Mr. Secretary: Longtime Alumni Association Officer Robert C. Schaus Receives Jaeckle Award
Robert C. Schaus '53, recipient of the Jaeckle Award for 1992, was honored at the award ceremony as a man of integrity, energy and unshakable character.

Schaus, recently retired from his family law firm in Buffalo, has served as secretary of the UB Law Alumni Association for 30 years. He was presented with the coveted award — UB Law School's highest honor — by university President William Greiner following the Convocation program on March 7.

"What words would I use to describe Bob Schaus?" Greiner asked. "One is family — his own, and the larger family of the Law School and the Law Alumni Association. His dedication to that has been absolutely astounding.

"The other word is fidelity. You take a word that would epitomize Bob Schaus, and it's fidelity, loyalty, commitment. In his own way he's been Mr. UB Law School, Mr. Law Alumni Association for so long."

"In my wildest dreams, I never expected this," Schaus responded. "I should not be receiving this award, I should be giving it. I am the luckiest guy in the world. For 30 years I've been in the catbird seat."

Schaus was just eight years out of law school when he was asked in 1961 by then Dean Jacob D. Hyman to help revitalize the Law Alumni Association in preparation for the Law School's 75th anniversary celebration.

A quarter-century later, Schaus made a major contribution to another anniversary celebration — the 100th — by co-writing, with James Arnone '85, a comprehensive history of the Law School. The book is expected to be published this summer.

"For well over 30 years, Bob has given completely and unselfishly of himself to the Association and to the school," said Dean David B. Filaroff. "Much of what is good about the Law School today would not exist but for the help, friendship and effort of Bob Schaus."

Justice M. Dolores Denman, last year's Jaeckle Award winner and presiding justice of the Appellate Division, State Supreme Court, Fourth Department, grew up in the same North Buffalo neighborhood as
management, she said, to make it clear what constitutes sexual harassment, and state that it won’t be tolerated.

Nickson said managers who think they don’t have a problem may just be blind to it. “There’s limited awareness at the top,” she said. In addition, “targets” of sexual harassment often don’t speak up, out of fear of retribution, ignorance of company policy, or distrust of the complaint-handling process.

But employers, Nickson said, can’t promise confidentiality to a complainant. They have to ensure due process for the person being accused, and that means interviewing him about the charge. The best an employer can offer, she said, is discretion and fairness.

“It’s easier to write these rules than to apply them,” Nickson said.

She pointed out that some organizational cultures support sexual harassment — they may allow swearing and extensive after-hours socializing, or they may tolerate improper behavior on business trips. Nickson told of a young man in admissions who had charged sexual harassment after a female supervisor “chased him around the hotel” during a business trip. “It’s not about sex, it’s about power,” Nickson said.

She concluded with some simple tests for deciding whether an action constitutes sexual harassment. “Would you say it in front of your mate?” she asked. “Would you say it if it would appear on the front page of the newspaper? Would you say it to a member of the same sex in exactly the same way?”

“And why does it need to be said in the course of business?”

The final speaker came at the problem from the other side, Robert A. Doren, who represents management interests with the Buffalo law firm Flaherty, Cohen, Grande, Randazzo & Doren, spoke of the need for companies to practice “damage control” in a sexual harassment case.

“In all these cases you will have credibility problems,” Doren said of his management clients. “How do you go about interviewing witnesses?”

“It’s useful, Doren said, to try to establish a limited attorney-client privilege with potential witnesses, generally fellow employees of the accuser. This is accomplished, he said, by having the company offer the services of an attorney — the same one it’s using — to employees during the questioning. Often the employees agree, Doren said, and the attorney-client privilege that is established gives the attorney access to EEOC affidavits that would otherwise be off-limits.

“The absolute worst thing an employer can do is to have a poor investigation,” Doren said. “My experience is that juries won’t tolerate that. You really have to take these investigations seriously.”

If a sexual harassment case is headed for trial, Doren said, select the jury carefully. “Consider their perspective,” he said. “Many will have a relative who has been sexually harassed. What was the outcome? What defenses were raised?”

In addition, he advised attorneys not to attack the complainant based on her previous romantic history, citing the case of a former topless dancer and nude model who sued Penthouse magazine publisher Bob Guccione for sexual harassment — and won.

Finally, Doren said, recognize that just because a claim is made doesn’t mean it’s true. “Not every harassment that’s alleged is meritorious,” he said. “I have had some cases, believe it or not, that were pure garbage. ... The fact that there may have been some contact between two people doesn’t necessarily mean there has been sexual harassment.”