Grad student to sue Poly in sexual harassment case

Claims professor's advances weren't properly disciplined

By Steve Harmon
Senior Staff Writer

A female graduate student has filed a $1 million lawsuit against Cal Poly alleging that she was sexually harassed by a professor and that the university did not discipline him adequately.

Helyn Fay, 39, who is working towards a master's degree in counseling, filed the suit Monday against Computer Science Professor Emile Attala and Cal Poly. The university investigated the complaint and ruled that sexual harassment had occurred.

Fay and her attorney, James McKiernan — who is also working on the Paul Floyd case, the San Luis Obispo County auditor-controller who is accused of sexual harassment by former female workers for the county — held a press conference Tuesday at his office.

Fay outlined her complaint and provided written documentation with dates and details of the allegations against Attala.

Fay is married to the Rev. Ronald Fay who pastors a church in Los Osos. They have two children.

Jan Pieper, director of personnel who investigated the complaint, said "administrative action" had been taken but would not comment further. Pieper said personnel matter are confidential.

Mike Suess, who co-investigated the complaint, said "these types of complaints are the most complex to investigate." He said Cal Poly did make a report to Cal Poly President Warren Baker.

Fay said Baker was involved with the case in the beginning but pulled himself out of it due to a conflict of interest. She said Baker is an acquaintance of Attala.


Baker's secretary said Baker was unavailable for comment.

Cal Poly is liable for damages, said her attorney James McKiernan, because employers are always liable for damages in such cases. McKiernan said the university was negligent in its handling of the case.

Fay does not have a problem with not knowing what kind of discipline Cal Poly took against Attala.

See HARASSMENT, page 9

Prof to teach again after being banned without explanation

Rice: Union contract was violated

By Jay Garner
Senior Staff Writer

For the past two months a long-time Cal Poly professor has been banned from campus and suspended from teaching — without ever being informed why.

On Monday instructor Walter Rice was informed by the personnel office that he is "scheduled to resume his normal duties in the winter quarter of 1990." Rice told Mustang Daily Tuesday that his lawyer is sending a letter to the California State University attorney asking for clarification of the phrase "scheduled to resume normal duties" by Nov. 20 — in short, Rice and his lawyer want to know if the allegations against him have been dropped.

Rice, who has a doctorate in economics, has taught at Cal Poly for 25 years. His students named him best teacher in the economics department for the last three academic years. He also served as department head during fall 1987, fall 1988 and winter 1989. But on Sept. 8, 1989, Rice's teaching career was temporarily halted. Public Safety delivered a letter from Academic Vice President Malcolm Wilson at 6 p.m. to Rice at his home stating that Rice was suspended with pay.

"I was in an absolute state of surprise, shock and bewilderment," Rice said. "The letter came without any warning or communication from the administration."

Rice was suspended under Article 17.1, section (c) of the California Faculty Association's union contract that states, "When the President determines that there exists strong and compelling evidence, the President may temporarily suspend with pay a faculty unit member for reasons related to investigation for formal notice of disciplinary action."

Cal Poly President Warren Baker has delegated this personnel matter to Wilson. Wilson was ill and unavailable for comment.

That weekend, Sept. 9-10, the locks on Rice's office were changed.

Rice then obtained San Luis Obispo attorney William H. Just because he's suspended, Rice is allowed to keep his.As soon as the letter is signed, Rice will be informed of his status.

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Letter to the Editor

Student disapproves of flag burning

Editor — I was appalled by reports of the recent flag burning in the Journalism Union. Although I was not present for the incident, the Nov. 9 story, "Student torches U.S. flag on campus," brings two important issues to mind.

First of all, I would like to applaud Neal Thompson and Larry Goldstein, both of whom tried to stop the flag burning. When individuals break laws to make statements, they are exercising their freedom of choice. Similarly, if people present choose to stop the display or even physically restrain the instigator, those individuals are exercising their freedom.

All must be willing to face the legal consequences of their actions. I am certainly not advocating mob justice or assault, but Philip Bolloms's statement, "I choose to stop the nonsense," brings two important issues to mind. Either case is truly pathetic. Besides the legal and ethical arguments about flag burning, it is ultimately an ignorant and meaningless act that makes a statement of contempt but offers no solutions.

If Bolloms wants to make his political beliefs known, I would suggest voting, getting involved with political groups, or even writing a letter to Mustang Daily.

If this was really just a plea for attention, I would suggest some other form of public display that doesn't involve the flag, such as streaking.

David Perlick
City and Regional Planning

Opinion

Students on the Soapbox

How do you feel about a flag burning law (making it illegal)?

"I don't think it's right to burn flags. Regardless of the people here in this country, flag burning doesn't solve the problems." — Calvin Gee

"I don't agree with flag burning, but it shouldn't be illegal. People need to think twice about why they're burning the flag and what it means to them." — Molly Gilliam

"I don't think you should burn the flag .... Just because you're mad at something, you don't have to destroy it." — Janie DeVe

"I'm fully against burning the flag, because you can't express freedom by burning a symbol of freedom." — Amy Dawson

"I'm for the flag burning law because it symbolizes America, and I wouldn't want anybody burning America up." — Rob Cordon

It’s obvious our humanistic beliefs and our rejection of the God who knows us best is the cause of our decaying educational system, morality and family structure.

The media mocks religious hypocrites but rarely reminds us of the faithful who are sacrificing their lives for the refugees and the oppressed worldwide.

Why hasn't our media covered the growth of churches or the changed lives around the world? Or about the massive lines behind the Christian table and the lack of people behind the atheist table at a recent book fair in the Soviet Union?

Even our own Mustang Daily didn't cover the movie sponsored by Poly Christian Fellowship, "Beyond Human Control," which has probably been the most powerful event on campus all quarter.

But let's look at ourselves, because change must begin with you and me. Have you read the Bible, the world's best seller, and tried to implement it in your life? From the Jewish Torah to Revelation, there's so much in the Bible, including knowledge, wisdom and insight to God and His goodness.

Read for yourselves the personal accounts of how our forsighted founding fathers relied on the Bible personally for the structuring of this nation.

Even recent history books exclude God, our founding fathers and the Bible. When we consider that our foresighted founding fathers and mothers etched in stone a constant reminder that the core of America is our trust in God, and God's goodness to us.

Look at the House of Representatives, the Senate, the Supreme Court, the memorials and monuments to our great leaders, and their power—free speech.

Our Constitution, Declaration of Independence, pledge of allegiance, national anthem, currency, old patriotic songs, literature, and history time and again express dependency on God and give Him the glory.

But have we thanked Him for all He's done? Actually, in my eyes we're spitting in God's face, and we're spitting in the faces of those who gave up everything so we might be free.

Teachers can't excite God, but they can preach humanism. We can't pray to God in the schools, but we can meditate on powers within ourselves.

Even recent history books exclude God, our founder's dependency on Him and His great interaction in our land.
Poly enrollment exceeded by 1,350 full-time students

CAPTURE among reasons for error

By Leslie Morris
Staff Writer

Cal Poly has exceeded its budgeted enrollment by more than 1,350 full-time equivalent students, according to Cal Poly officials.

Certain city councilmembers have been accusing Cal Poly of over-enrollment since September, when councilmember Peg Pinard threatened to sue the university in order to implement a cap on enrollment. The newly released enrollment figures may cause increased friction between the town and the university.

Cal Poly is budgeted to accommodate 14,300 students. The 1,358 increase brings the total to 17,564 full-time and part-time students on campus.

Walter Mark, director of institutional studies at Cal Poly, said the over-enrollment is due to inaccurate predictors and a variety of administrative changes.

Predictors are means of estimating probable enrollment figures for the upcoming school year.

The new registration system, Cal Poly’s Touchtone User Registration (CAPTURE), is one reason for increased enrollment. "I think it made a big difference in the continuing student rate," said Mark. "We were shocked."

With the previous system, Computer Assisted Registration (CAR), 15 percent of students received a blank study list because of closed or cancelled classes, especially for those taking general education classes. But with CAPTURE, said Mark, even students with last priority were able to get full class loads.

Continuing students have been known to take quarters off, mainly because of registration difficulties and unavailability of classes. With CAPTURE there was a 3 percent increase in enrollment over past years. This produced 800 more students than projected, Mark said.

In the acceptance process, more space reservations are sent out than actually available. In previous years, the show rate, or the amount of students who actually decide to attend Cal Poly, has been about 55 percent. The usual number of conditional acceptances, which are notices that accept the individual to Cal Poly if minimum California State University and Cal Poly eligibility requirements are met, was increased this fall by 1,500 when the admissions office changed computer systems and fell behind in the process. "That could have had a change in the show rate," said Mark. He said that this allowed 150 to 200 more students to be accepted than was expected.

See ENROLLMENT, page 10
"I wasn't rubbing it in—I just wanted Eddie to know the score of last night's game."

Ordinance lets homosexuals live in Irvine
But can't flaunt lifestyle, it says

IRVINE, Calif. (AP) — Homosexuals are welcome to live in this city as long as they don't promote their lifestyle, said leaders of a group whose efforts removed a clause from city ordinance that protected gays from discrimination.

"Homosexuals, like any other citizen, are welcome in the city of Irvine. We just don't want homosexuality promoted in Irvine," Scott Peotter, president of the Irvine Values Coalition, said Monday.

The group successfully waged a campaign for the Nov. 7 election to pass Measure N, which repealed civil rights protections for homosexuals contained in a city ordinance.

At a news conference on the steps of City Hall, Peotter and fellow group leader Michael Shea denied they would become the so-called "sex police" that their opponents had charged.

Peotter said the measure passed by a six-point margin because "the majority of people in Irvine feel homosexuality isn't right."

However, their success does not mean "open season on homosexuals," he said. "It means we go back to a level playing field."

Jim Boone, the homosexual representative for Irvine Citizens United Against Measure N, was angered by Peotter's statements Monday.

"If that's their welcome, God knows what their rejection amounts to," Boone said. "All one can say is clearly they wanted, desired and claimed the right to discriminate on moral grounds. One can only assume they have every intention of doing so."

An estimated 10,000 homosexuals live in this Orange County community, located about 40 miles southeast of downtown Los Angeles.

Irvine City Attorney Roger Grable said the city will continue to refer homosexuals who have discrimination complaints to mediation services.

3 skydivers jump; use downtown LA building, not plane

LOS ANGELES (AP) — A trio of skydivers apparently decided to make an early morning jump using a downtown skyscraper instead of an airplane, and one of them crashed into a potted tree but all got away, authorities said.

Police officers didn't witness the incident and didn't see anyone lugging parachutes through downtown afterward, but the smashed-up potted tree on the fourth floor of a downtown bank was evidence something occurred, said police Officer Bill Frio.

"All we've got is what a witness told us," Frio said Tuesday. "We don't even know who they (the jumpers) were."

If the jumpers were caught they might have faced trespassing charges, police said.

Police Sgt. Ted Matthews said construction workers building the Metrorail subway reported seeing the skydivers about 1:30 a.m. Tuesday.

It was unclear which building the three leaped from, but it appeared one of them wound up on the fourth floor of the Wilshire Boulevard bank.
DYSLEXIA: Learning the hard way

By Steve Jones

In 1983, high school officials told John Bartizal he shouldn't attend college. Today, John is a senior speech communication major at Cal Poly, nearing graduation.

Why would high school administrators and psychologists tell a student — hopeful of getting a college diploma in order to lead a more successful and fulfilling life — that this is an impossible dream?

"The psychologist in high school told me not to go to college. They said it would be too frustrating and the feeling of failure would be too much for me," John said. "They recommended that I get a manual labor job."

By the way, one rather important detail may have been omitted: John is dyslexic.

Dyslexia is a learning disability that is divided into three categories: Dyslexia, the inability to read; dyscalculia, the inability to do math; and dysgraphia, the inability to write. John is afflicted by dysgraphia, although his reading is also affected.

"I read at the ninth grade level and I spell at about the fifth grade level," John said.

Yet John not only made it into Cal Poly, a school of high academic standards, but he has been here for five years. He attributes much of his success to the school's Disabled Student Services. DSS currently helps 330 dyslexic students here at Cal Poly.

The head of Cal Poly's DSS is Learning Specialist Anne Fryer. She describes DSS as a support service for students with learning disabilities such as dyslexia.

Dyslexia basically is a processing disorder that causes an individual to see letters or numbers differently than they actually are. Letters sometimes shift on the page or even completely reverse. In other cases, words will run together or the black to white contrast of a printed page will play tricks on an individual.

"The letters don't always reverse, they sometimes just shift. What happens with a lot of students," Fryer said, "they'll say they see rivers going through the print. The rivers are the white spaces between the words and sometimes these white spaces sort of leap out at them."

Problems caused by dyslexia vary from individual to individual. This variance makes the disease almost impossible for experts to completely understand. Through the years, people called the disease a form of insanity or a vision problem. Others thought it was a form of mental retardation. Only recently have experts been able to see it as a processing difficulty that can be helped through support services, although there still are experts who do not accept dyslexia as a medical problem.

One misconception about dyslexics is that they are unintelligent, but Anne said this is usually not the case.

"Part of the definition of someone with a learning disability is that they have average to above average intelligence."

An individual being tested for dyslexia is given eleven Waissar tests, or IQ tests. Six of these test verbal skills and five are performance tests. These are non-paper and pencil tests for common reasoning and problem solving capabilities.

In diagnosing dyslexia, the tester looks for a "spiky profile." This means large differences between scores in various areas. While an average person's scores would be within three to five points of each other, someone with learning disabilities may have a 12- to 15-point or even greater difference between scores.

John said he has a 40-point difference between his speaking and writing scores.

If individuals show signs of a learning disability in the Waissar tests, they are then given achievement tests to narrow down the problem area.

Today, many adult illiterates are being diagnosed as having dyslexia, and experts estimate that nearly one-third of all children with reading problems are affected by dyslexia.

"To me, in spelling a word there's almost no memory process. So to spell a word is like you're writing it for the first time each time," John explained.

For an individual with John's disability, writing a simple sentence becomes a major feat, especially when in a situation catered to those without learning disabilities, such as a college environment.

"When you are taking a test or something, you can't go through each word," John said. "You've kinda got to push on and hope that the teacher understands."

Yet a great number of professors at the university level don't understand. Both John and Anne agree that the one problem area in the assistance of the learning disabled at the college level is a lack of faculty understanding.

"It's always interesting to tell my professors that I'm dyslexic because I get so many different reactions. There are teachers that have worked with disabled students and understand the disability and there are those who just look at you like you've got the black plague."

— John Bartizal

It's interesting to tell my professors that I'm dyslexic because I get so many different reactions. There are teachers that have worked with disabled students and understand the disability and there are those who just look at you like you've got the black plague.

— John Bartizal

Steve Jones is a journalism major concentrating in public relations. This is his first quarter reporting for Mustang Daily.
THANKSGIVING TURKEY SHOOT

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Turkeys awarded hourly to top shooters

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TIME: 10:00 to 4:00 pm
WHERE: Campus Indoor Rife Range (Next to the Aviation Hanger, near the Race Track)

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Students find home in lively setting

Morgue residents pick up bodies for rent-free living

By Cyndi Smith

The old saying goes "Home is where the heart is." But in this home, the heart isn't even beating.

Home for four Cal Poly students is a mortuary.

In exchange for picking up corpses and delivering them to the Reis Chapel Mortuary on Nipomo Street, the students live rent-free in an apartment upstairs from the mortuary, which they affectionately call the "Dead Shed."

"We actually came across this deal about three and a half years ago," said Steve Grande, a senior political science major.

Grande explained that he had been a resident adviser in the dormitories for a year and was looking for another place to live.

"A friend told me about this great deal where you can live for free if you work the night shift at the morgue," he said.

The night shift involves waiting by the phone for a pick-up request, said Grande. "There's not a big turnover rate, so we can sit by the phone and study or watch TV or something."

The students are required to work weekdays from 5 p.m. to 8 a.m. and from 8 a.m. to 5 p.m. Monday. Grande trades shifts with roommates Tom Vanderweide, an agricultural engineering major, Michael Beck, a psychology major, and Darin Gittings, a mechanical engineering major.

"It sounds like a lot of hours, but we trade off, so we each only work one or two shifts a week," Grande said.

The students are not involved in the embalming process of the corpses. "We don't have a license for that, so we call in the day crew if it's an emergency," Grande said. "We're just like a delivery service."

"We get free mortality lessons too," said Beck. "We're learning to deal with death quite directly."

Living in a mortuary hasn't had any negative effects on the social life of Grande or his roommates. "Most of the time we don't even think about it," he said. "We have a private entrance, so it's not like we have to go walking through bodies to get home."

"Sometimes when girls see our place they say 'Eeew, you live in a mortuary' but usually it's no problem," said Beck.

Grande said his mom was taken aback when he first told her where he would be living. "But when I told her I wouldn't be paying rent, she thought it was great," he said.

Beck agreed. "My parents are stoked that they don't have to pay rent," he said.

"We get free mortality lessons too," said Beck.

As for the future of the Dead Shed, it is all in Beck's hands.

"The rest of my roommates are looking forward to establishing my own balance of power here," he said.

The advertisements for new roommates should be interesting.

Come and see what's new

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NeXT Representatives Will Be At

- Chumash Auditorium - Thursday, Nov. 16, 11 a.m. to 3 p.m.
  - Product Demonstration - 11:00 a.m.
  - Mathematica Overview - 1:00 p.m.
  - Programming Tutorial - 2:00 p.m.
From page 1

A call from a frightened and confused graduate student, Helen Fay. She was referred to Stultz by Lois Dirkes, a Cal Poly counselor.

"I thought he would be very good," Dirkes said. "He has an excellent reputation. I had a daughter who took a class from him and I took a class from him and knew he was qualified to be an advisor."

Fay said Stultz supported her throughout the process and gave her much needed emotional support.

"Emotionally it's been very difficult," Fay said. "It was embarrassing. Fred gave me the support I needed. I depended on him."

Fay alleges she was sexually harassed by Computer Science Professor Emile Astala last October and November at the professor's home while she was doing class work for an independent study class he taught. She went there at his suggestion to use his home computer after he allegedly made excuses for her not being able to do the work on campus.

Fay said Cal Poly investigated and ruled in Fay's favor. But she does not know what kind of discipline, if any, has been taken.

Stultz said Fay does not know what kind of discipline, if any, was taken and that is why Fay is taking her complaint to another forum, the courtroom.

"Helen has exhausted all of her options within the sexual harassment policy," Stultz said. "She's completed that entire process."

The process starts with an initial complaint being filed with the university's designee for each school and then it is investigated and Cal Poly decides whether or not sexual harassment has occurred. The next step is some sort of discipline, which can range from a verbal warning to dismissal for the accused, but it's up to the university to decide how severe the punishment will be. Victims never know what kind of discipline was taken until the confidentiality rule in the policy, Stultz said.

Stultz said he wants the university to become active in educating the campus population about what sexual harassment is and how it can be prevented.

"Once it happens, the damage has been done," Stultz said. "The only way to deal with this is to make sure these kinds of things don't happen."

Stultz said he volunteered to become Fay's representative under a provision in the university's sexual harassment policy, Administration Bulletin 88-5, that allows a complainant (in this case, Fay) to select someone to represent them throughout an internal investigation by Cal Poly.

Stultz said his role as representative is over since Fay is taking her complaint to civil court.

"She's in another phase," Stultz said. "My role now is, if this goes to court, to testify as to the facts as to my knowledge."

Fay and Stultz have noted that Astala's name is on the winter registration schedule, teaching a course in computer science special problems — the same class Fay was enrolled in when she said she was approached with requests for sexual favors by Astala.

Stultz still shows concern for Fay and her well-being.

"This public exposure is going to be hard on her but she felt the process was not working," Stultz said. "This is going to challenge her, this is really going to be a test of her resources. It's going to be hard on her."

— Steve Harmon

Stultz said he would meet with Fay when the need arose. In the beginning he met with her often because she felt the pain and hurt and needed support. Other times it was just a final reassurance before she had to enter a meeting with sexual harassment investigators at Cal Poly.

"Most of the time that I put into it went into preparation for meetings with various university officials," Stultz said. "We supported each other. We said this is important and I'll be there when you state your case. It can be very legalistic much of the time."

Stultz said he would be an advocate again and was thankful in Fay's case that he had experienced counseling women who were sexually assaulted and abused.

"With that kind of training it would have been hard," Stultz said. "'One of the questions you have to ask yourself is — do I believe this person? Because if you don't it will affect the way you support them as you go through the process. I don't think that's addressed at all in the way the policy is established.'"
Finally, a store that wanted to be her "safety valve." Fay said she just sat there not knowing what to do. She ducked her head to avoid his近く．He said he put his hands on her waist and slid his hands down over her breasts. Fay said, "And slid his hands up over my breasts. He said he loved my looks. He said that I needed to understand that I am a very sexy woman and that when he gets under pressure his impulse is to touch." Fay said Attala then referred to another female student and said, "I take great comfort in her boobs." "He told me he wanted to be my friend... that we needed to spend some time together," Fay said.

Fay said Attala asked her if she could go away with him for a couple of days, that he didn't want to fall in love — he wanted to be her "safety valve." "He commented again on the type of nipples I have," Fay said. "He said he loved my nipples. He said he put his hands on them and that when monogamy was a problem under pressure his impulse is to touch." Fay said he put his hands on my "safety valve." Fay said she just sat there not knowing what to do.

The following week Fay said she went back to him to change his behavior towards her.

"I told him I didn't want him to kiss me," Fay said. She told him it made her nervous.

"A student with a 4.0 grade point average, still was not sure what path to take to get Attala to stop.

"I didn't want to get an 'F'," Fay said. "I told him 1 didn't want him to kiss me." Fay said he put his hands on her hips and kissed her. She ducked her head to avoid his mouth.

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Fay said Attala asked her if she could go away with him for a couple of days, that he didn't want to fall in love — he wanted to be her "safety valve." "He commented again on the type of nipples I have," Fay said. "He said he loved my nipples. He said he put his hands on them and that when monogamy was a problem under pressure his impulse is to touch." Fay said he put his hands on my "safety valve." Fay said she just sat there not knowing what to do.

The following week Fay said she went back to him to change his behavior towards her.
ENROLLMENT

From page 1 projected.

Another reason enrollment may have increased has to do with Cal Poly's historically under-enrollment. "We've caught a lot of heat for that," Mark said.

Enrollment drops to 25 percent in the summer, leaving 75 percent of the summer facilities unused. In attempts to solve that problem, Cal Poly experimented with summer quarter enrollment. Many fall applicants were accepted if they started in the summer. To Cal Poly's surprise, 200 more students than projected attended and will probably return during the fall.

Mark cited a decrease in average student unit loads as another reason for the increased number of students at Cal Poly. In the 1971-1972 school year, the average student took 14.7 units in the fall quarter. This figure has been steadily declining since then, with the 1989 fall average being 13.4 units. The decrease in average units per student means that students are taking longer to graduate, thus adding to the over-enrollment problem.

In setting targets, there is always a range of error of about 200 students.

Mark said despite this year's over-enrollment, Cal Poly has had a reputation of having the best enrollment management in the CSU. For years, he said, Cal Poly has been right on target, but has rarely gotten credit in the media for doing so. Instead, he said, the city and media have focused only on the rare occasions of over-enrollment.

Mark said the only way to control enrollment is to reduce the number of new students, mainly freshmen. He said he will move fall applicants to summer and likely reduce admissions for spring applicants. He said that substantially reducing the freshman class would only cause detrimental waves down the road.

Mark explained that if the freshman class is reduced by a third, and junior and senior classes won't be full several years later, financial and faculty problems would result; for example, labs with 17 openings available would have less than capacity enrollment. "We try to avoid those peaks and valleys in enrollment," he said.

Despite community concerns, Mark said there has been tremendous building in the last nine years. "The students at Cal Poly don't make up the bulk of the problems in San Luis Obispo. They are only a part of it."
SLO police say party complaints increase in last six years; number of parties down

By Cydli Smith

A 200-guest party November 4, which resulted in six arrests, is not part of an increasing trend. Although the number of complaints about parties is increasing, the number of parties is not, said Sgt. Steve Seybold of the San Luis Obispo Police Department.

"The number of complaints has grown in the past six years from about 500 per year to 1,700 per year," said Seybold.

He attributes the increased complaints to an increasing number of parties thrown to make money.

The police issue about three to five noise citations a week, said Seybold. The minimum fine for a citation is $100, and if party guests are arrested and charged with disturbing the peace, they could be fined up to $600.

Police break up about 50 to 60 parties a weekend, said Seybold. "We break up more parties now than six years ago because the neighbors are more complaining," he said, adding that neighbors are less tolerant of noise, illegal parking and fast traffic. He also said neighbors are less likely to put up with people throwing up and urinating in their yards.

"If people are cooperative when we come to their party, we will just go to get everyone inside and quiet it down," said Seybold. "But if we stand at the door for 15 minutes and no one answers, chances are we'll give them a citation."
RICE

From page 1
McKenzie to represent him. Rice still has never received notice of any of the allegations made against him.

History professor Dan Kriger, a friend of Rice, said there have been rumors that Rice sold grades or tests. Rice wouldn't comment on the rumors until he sees "something in writing from the administration," he said.

"There are unknown allegations made by unknown individuals," Rice said. "Damn it, I'm innocent. I've done nothing. I feel as a result of the whole process ... I've been irreparably damaged."

Rice and McKenzie challenged Article 17 of the union contract, which doesn't require the administration to inform a faculty member of any charges against him.

"Our contention is that the process is inconsistent with existing (California) legislative and educational sections," Rice said. "We're really talking about the whole issue of due process."

McKenzie declined comment for this article.

The letter from Wilson suspending Rice also banned Rice from campus, except for departmental meetings.

There appears to be nothing in the union contract giving Wilson the power to ban a faculty member from campus.

"He (McKenzie) feels that this is, in fact, not legal," Rice said.

On Oct. 3 Rice received another letter from Wilson requesting Rice to agree to an extension to the suspension. Article 17 requires that to suspend a faculty member longer than 30 days, the President - in this case, Wilson - and the professor must agree to the extension.

The letter stated, "If you (Rice) are not agreeable to the extension, you are to report to Dean Kenneth Walters on Monday morning Oct. 9 for reassignment in non-teaching instructionally related duties for the remainder of the fall quarter."

The union contract states in Articles 19.3 and 19.24 that a faculty member cannot be reassigned before disciplinary action is taken. In Rice's case no such action has been taken.

But Rice agreed to the suspension extension because he wants to continue to teach, and to be cleared of any wrongdoing.

"My basic goals are to get back into the classroom, and be concurrently exonerated," Rice said.

On Oct. 25 McKenzie and Rice sent the CSU attorneys and Wilson an ultimatum: either assure Rice on or before Nov. 15 that there are charges against him and give him his teaching assignments for the winter quarter, or else he would seek a court order to end the suspension and be reinstated.

On Oct. 9 Jan Pieper, director of personnel and employee relations wrote a memo stating that Rice would be "scheduled to resume his normal duties" in the fall.

Mike Suess, associate director of personnel, declined comment on whether the ultimatum affected the decision to reinstate Rice. He also declined comment on whether the investigation will be dropped.

"He would have been reinstated regardless of the (status of the) investigation," Suess said.

Rice said Monday that the reinstatement doesn't satisfy him.

"It has not resolved the problem of unknown allegations by unknown individuals."

Throughout his suspension, Rice has received support from fellow faculty members.

Kriger and economic professor Dominic Perillo plan to start a legal defense fund today to help pay Rice's attorney fees.

"He shouldn't have to bear the expense (of his defense)," Kriger said, "because his cause is every faculty member's cause. This could happen to any one of us. I think if it had happened to me I'd have probably had a heart attack. This whole thing is outrageous."

Rice wanted it known that he was approached by Mustang Daily for this article.

"If somebody had told me that this type of thing could happen on this campus," Rice said, "I would be absolutely totally shocked."