

Ex-professor's harassment suit rejected

SUIT from page 1

She alleged that, in the fall of 1994, male students in one of her classes made kissing noises and catcalls. In December 1994, she alleged, she found a public hair in one of her student's papers.

In May of 1995, she said, a graduate student found two or three fliers in Oldfather Hall making derogatory sexual remarks about Schwebach.

Schwebach said the political science department ignored her complaints about those and other incidents.

"I have never set foot on this campus after hours, since 1995, without either my husband or my very large dogs," Schwebach told the Daily Nebraskan in April 1998. "I don't feel safe on this campus."

Schwebach filed her first charge with the Equal Employment Opportunity Commission on July 31, 1997,

saying the political science department tolerated sexual harassment that created hostile work conditions.

By law, the district court could consider only sexual harassment incidents that allegedly occurred in the 300 days before she made the complaint. If Schwebach had shown incidents of sexual harassment occurring during that period, she also could have cited connected incidents that happened before then.

But the court ruled that the only two incidents Schwebach alleged to have happened during that 300-day period - a complaint by Schwebach that the department handled harassment complaints filed by men more quickly than hers and an overheard conversation in which two male graduate students discussed the breasts of a female student - did not constitute unwelcome sexual harassment directed toward her.

"She did not show a hostile

work environment due to sexual harassment within the statutory time frame, and thus clearly cannot establish a nexus, let alone a substantial nexus, between incidents occurring within the statutory time frame and those occurring outside the time frame," the court wrote.

In a second Equal Employment Opportunity Commission charge on Oct. 21, 1997, Schwebach said the department had retaliated against her for her first complaint.

Schwebach alleged three instances of retaliation: A professor commented on her case during class, the department excluded her from a department function, and Forsythe distributed a copy of his response to her complaint to the Academic Rights and Responsibilities Committee, as well as a copy of her employment commission complaint, to other members of the political science department.

The court ruled that none of these actions, even if they did occur, constituted retaliation. Under the law, examples of retaliation include termination, reduced pay or benefits, damage to the employee's career prospects or undeserved poor evaluations - none of which were alleged by Schwebach, the court noted.

According to the court's ruling, Schwebach received favorable evaluations throughout her employment.

Although she had not received tenure, she was on track for it and would have received it after six years on the job.

"Even combining all the incidents plaintiff claims are retaliatory, none of them involve a tangible change in her working conditions producing a material disadvantage," the court wrote.

Schwebach also claimed she was the victim of "constructive discharge," in which an employer makes the employee's work-

ing conditions intolerable to force the employee to resign.

But the court ruled that no evidence indicated the department sought to force her resignation.

The court noted that John Comer, who replaced Forsythe as department chairman in March 1998, took action to stop the posting of derogatory fliers.

Citing precedent, the court noted that "an employee may not be unreasonably sensitive to her working conditions."

"The difficulty with the plaintiff's assertion of constructive discharge is that she does not allege any incidents after she informed defendant of her desire to quit that would suggest defendant intended to make her environment so intolerable as to force her to quit," the court wrote.

At the time she left UNL, Schwebach said she would leave the academic world altogether.

ASUN lobbying decision withheld

COURT from page 1

Trent Steele, student court chief justice, said the group reached a decision on Schafer's petition but was unable to release the information because court members needed to prepare an explanation and analysis of its ruling.

The decision could affect ASUN's role in lobbying for or against the Defense of Marriage Amendment, which would prohibit gay and lesbian civil unions in Nebraska.

Schafer said he asked for a clarification because he anticipated an ASUN member's introducing a bill into the senate that would support or oppose the amendment.

Because the amendment will be on the ballot in November, Schafer said, he wanted a clarification whether the initiative could be regarded as a candidate, thus making it unconstitutional for ASUN to take action.

"While I don't think an initiative is grouped in as a candidate, I wanted to be clear on where we stood before an issue came before student government," he said.

If the court rules to not clarify the language of the bylaw, ASUN will be able to lobby for ballot initiatives and amendments, he said.

But if the court rules ASUN's participation in ballot initiatives is unconstitutional, the bylaw will need to be rewritten and student government will be prohibited from lobbying for ballot initiatives and amendments, Schafer said.

The student court comprises members appointed by last year's ASUN president, Andy Schuerman, said Marlene Beyke, ASUN director of development.

Beyke said it was rare for the student court to hear many cases each year, especially petitions from the ASUN president.

Schafer's petition is the court's first case this year, she said.

The court's decision is expected to be announced by Thursday, Steele said.

U.S. antimissile unit on alert

■ Pentagon suspects Iraq attack on Israel, readies Army Patriot.

THE ASSOCIATED PRESS

WASHINGTON - The Pentagon put an Army Patriot antimissile battery on alert Thursday for a possible deployment to Israel because of concern that Iraq may decide to strike during the U.S. presidential campaign, The Washington Post reports.

The action is in response to concerns that Iraq may decide to fire surface-to-surface missiles at Israel as the presidential campaign gets into full swing after Labor Day, Monday, said the report published on the Post Web site Thursday night.

The unit on alert is the 69th Air Defense Artillery Brigade, based near Frankfurt, Germany, the report said.

The Pentagon did not immediately return a call seeking comment late Thursday night.

U.S. military officials in Europe could not be reached.

The Patriot missile is a guided supersonic surface-to-air missile designed to intercept enemy aircraft and missiles, and was used extensively in the 1991 Persian Gulf War.

During the war, 39 Scud missiles were fired at Israel during the Patriot's first deployment. The Patriots were mostly unsuccessful in deterring Iraq's attacks, which damaged Tel Aviv neighborhoods.

In December 1998, the Pentagon sent the missiles to Israel to head off any possible attacks while Iraq refused to cooperate with U.N. weapons inspectors.

The crisis culminated in a 70-hour air war against Baghdad. No Iraqi missiles were fired at Israel during that time.

Defense officials did not say whether the United States was acting out of a general concern or was provoked by hard evidence, the Post said, though in the past Iraq President Saddam Hussein has provoked con-

frontations during sensitive moments.

U.S. and British warplanes have had many confrontations with Iraq, patrolling over northern and southern Iraq in "no-fly" zones set up after the war to protect Kurdish and Shiite minorities from the Iraqi military.

Iraq maintains the zones violate its sovereignty and has been challenging the patrols since December 1998.

On Wednesday, an official Iraqi newspaper said that U.S. jets bombed a village in southern Iraq, injuring a child and two others.

The paper quoted a statement by a military spokesman that Iraqi air defenses hit one of the planes.

U.S. officials confirmed coalition aircraft struck Iraq on Wednesday, but said they targeted an air-defense command post and anti-aircraft artillery sites.

The officials said the planes returned safely.

Report challenges 'going postal' notion

THE ASSOCIATED PRESS

WASHINGTON - Postal workers have gotten a "bad rap" from widespread reports of violence at post offices, says a new report from an independent commission that concludes the agency is actually one of the safest places to work in this country.

"Going postal is a myth, a bad rap, nonsense," commission chairman Joseph Califano said Thursday.

"Postal workers are no more likely to physically assault, sexually harass or verbally abuse their co-workers than employees in the national workforce."

And, he added, "postal workers are only a third as likely as those in the national workforce to be victims of homicide" - 0.26 per 100,000 versus 0.77 per 100,000.

Concern about postal violence has risen with a series of 29 incidents dating to 1986 in which 54 people were killed.

"I didn't want to go to one more postal facility and explain why some father or mother was murdered," Postmaster General William Henderson said of his decision to ask the independent commission to analyze the problem.

While Califano's group determined that the rate of violence was actually lower in postal facilities than elsewhere, it did note that the post office has a high rate of grievances and made recommendations for reducing labor-management tension.

"The major findings, we're in absolute agreement with, and will take steps," said Henderson.

He said some of the suggestions, including incentive pay, will be brought up in negotiations with the postal service's major labor unions, and he will take steps to modernize the service's grievance process.

While the instances of violence in recent years included many other businesses, in the vernacular, a violent attack in the workplace became known as "going postal."

Califano reported that workers at private postal services are twice as likely to be murdered on the job than federal postal workers, and retail clerks are eight times more likely. The highest murder rate, he noted, was for taxi drivers.

Nonetheless, he said, the past reports about going postal have caused "unnecessary apprehension and fear among 900,000 postal workers."

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