

Minutes of the Senate Anti-Discriminatory Policies Committee
12 November 2009
826 Cathedral of Learning

In Attendance: Mark Lynn Anderson, Anthony Bauer (Chair), Paula Davis, Dorothy Hawthorne-Burdine, Rebecca Harmon, Sharon Nelson-Le Gall, Emilia Lombardi, Carol Mohamed, Melanie Rodrigues, Barbara Shore, and Bruce Venarde.

Absent Elected Members: Deborah Brake (on leave), Paolo Palmieri (on leave), and Cindy Popovich.

Anthony Bauer called the meeting to order at 3:05 PM.

Review of the Minutes

Chair Bauer thanked Melanie Rodrigues for keeping the committee's minutes during the October meeting in the absence of the committee's secretary. Emilia Lombardi asked for a small clarification to the October minutes, and Bruce Venarde asked for three corrections of fact. These changes were made. Sharon Nelson-Le Gall requested revisions of statements attributed to her. Venarde moved that the approval of the minutes of the ADPC for 8 October 2009 be tabled until next month, thereby allowing committee members more time to review the minutes. Dorothy Hawthorne-Burdine seconded the motion and the motion was carried.

Exclusion of Medical Benefits for Transsexual Health Care

Chair Bauer reported on his meeting with John Kozar, Benefits Director, regarding the University's current exclusion of medical benefits for healthcare related to gender transitioning. Kozar said he was unaware of how or why the specific exclusion was introduced into the current policy, but he said that it possibly could have been the result of simply borrowing or copying the language of another institution's policy when our statement of coverage was undergoing revision at some point in the past. Kozar promised to deal with the issue by taking three immediate actions: 1) polling other universities through questionnaire to see how they might provide coverage for GID diagnoses specifically; 2) looking at the model of coverage that is in place at the University of Michigan and find out what is covered there (for example, does their coverage include counseling, hormone therapies, surgeries); and 3) trying to ascertain the motivation for the current exclusion at the University if there was one.

Venarde asked about the specific formulation of the exclusion. Lombardi reported the exclusion explicitly covers, in the language of the policy, "transsexual surgery and any treatment related to the preparation for or correction of such surgery." Lombardi pointed out to the committee that such language allowed for wide interpretations, potentially authorizing exclusions of all sorts of medical procedures for transitioning people. Hawthorn-Burdine asked if the exclusion was removed whether we would then have to pay for reassignment surgeries. Bauer responded that any issues of actual coverage would be a benefits issue, but that the issue in front of this committee is the exclusionary

language of the current policy. Hawthorne-Burdine commented that if coverage of reassignment surgery becomes a benefit, it will end up costing all of us more, and she suggested that only surgeries that could reasonably be considered “life-saving” procedures should be covered, particularly during this time of economic downturn. Paula Davis pointed out that such surgeries might, indeed, save lives.

Barbara Shore inquired if the committee’s discussion of this issue was setting the agenda for this year’s work. Bauer responded that this is already a current and on-going issue for the committee. Hawthorne-Burdine asked Chair Bauer when he was scheduled to meet with Kozar again. Bauer said that he expected the surveys of universities to go out at the end of November and that the collected information would likely be processed by February or March. Bauer said that he would approach Kozar again at that time.

Venarde pointed to other equity issues at the University that had generated similar comparative studies with other universities, but that the gathering and mounting of this data often took as long as a decade and, while certainly useful, such protracted studies amounted to a delay in action and an avoidance of the issue. Venarde said he would like to see the University be “ahead of the curve” on this issue. Hawthorne-Burdine said that the issue of health coverage for sexual reassignment was different from issues such as gendered pay disparities. Hawthorne-Burdine maintained that this is a benefits issue only and not an issue of discrimination. Lombardi said that the stated exclusion of coverage is an instance of discriminatory policy since it promotes the potential for harming individuals because of an unfair exclusion. Hawthorne-Burdine claimed that it made no sense to extend insurance coverage for the removal of “normal body parts,” and that no underwriter or insurer should support such procedures. Davis pointed to coverage for elective, pro-active mastectomies as a counter example. Hawthorne-Burdine then mentioned how certain politically and ethically suspect medical procedures were often justified by euphemistic medical nomenclature.

Barbara Shore reminded the committee that our task was to identify discriminatory issues, to study them, and to make recommendations. She also urged the members to study the history of our committee. Bauer concluded the discussion by deciding upon contacting John Kozar at the end of January to see where his office is on the issue.

Student Arrests During the G-20 Summit

Chair Bauer asked the committee members if they wished to issue a policy statement on the police actions against students during the G-20 Summit Meeting in September. Mark Lynn Anderson said that he had asked the committee to consider the issue at its October meeting while he was overseas. Since then, the University and the Pitt Police have apparently dropped plans to send for Judicial Review all students arrested during the summit for refusal to disperse. Mandatory reviews and the fair treatment of students had been Anderson’s principal concern at the time. While questions remain about police actions in Oakland during the summit, especially police activity inside student dormitories, and while the ADPC will remain attentive to the University’s treatment of arrested students, no action or statements on the G-20 were recommended at this time.

PACWC and Pay Equity

Rebecca Harmon reported on her meeting with Maureen Beal and Jean Ferguson Carr, co-chairs of PACWC (Provost's Advisory Committee on Women's Concerns), to discuss gender and wage equity at the University. Harmon indicated that Beal and Carr were supportive of ADPC's desire to produce a survey with respect to possible wage and employment disparities, but they were reticent to share specific data gathered for the PACWC reports on gender and job equity. Harmon pointed out that, for example, the reports from the last three years indicate an overall 7.2% increase in women faculty chairs, but a recent small drop in the number of women chairs is left unexplained. The last comparison of salaries available is for the 2006-2007 academic year. Harmon reported that Beale and Carr recommended that any survey produced by our committee should address each issue separately. Harmon pointed out that pay equity remains an important issue both inside and outside of the University, but what is need within the University is a means of evaluating true equity across the board, an impossible task when confronted with aggregate numbers. Venarde mentioned that our surveys might only measure perceptions, whereas if we have hard data, we can look at actually existing conditions.

Harmon observed that PACWC is currently interested in issue of childcare and campus safety, though these current concerns do not, of course, negate the need to monitor wage standards. Anderson recommended that, as a long-time member of the ADPC with expertise on questions of pay at the University, Patricia Beeson should be included in the committee's efforts and inquiries on this topic. Hawthorne-Burdine said that there were concerns about salary bias in the School of Nursing, but that such matters could be settled by sitting down with the people who have the necessary data. She proposed that there was no need for us to gather information that had already been obtained elsewhere. Paula Davis inquired whether information was gathered on a yearly cycle, and she recommended that some sort of regular review process be established.

Hawthorne-Burdine asked how, even if there is evidence of wage disparities, we could attribute such disparities to bias. How can there be evidence of motivated discrimination? Harmon mentioned that she had been made aware of a specific instance of wage inequity, but that part of the problem of reporting such matters relates to employee fears about reprisals and job security. One's options only seem to be to either file a complaint with EEOC or keep quiet about the disparity. Carol Mohamed offered that her office, the Office of Affirmative Action, Diversity and Inclusion, would be a safe-place for any faculty member who had concerns about pay discrimination and that she could initiate investigations of such matters. She pointed out, though, that while her office can deal with questions of pay discrimination, matters of promotion and tenure were beyond her purview since these decisions were properly under the authority of specific schools, departments, and programs.

Shore suggested a simple two-part strategy: first get the information that we need to make an assessment, and then decide what we want to do about any assessment we make. Hawthorne-Burdine said that information on disparities in the number of tenured faculty also needs to be examined. Venarde proposed that until reliable data is available,

skepticism about equity would remain, though such problems can sometimes self-correct once attention is directed at the issue and public discussions take shape. Shore suggested that our efforts be turned toward a joint-study with PACWC, while Hawthorne-Burdine said that she was far more interested in qualitative evidence than in numbers. Harmon and others maintained that data collection was essential for any successful evaluation. Sharon Nelson-Le Gall pointed out that the University has its own internal research arm, and that Human Resources routinely asks Institutional Research to gather information on topics such as market conditions, merit, and equity. Thus, it is likely that we already have the necessary data collected at Human Resources. What recommendations or reports have they made? Members of the committee decided that our immediate plan of action was for Harmon to discuss the committee's current plans and concerns with Beeson and to solicit her advice and assistance.

Allies Network Training

Nelson-Le Gall reported on her and Hawthorne-Burdine's inquiries into the role ADPC has played in the formation and functioning of Allies Network. Nelson-Le Gall reported that after a review of available ADPC minutes, she determined that the committee had pursued the creation of Allies without the involvement of the full faculty. She reported that a Safe Zone resolution had been sent to the Faculty Assembly in September of 2004 but that the resolution was withdrawn. The establishment of the program was thereafter pursued through the Office of the Vice Provost and the Dean of Students. Nelson-Le Gall also reported that, after the implementation of the Allies program, almost all of the ideas for outreach coming from the ADPC had been realized. Davis suggested that part of the problem with faculty involvement in Allies Training lies in the fact that there is no faculty leadership behind the issue in the Faculty Assembly. Melanie Rodrigues inquired whether the training was only for faculty and staff. Anderson explained that undergraduate students were involved in the training sessions as assistants to the trainers, but undergraduates were not eligible for training. However, graduate students who teach or who supervise were eligible and encouraged to participate in the training. Anderson also pointed out that the ADPC's primary concern is no longer outreach *per se*, but the insurance that each training session is scheduled far enough in advance to allow for the effective use of those outreach initiatives already in place and, more importantly, to allow faculty members an opportunity to conveniently fit the training session into their busy term schedules. Adequate advance scheduling is the primary issue at present. Nelson Le-Gall proposed that such program oversight properly belongs to Kathy Humphrey. Anderson volunteered to remain in contact with Dean Humphrey and with the Office of Cross Cultural and Leadership Development about the scheduling of Allies Network training sessions.

Motorcycle Parking

Chair Bauer reported that the agenda item regarding possible discrimination against motorcyclist had been resolved by the creation of new parking spaces for motorcycles on campus.

Student Recording and Web-Posting of Classroom Lectures

Chair Bauer asked the committee if any action should be taken on a recent incident of a student video taping a portion of a classroom session and then posting it online without the professor or visiting lecturer's consent. The committee briefly discussed whether or not the classroom enjoyed standard privacy protections. Because other offices at the University are taking actions in response to this case, the committee chose not to pursue any actions of its own at this time.

ADPC and Regional Campuses

Chair Bauer proposed that we might look into some sort of interface between our committee and any similar committees that deal with discriminatory policy issues at the University's regional campuses. It was decided that Bauer would look into whether any such committee existed and proceed from there.

The meeting was adjourned at 4:50 PM.

Submitted by Mark Lynn Anderson, 4 December 2009.

Revised and resubmitted by Mark Lynn Anderson, 11 December 2009.