected through adjustment of Thompson's current salary, and payment of any back salary due.

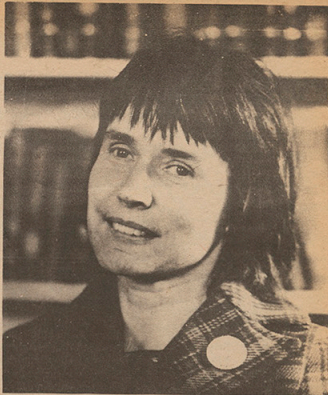
However, the final legal outcome of the case is unclear. Spokesmen for the university, as well as the governor's office, have not yet made any formal response to the report and recommendation. Thompson has not yet commented. Her options include recourse to federal court.

Thompson recently criticized the university's defense as "rather disorganized." She said that Brown's presentation "lacked consistency." However, she added, "Maybe there was no defense (possible)."

Burden of proof

All university officials involved, including President Donald Hornig and Health Services Director Roswell Johnson, have declined comment. Some have noted privately, though, that the burden of proof clearly rested with Brown and that they lacked the necessary documentation for successful refutation of Thompson's charges. Several added that while Thompson's case was not strong neither was the university's defense.

Continued on Page 3



JANE THOMPSON, psychiatric social worker for Health Services.

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PRICE FIFTEEN CENTS

Coalition schedules emergency meetings

The Student Coalition, an organization of students angry at projected budget allocations, was meeting at midnight yesterday to plan a possible emergency rally on the green tomorrow.

The coalition learned yesterday that the Advisory and Executive committee (A and E) of the corporation meeting Friday "may be receptive" to a presentation of their proposal for a new committee that would re-examine budgetary reductions.

Originally, the group had expected to present their proposition to the A and E at their April meeting. "All organizational efforts" revolved around the late presentation dates, "one coalition" person stated, "now that is all changed."

The students argue that the projected budgetary needs of the university are not met in next year's planning.

Essential needs
"The three absolutely essential needs for Brown's future," another coalition member stated, "that we place highest priority on the maintenance of funding for financial aid, faculty teaching time, and student support services were ignored this year."

The member added dramatically, "We will not be compromised on this. The very future of Brown is at stake."

The coalition's drive to mobilize the campus through an extensive network of "dormitory" reminders is reminiscent of the organizing at Brown in the late 1960's.

The students are planning emergency meetings "in every dormitory tonight to tell everyone our plans for action Friday."

The coalition is distributing a tabloid newsletter that "fully explains the position of the coalition and our new strategy," according to a member.

"In the event that the A and E considers the coalition's proposals tomorrow, it is imperative that there is a dramatic display of student support on the Green," she said.

Vietnam protest

"No further aid to that bunch of crooks in Saigon" will be the title of a meeting today at 11:30 in Faunce House Memorial Room. Members of the Rhode Island American Friends Service Committee will be present to discuss continuing U.S. involvement in Vietnam.



JACQUELYN MATTFELD, dean of the faculty and academic affairs recently stated in a report to the EPC that faculty cuts are necessary to balance the budget.

Energy consumption up despite continuing crisis

By CARLA ROSENTHAL
University energy consumption has increased during the past month, much to the surprise of officials who have continued to implement energy-saving measures. According to director of physical plant Siu-Chin Chan, "We are consuming more electricity and more oil in relation to the outside conditions."

The period from January 15 to February 15 showed a 7.5 percent rise in electrical usage from the same period last year; kilowatt-hours rose 224,000 to 3,292,000 kwh. "This is the first month since the fall of 1973, when energy conservation measures began, that there was a monthly increase from the year before," Vernon Goff, plant operations superintendent, stated.

"Even if we consume the same amount, however, the dollar rates go up," Goff continued. The 1975 January-February electrical bill was \$98,500, up from \$75,000 in the same period last year. Over 40 percent of this year's monthly bill, or almost \$45,000, was incurred in fuel adjustment charges, and price increases, due to increased costs of electrical production which the utilities are allowed to pass on to the consumer.

"We have allowed ourselves to become complacent—we've been more liberal in terms of complaints coming in from students and parents" requesting increased heat, Goff said.

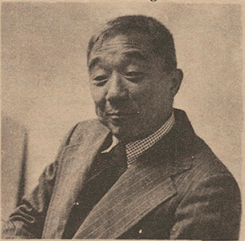
"This year we've been more lax," said Chan, to which Goff appended "—well, more lenient."

Oil consumption is monitored on a daily basis. Figures compiled since the return from Christmas vacation show that more oil

is consistently being used than should be expected based on external temperatures. Installation of more sophisticated and sensitive temperature controls has eliminated the side fluctuations in oil use of two years ago, physical plant figures show, but January 6-February 23 consumption figures show that these controls are not working as well as previously.

Chan and Goff added that a conscious effort on the part of physical plant staff to "tighten up" brought oil consumption for the last week in February to within the acceptable range, although forward the high side of this range.

Continued on Page 2



SIU-CHI CHAN, director of the physical plant, cites student complacency as one reason for the increasing consumption of energy.

Mattfeld defends faculty cutbacks

By JEFF FREUDBERG

Elaborating on her report given to the Educational Policy Committee (EPC) on Tuesday, Jacquelyn Mattfeld, dean of the faculty and academic affairs continued to emphasize her view that the university must serve the needs of undergraduate education, graduate education and research equally.

Mattfeld also reiterated her belief if Brown is to regain its fiscal balance, it would not be enough to simply reduce expenditures on administration, physical plant, or student support services.

She stressed, "Every effort was made to reach budget targets without cutting faculty. The problem came down to the reality that there are a limited number of buildings in which the heat can be turned down. The faculty was not placed as a low budget priority but rather a high one," adding, "We have no desire to lose any faculty because after all a university can only be as good as its faculty."

Yesterday, Mattfeld cautioned the EPC that the planned faculty reduction would have grave social implications regarding university commitments to women and blacks in addition to serious effects on the Brown educational experience. This warning was part of a report which Mattfeld had previously presented to the Faculty Policy Group on January 27, and to the Corporation on February 15.

This report, entitled, *New Challenges to Academic Viability and Educational Quality—The Size and Distribution of Brown Faculty 1975-1980*, is Mattfeld's outline of the probable effects of cuts in the instructional budget, the procedure by which these cuts will be made, and their implications for Brown. Her report on the actual staffing figures for each department will be presented to the EPC on March 27.

The report states that in order to cut the instructional budget it is necessary to cut the faculty because "from 60-97 percent of the budget of each academic program of department is given to faculty salaries, and it therefore follows that only a significant decrease in the number of faculty paid from departmental funds each year can enable us to meet the modest annual increases in the instructional budget which the target projection allows from fiscal year '76 to fiscal year '80."

Mattfeld stressed that when President Donald Hornig speaks of reducing the faculty by 75, he is assuming that there will be a further reduction by unplaced-unpaid leaves for some 30-40 faculty. This means that she cannot rely on cutting faculty by not replacing faculty who go on unpaid leaves of absence.

She further noted, "The pattern of sabbatic leaves and leaves of absence without pay has been highly irregular. We may expect it to become increasingly

Continued on Page 2

Guilty of sex discrimination

The finding by the Rhode Island Commission for Human Rights that Brown is guilty of sex discrimination, especially in compensation, in the case of Jane Thompson comes as no shock. The fact that the university is not expected to comply at this time also is predictable.

Thompson, and most other women at Brown are discriminated against in a systematic fashion. The university is intentionally vague on affirmative action and purposely underpublicizes the rights of its employees.

In this case, it seems obvious that Brown will maneuver to overthrow the ruling and thereby continue to discriminate against women and minorities.

At university health services, testimony printed in today's *Herald* shows a "looseness" of organization. No one could draw a distinction between the work of Thompson and her

colleagues Jones and McGurk. The skill of a psychiatric social worker could not be distinguished from a psychologist in over 1,000 pages of testimony.

Still, according to the university defense, simply giving the woman a different title indicates that she deserves disparate pay.

Under the circumstances, the university must compensate Thompson for several years of salary discrimination, and develop a screening mechanism for "difficult" cases in health services.

In the larger context, Brown must publish a firm set of affirmative action guidelines, and set a tone and give publicity to the fact that there is a discrimination procedure.

Until compliance, as an incentive for the university to remedy the sex discrimination against Thompson, Governor Phillip Noel should withhold all state funds from Brown.

Mattfeld details EPC report

Continued from Page 1
difficult, if not dangerous, to attempt to estimate with any precision the number of faculty requesting unpaid leave."

The report also emphasizes the small numbers of women and blacks presently on tenure. Out of the total Brown full-time (equivalent) faculty there are only 19 blacks and 46 women. Of these, 14 of the blacks and 36 of the women are untenured. Mattfeld also pointed out that Brown will actually lose even more women and blacks because of the prevalence in the past of hiring blacks and women for temporary replacement positions which will no longer be filled.

The report states that the committed faculty will be reduced from the 482.8 to 386 in 1980. This would result in a student-faculty ratio of 13.3 to 1, up 20 percent from the present 11.2 to 1.

The report explains that due to the present unequal distributions of tenured faculty, the effects of faculty reductions will not be distributed equally throughout the university. The report observes, "the departments which are now less heavily tenured will suffer disproportionately greater reductions. When we consider the present and projected distribution of the faculty by areas of the curriculum we find that the percentage of total university faculty who are in the humanities will decline by 1.4 percent over 5 years, while the percentages in physical, life and social sciences will increase slightly."

The result of fewer faculty and fewer courses will be an increasing class size. The number of students per full-time equivalent faculty member in 1980 will be 44 in the physical sciences, an increase of 6,

and over 65 per in all other departments, an increase of 10 to 20. The largest increase will be in the specialized programs such as Afro-American studies and American Civilization.

Mattfeld emphasized that elimination of low enrollment courses "could potentially lead to misjudgements concerning what should be taught and what should be deleted." She warned that "despite the high cost of faculty time, Brown must continue to provide instructions in the arts to meet the needs of students who maintain high and sustained

demand for these courses."

The report also mentioned the possibility of cutting tenured faculty, put forward as an emergency measure. "We must continue to explore—preferably in concert with comparable institutions—humanly acceptable and legal ways to remove the single or several tenured individuals in almost every department who are no longer productive as scholars, whose early promise has not been realized, or whose teaching has ceased to engage students."

Oil consumption up

Continued from Page 1
"Last year, nationwide public utility helped to obtain cooperation in conservation measures—now it's not a headline item," Chan commented. "It's difficult to keep telling people we have an energy crisis. People get complacent or even fed up because energy supplies, although at higher prices, are still available. Goff continued.

Saying that "this department can't do it alone," Chan requested students "forebearance and tolerance" in living with the 88 degree temperatures as well as a conscious effort to turn off unnecessary lights. "If you must open your window," he added, "please turn your radiator off."

Electricity consumption was doubled in October-November, the

highest month recorded. An 86.7 percent meter increase was measured for July-August, 89.4 percent for August-September, with 59.2 percent and 67.7 percent for September-October and November-December, respectively. December-January use resulted in a 46.7 percent increase over the year before, while the most recent reading, for January 15-February 15 shows an increase of approximately 25 percent.

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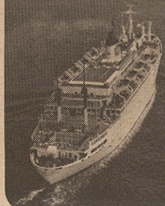
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The Thompson case: Long and complex

Continued from Page 1
 "The thing that impressed me most," commented Human Rights case investigator Angela Fichter, "was that the counseling service didn't know what it was doing." She added that the investigation and hearings revealed that no one in Health Services knew about everything that was going on in the department. This looseness of organization, she noted, has caused discrimination problems at many institutions she has examined.

Vital issues

The vital issues of the case, participants and observers agreed, have implications far beyond Brown. Included among these are "equal pay for equal work," and the relationship of training to the quality of work performed and compensation. The case's complexity was compounded by the highly confidential nature of the counseling done by the parties involved, often making comparison extremely difficult.

Thompson maintained emphatically, however, that "regardless of any attempt to portray a degree of hierarchy in the counseling services and to lessen the beneficial impact of one of my approaches to therapy, the testimony can only substantiate that my duties are at least equivalent if not greater than others in the Counseling Services staff," according to her brief of September 10, 1974, prepared by a team of lawyers headed by now-Attorney General Julius Michaelson, who was then a

based on their training. These doctors consistently treat the most serious cases of mental and emotional disturbances among Brown University students.

The investigation and nine hearings, held from April through early July 1974, focused on Thompson's abilities and workload.

A large amount of data and testimony dealt with the work Thompson has done and the general counseling screening system at Brown. Thompson's side presented a great deal of evidence to prove that she dealt with cases of the same severity as psychologists Ferdinand Jones and William McGurk (who is no longer with the university).

Her evidence including witnesses and exhibits, was based on the assertion that Brown's loose counseling referral system allowed her to receive cases of severity comparable to those handled by the other psychologists. Thompson produced witnesses, including chaplains and students, who testified that they had never received instructions on which counselors to whom certain sorts of cases should be referred. Most of the students further said that they had been assigned counselors at Health Services on a walk-in, first-available basis.

No "hierarchy"

Assistant chaplain Beverly Edwards testified that "I did not see the counseling service as a hierarchy of people," with Catholic Chaplain Donald Kehew agreeing that he did not make a distinction

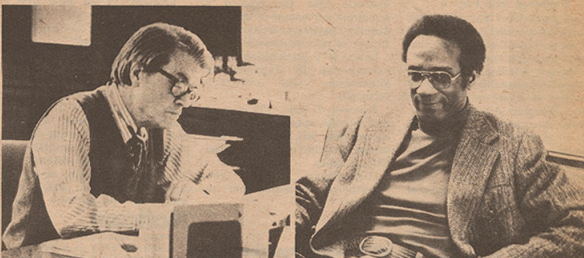


Photo by FRANK MARTIN

Photo by FRANK MARTIN

ROSSELL JOHNSON, director of Brown Health Services. **FERRINDAN JONES**, psychologist and associate professor of psychology at Brown.

taken into consideration by the referral process. He spoke of the kind of decisions he made before making referrals and also talked about the role of self-selection by students.

Jones contended that he is better equipped to handle serious cases than Thompson. When the subject of what kinds of cases he thought Thompson handled came up, however, a lengthy rap-fire dialogue between Jones and Michaelson ensued, climaxing in this exchange:

Michaelson: You don't know the range of cases that you come to Jane Thompson?

Jones: I really don't know.

Michaelson: You would neither admit nor deny that she gets the same range of cases as you, is that correct?

Jones: Yes.

Jones admitted that he only knew of Thompson's cases from the references she made to them in staff conferences, where discussion of cases is purely voluntary.

Johnson contended that he only knew of Thompson's load through the cases which he directly referred to her, representing a very limited number.

Case investigator Fichter commented that the testimony showed her that "Dr. Roswell Johnson doesn't know that kind of cases Jane Thompson was getting." Maybe he would not assign "serious" cases to her, she noted, but the open-ended referral system allowed cases to get to her in many other ways. Brown could have set up Thompson's job description so that she would not have done the same thing as the male psychologists, Fichter added, "but they didn't choose to do this."

Relative abilities debated

The university also argued that Thompson was not doing the same work as Jones and McGurk because she did not have the same training and abilities.

In the hearings, Jones commented that there were definite differences between his work as a clinical psychologist and Thompson's as a psychiatric social worker. "The differences have to do with the degree of experience, and understanding, and training. I think I am better at what I do than Jane is...doing psychotherapy, and assessing situations, and handling situations."

When examining Jones, the university tried to point up his qualifications and training as a psychologist. Thompson's attorneys objected to the extensive questioning on this subject, and the Commission Chairman Cleon Harvey sustained their protests, saying that the Human Rights group did not want to just hear about Jones' accomplishments, but rather wanted to know what he does as Health Services and how his training is related to that.

"My judgment (of Thompson)," Jones continued, "is based on the

Implications

Besides its immediate legal effects on Brown, the Jane Thompson sex discrimination ruling could have a much broader impact both here and in other universities.

Referring to the situation at Brown, Thompson said recently that she hopes her case "will raise consciousness" to some extent. During her case to date she said she has found students, faculty, and staff here "very supportive."

Although admitting that her ordeal "has been a terribly uncomfortable thing to do," Thompson said that she "hopes" that her action will encourage other people to similarly stand up for their rights. She also hopes, though, that her course will "help build a climate where conciliation is more possible."

Another area at Brown which the Thompson case calls into question is the university's yet-unsettled affirmative action position. Brown has yet to submit an acceptable affirmative action plan to the United States Department of Health, Education, and Welfare. Affirmative action is a program which is designed to promote the equal recruitment, hiring, and treatment of minority and female staff.

Thompson in fact noted that the underpublicized and unsettled nature of the internal university grievance procedure encouraged her to look outside for help. Several Brown officials have agreed that strengthening of Brown's vague position in the area of affirmative action might have prevented Thompson's outside action and could ward off similar situations in the future.

"Landmark decision"

In broader terms, case investigator Angela Fichter called the ruling "a landmark decision," as it shows that "the most important thing under the law is the work being done, not the number of degrees you hold."

Jean Lusk, assistant professor of chemistry and head of the Committee on Women Faculty at Brown, added, "I was pleasantly surprised by the decision because in this society people are generally paid for their degrees."

Thompson also noted that "sexism and the profession of social work are inextricably intertwined," and her case could have ramifications in the professional field. The majority of psychologists are men, while most psychiatric social workers are women, she said. Thompson further remarked that she has received help, "financial and otherwise," from the National Association of Social Workers, a Washington-based group.

—Noel Rubinton

Background

Jane Thompson, employed by Brown since 1970, commented recently that a "lot of little things" provided the impetus for her sex discrimination complaint against Brown.

The immediate background to the complaint was represented by a letter Thompson wrote to her supervisor, Health Services director Roswell Johnson, in April 1973. In that letter, she claimed that she was "substantially underpaid," and requested "equal pay for equal work."

Replying on May 17, Johnson wrote, "I do not agree with you that you are doing the same work as the other individuals in our mental health section."

"Unfortunately, I see no provision for any significant change in the salary scale in the immediate time to come," Johnson continued. "I think if you are uncomfortable it would be well to think seriously on the advisability of continuing in your present role here. I have two applications currently on file for part-time women psychiatrists, that I have not encouraged, but would do so if you feel you might be making a change."

In its report, the Commission called this statement by Johnson "very close to a retaliatory threat; and to treat women as 'unhappy' who are underpaid is to miss the point," Johnson refused comment on his letter.

"Probable cause found"

Thompson filed her original complaint with the Human Rights group on June 28, 1973. "Probable cause" for her complaint was found by preliminary investigator Paul Brennan on January 28, 1974, following an examination of the Brown situation by him and Fichter.

Conciliation papers were then drawn up by the Commission, but were never agreed to by Brown. Under the terms of the draft conciliation, Brown would have paid Thompson \$12,705 in back pay, plus retroactive and future benefits equal to those of Jones. Her salary would have been increased to \$15,120 for 1973-74 (it was \$8,000).

Had the university come to an agreement with Thompson at this point, the case would have been closed and supposedly would have remained confidential.

On March 29, 1974, however, Brennan "determined that further attempts at informal settlement of the charges...would be futile," and the case proceeded to the hearings stage. The university tried to have the complaint dismissed on jurisdictional grounds on April 16, but the Commission rejected their claim and opened hearings on April 24.

—Noel Rubinton

The thing that impressed me most was that the Counseling Service didn't know what it was doing.

—Angela Fichter, case investigator.

member of the firm of Abendon, Michaelson, Standler & Biemer.

The university, though, disputed this strongly in their brief, prepared by Peter McGinn and Frank Williams of Tillinghast, Collins, & Graham. The brief, according to her brief of September 10, 1974, stated that the "record of the debarings" does not support the complainant's allegation that she does or is capable of doing the same work as the university psychologists and she is therefore not entitled to the same pay."

Brown defense

The Brown brief also argued, "The whole thrust of the university's defense in this action is that the pay differential between Mrs. Thompson on the one hand and Drs. Najera, Sorrentino, McGurk and Jones on the other are not based on sex but are, in fact, based on factors other than sex, namely the ability and work of the doctors in question,

between Thompson and Jones when making referrals. Chaplain Howard Oshes said that he referred everyone to Thompson "because I have found that she had the vote, the best response from the students I have sent to her."

Asked whether it made a difference to him whether or not she was a doctor, he replied, "It truly didn't."

The university tried to refute Thompson's claims by criticizing the testimony of the chaplains and asserting that "the supposed freedom of choice to walk-ins at Andrews House does not really affect the serious cases," according to the brief.

Johnson rebuts

Arguing against Thompson, Health Services Director Roswell Johnson said, "We want to give everybody free leeway to do what they want to do," but stressed that distinctions in case severity were



JULIUS MICHAELSON, now Rhode Island Attorney-General, headed the legal team representing Jane Thompson while he was in private practice.

Thompson questions Brown treatment of women

Continued from Page 3
level of questions that she's asked about various cases and the degree of sophistication about that, that these questions reveal."

McGurk testified, "There are, indeed, techniques that I use in my practice at Andrews House that Mrs. Thompson does not employ. These, in large measure, at least in my impression, are related to differences in our training." He cited behavior modification and utilization of data from psychological tests as examples of things he did which Thompson could not.

Brown psychiatrist Gabriel Najera also tried to document what various counseling staff members can do that Thompson cannot. He said, for example, that he did not refer "cases requiring dynamic psychotherapy" to her because "she does not have that training." He later admitted under cross-examination, however, that Thompson could conceivably be administering dynamic psychotherapy, even though he did not think she was trained to do it. He also said that he did know exactly what Thompson did in her counseling situations.

Echoing several other university witnesses, Najera discussed his view of how chaplains make distinctions between members of the counseling service staff. "They are professional people and I assume they would know the difference between the various professions," he said.

Associate Chaplain Richard Dannenfels testified that he made a conscious decision when making referrals to the counselors.

Talking about the distinctions between Thompson and Jones and McGurk, Johnson said, "As far as I'm concerned, I do not ever refer a serious case to Mrs. Thompson...Mrs. Thompson, in her own field, is a very skillful person. Her skills are that of a psychiatric social worker, but her skills, I do not see, as those of a skilled therapist."

Thompson exhibit
Thompson, however, continued to maintain that she did carry the same type of load as Jones, regardless of abstract training and ability comparisons. She produced an exhibit she had prepared, to

illustrate that she treated a significant percentage of seriously disturbed patients, coming from a variety of referral sources.

Later, in a quick-biting cross-examination of Johnson by Michaelson, this exchange occurred:

Johnson: I think (Thompson) certainly has understood from our conversation last spring, we had doubts about her ability to counsel difficult cases.

Michaelson: But, you nevertheless permitted her to continue?

Johnson: I'm not quite sure I could have stopped it.

Michaelson: You are the Director, aren't you?

Salary comparisons ruled out

Brown repeatedly tried to bring in salary comparisons with other institutions involving similar figures as Jones and Thompson. Commission Chairman Harvey, who headed the quasi-judicial proceedings, consistently sustained the objections of Thompson's attorneys, saying at one point, "We're not dealing with what the psychiatric social

workers do outside Brown University. What the commission is interested in finding out is: what is going on inside the university, and how that compares with the responsibilities and obligations of other members of that counseling service."

A pair of Thompson's claims were rejected by the Commission. The group found that she was not entitled to tuition remission under regular university regulations and that denial to her of this was not discriminatory.

There was also insufficient evidence to sustain Thompson's claim that the university's granting to her of only a 1.5 percent salary increase from the 1972-3 to the 1973-4 academic year was discriminatory by sex. The Commission, however, did say that there was "sufficient evidence...to indicate to us that Roswell Johnson was not pulling very hard for Jane Thompson's raise."

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THE CLASSICS CLUB invites you to an

informal colloquium at which Latin teachers from the area will discuss their profession and routes by which potential teachers of Latin may enter the field. Come to the Commons Room, Alumni Hall, on Thursday, March 12th, at 8:00 pm.

THE PROVIDENCE chapter of CAIR (Committee Against Israeli Retraef) will hold its first meeting Thursday, March 13, at Hill House on Brown St. at 7:30 pm. The guest speaker will be Dave Fisch, National Director of CAIR. Come, listen, and rap.

Inner City Teaching
Skills to be Explained

A minicourse program entitled "Technology People-Environment", designed for disadvantaged and unmotivated high school students, will be described at a presentation on the Brown University campus tonight. The pm lecture will be given in room 168 of the Barus and Holley Building by E.J. Piel.

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