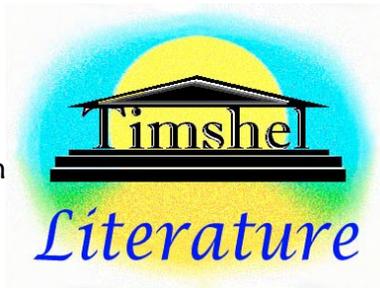


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**Transactions and Groping in Higher Education**

by Justin Katz

Erin O'Connor, an English literature professor at the University of Pennsylvania, writes about controversies within higher education. Generally, her emphasis is on tracking indications of the ideological and administrative rot that has led to her vocation's increasing indulgence in hollow shows of intellectualism. For example, she has regretfully, but honestly, explained to those considering entering her field that the career path is not what many professors present it to be.

With one story that she has been following, however, O'Connor misattributes as an administrative manifestation of domineering feminism what is arguably more correctly seen as a problem with a moral, behavioral manifestation of relativism and its attendant permissiveness. In response to a policy banning sexual professor/undergrad relationships at the University of California, Professor O'Connor concludes:

The policy will not catch faculty in illicit relations with students (not those who don't want to be caught, anyhow). But what it will certainly do is create an atmosphere of paranoia, one where the already overactive rumor mill goes into overdrive and begins to produce, through gossip, innuendo, and a newly prurient outlook, the sexually charged campus environment the policy ostensibly seeks to eliminate.

Is that outcome really "certain"? For one thing, both parties would be required to not want to be caught; professors would have to consider how much they are willing to risk on the discretion of eighteen to twenty-one year olds. And why is it a foregone conclusion that making a specific

sexual relationship illicit will increase the sexual charge? It seems more likely that the added significance — and potential repercussions — of such relationships would leaven the output of that “rumor mill” and inspire professors to latch their churning emotions.

Some other academics’ responses to the new University of California policy suggest that more schools’ following suit might be advisable. UC Berkeley professor of rhetoric and women’s studies Judith Butler told the *San Francisco Chronicle* that the policy “is extremely unrealistic, and some people are going to become criminal who were living perfectly responsible lives.” Extremely unrealistic? This must surely understate the ability of the (ostensibly) most-formed minds of our society to control their visceral lust.

The deeper question that Prof. Butler raises is with whom the responsibility lies to decide what are “perfectly responsible lives.” The trend in Western society has been to answer that question with, “the people living them,” but this sliding height is so loose as to be useless. Giving society even minimal justification for setting guidelines for individuals in certain situations, a university’s administration — those responsible for maintaining the institution in which professors and students interact — obviously has an interest, a right, and even a mandate to set that bar.

Whatever one’s belief about the general state of higher education, it must be admitted that each university is best position to judge its own environment. From a distance, Prof. O’Connor describes the scene at the University of California thus:

The ideologues who think grown men and women are too dumb to make their own sexual decisions and too immature to take responsibility for their mistakes ...

... I object strongly to policies that seek to monitor and regulate the sexual activities of grown men and women. ...this is infantilizing, intrusive, and insulting...

Well, are they? Are the men and women at this particular university behaving in such a way as to indicate that they are dumb and/or immature? In the sentence before the “ideologues” jab, O’Connor summarizes the specific instance that finally set flame to what has apparently been a

smoldering administrative desire since the '80s: “Theirs was a single drunken groping encounter, one that had a lot more to do with alcohol than a permissive sexual atmosphere on campus.” Well, it is certainly not less an act of sexual impulsiveness and more an indication of maturity than, say, a professor/student couple striving mightily to keep their deeply emotional relationship appropriate until such time as they are no longer professor/student. Looking at a prior description that Professor O’Connor offered of the incident at UC Berkeley, a reader would find it difficult to identify the party who behaved in a mature manner:

Though [Jennifer] Reisch was 25 at the time of her encounter with [Boalt Hall Dean John] Dwyer, though she was, by her own lawyer’s characterization, falling-down drunk the night it happened, though she invited him up into her apartment and chose to wait drowsy and prone on her bed while he used her bathroom, though she was well able to choose to make the series of transparently stupid mistakes that made their now-notorious disputed encounter possible, her accusations and her subsequent use of those accusations to drive an agenda reveal not only an unwillingness to take responsibility for her own role in the ambiguous groping encounter that has since been labeled “harassment” but also a truly draconian determination to make her own lack of accountability into the basis for sweeping institutional change.

It is, of course, incumbent upon the university administration to decide professors’ punishment wisely from within the range of “a letter of censure to dismissal,” and a lack of guidelines is definitely a tremendous flaw in the policy. One instance of irresponsible “groping” ought not end a career. Nonetheless, it is reasonable to doubt that the professor in question — even if drunk — would have put himself into such a situation were there no “permissive sexual atmosphere” on the campus.

O’Connor appears to be taking the student as the only participant in the groping who made mistakes. Turning perspective toward the other participant, the incident leaves open only two possibilities, and neither of them indicates that the new policy is overreach where he is concerned. Either Professor Dwyer consciously sought the sexual encounter with a drunk student, which at the very least suggests a sexually permissive environment, or he behaved in a dumb and immature

manner. In either case, actual consequences of “responsibility” that he would have the opportunity to be “mature” enough to take would surely have given Dwyer reason to consider the import of his behavior.

Part of the problem is the unique dynamic of a campus. The professor/student relationship is not exactly a professional one as might be found in an office, nor is it entirely provider/client. In both of those other scenarios, while there are usually imbalances of power and leverage, both parties come to the relationship for a discrete transaction that is often restricted explicitly in time and in location. In the case of a teacher and a student – whatever the level of education – the transaction is the latter learning from the former, receiving some form of knowledge and instruction, intrinsically being formed as a person.

Whatever their tendencies to undermine the crucial free exploration of their professors, perhaps college administrators understand something that the professors themselves are reluctant to enunciate in terms of business and marketability. To the extent that professors and students are merely adults contracting for a particular transfer of goods and services, the hallowed halls of the university lose their unique authority. Books and CD-ROMs, after all, can teach a subject at a much lower cost than can a live person. Countless novels and movies highlight society’s expectation that teachers impart more than their subject matter.

Apart from any policy, affairs with professors are apt to color the educational experience of students in a darker shade than affairs with students are apt to color the careers of professors. Given their influence on the lives of those to whom they offer their services, is it too much to insist that professors make greater than average attempts to think with their heads?