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Curran, Edward: Humanities Chairman Nomination Hearing (1985): News Article 02

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decisions seems to be making the Justice's testier than usual. "Justices always take jabs at one another's legal reasoning," said one college lawyer recently, "but they're really getting nasty now."

In a recent example, Chief Justice Warren Burger was less than complimentary in his dissent from a majority opinion holding that Texas could not withhold state funds from local school districts for students whose parents are illegal aliens. In the first paragraph of his dissent, Mr. Burger asserts, "Were it our business to set the nation's social policy, I would agree without hesitation that it is senseless for an enlightened society to deprive any children—including illegal aliens—of an elementary education. . . . However, the Constitution does not constitute us as 'Platonic Guardians' nor does it vest in the Court the authority to strike down laws because they do not meet our standards of desirable social policy, 'wisdom,' or 'common sense.'"

The Education Department has been trying to crack down on students who provide inaccurate income information when they apply for federal financial aid. But some student-aid applicants are falsifying even more basic information—their names and Social Security numbers—to obtain federal grants and loans, says James B. Thomas, Jr., Inspector General of the Department of Education.

One case uncovered by federal investigators, Mr. Thomas told a Senate panel last week, 15 members of a single family had fraudulently obtained $250,000 in federal student loans by using fictitious names.

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Bell Fires Controversial NIE Chief for Urging Agency’s Abolition

WASHINGTON

Edward A. Curran, the controversial director of the National Institute of Education, has been forced to resign after holding the office for less than nine months.

Administration sources said his resignation had been requested by Education Secretary Terrel H. Bell because Mr. Curran had written to the White House recommending the abolition of his agency, the education-research arm of the Department of Education.

Mr. Curran could not be reached for comment, but other Administration sources, who asked not to be named, said Secretary Bell had fought to preserve the research agency and considered Mr. Curran's action "insubordination."

Before the release of the President's fiscal 1983 budget request in February, the sources said, Secretary Bell fended off proposals by other Administration officials to eliminate the N.I.E.

In defending the Administration's proposal to dismantle the Department of Education and replace it with a smaller education foundation, Secretary Bell has argued that supporting research should be a key function of the new agency.

Before being sworn in as director of the education institute, Mr. Curran was associate director of the White House personnel office. He also worked on Ronald Rea-

Since taking on the job as director of the N.I.E. last October, Mr. Curran has been surrounded by controversy. His efforts to add new people to the panels that review N.I.E. grant applications were regarded by some educators and staff members of the agency as an attempt to politicize the peer-review process. Mr. Curran's aides have denied charges that the new reviewers were chosen on the basis of their conservative political credentials.

He also drew fire with plans to revise the agency's research agenda to emphasize excellence in education and what he called "freedom issues," such as tuition tax credits and education vouchers. Some educators charged that the new research priorities reflected a conservative political agenda rather than the concerns of educators in the field.

"The agenda he outlined suggested a set of biases that were very far over on the right," said William G. Monahan, dean of the college of human resources and education at West Virginia University. Mr. Monahan noted, for example, that an early draft of an N.I.E. research plan had suggested studies of the effects on children's learning when their mothers hold full-time jobs.

Mr. Curran also was criticized for pushing a plan to terminate, one year early, the...
The impact of Title IX on athletics—substantial progress, but no lack of problems remaining—mirrors its effects in other areas, say women’s leaders who have monitored the implementation of the law.

Overt Discrimination Gone

"When I look back at the situation prior to Title IX and compare it to today, it’s clear that some areas have changed a lot and some hardly at all," said Bernice R. Sandler, director of the Project on the Status and Education of Women at the Association of American Colleges. The project, established in 1971, has published extensive analyses of Title IX, its impact, and the government’s enforcement of the law.

"The most overt discrimination is gone now," Ms. Sandler said. "Women can join the faculty clubs at all institutions, the nepotism policies have been abandoned, institutions recruit more women, and there is now someone or some office on campus that women employees or students can complain to if they think the Association of Women is being discriminated against—even if these offices or officials sometimes don’t have much power or aren’t as effective as they might be.

"I also think there are major differences in attitude. People realize there has been discrimination. When my children held the hearings, there were no witnesses from higher-education institutions, only up to about 10 percent.

"Women faculty members still don’t move ahead at the same speed as men, and there are salary discrepancies at every institution, at every level, in every discipline”—disparities that remain even when one allows for such variables as years of experience and the type and quality of doctoral training.

A recent survey by the National Center for Education Statistics found that female faculty members earned an average of $4,835 less per year than male faculty members.

"The more prestigious the position on campus, the harder it is for women to advance," Ms. Sandler said. "For example, it was easier to change undergraduate admissions than it has been to get women appointed college presidents. One of the beauties of Title IX, though, has been that most changes due to the law did not come because the institutions had to, but because they wanted to.

"A lot of things happened because women raised questions about something and it was quietly changed—eg, the old practice at some colleges of giving only good service in women’s dorms, not in men’s, even though women paid the same fees for room and board.

"Once the law was on the books, women could say that something was unfair, but they could also say that it was illegal," Ms. Sandler said.

But, Ms. Sandler noted, "the hardest thing for Title IX to deal with are
doing it or not.

"This can include calling on male students more often in class, cutting women off when they’re making a comment, giving female students little guidance or criticism, and favoring men in choosing student assistants.

"Overtly demeaning or patronizing comments by faculty members are still reported by many female students, and female students and faculty members are calling increasing attention to incidents of sexual harassment. Some studies have reported that up to 20 percent of female students feel they have been subjected to harassment or sexual innuendos.

"Title IX has been interpreted by the Office for Civil Rights as barring sexual harassment, and the agency has determined that harassment has occurred at a number of institutions.

Worries About the Future

Even with the sweeping changes of the past decade, supporters of Title IX are concerned about its future.

A recent ruling by the Supreme Court, holding that Title IX applies to employees of educational institutions as well as to students, clears up a major challenge to the statute. But a prime question remains: How will the courts interpret the "programs and activities" to which Title IX applies at colleges and universities?

"Some institutions are challenging the law’s application to bias complaints arising in programs or departments that do not directly receive federal dollars. And women’s groups are worried that Title IX is in Education countering that Title IX imposes no reporting or record-keeping requirements, although a college would have to produce existing personnel and salary records, for example, if the Office for Civil Rights investigated a job-bias complaint.

Women’s groups are also concerned about Vice-President Bush’s Task Force on Title IX. Continued from Preceding Page

NIE Chief Fired

Continued from Preceding Page

Robert W. Sweet, Jr., former deputy director of the institute, has been named acting director.

Mr. Curran is the second top official in the Department of Education to be asked to resign in the last three months. In April, William C. Cochran, Jr., was forced from his post as Under Secretary of Education, reportedly because of pressure from conservatives who regarded him as too liberal.

Earlier two other top officials—the former Deputy Under Secretary for management and the Assistant Secretary for elementary and secondary education—left the department for other jobs.

—Janet Hook

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