

**SUSAN HELEN BITENSKY**

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**CURRICULUM VITAE**

**SUSAN HELEN BITENSKY**

**19470 Beverly Road  
Beverly Hills, Michigan 48025  
(248) 540-8078 (h)(tel.)  
(517) 432-6898 (w)(tel.)  
(248) 763-9767 (cell)(tel.)  
(248) 540-2344 (fax)  
e-mail: bitensky@law.msu.edu**

**EDUCATION**

J.D. University of Chicago Law School, June 1974.

B.A. Case Western Reserve University, June 1971, magna cum laude. Phi Beta Kappa.  
Full tuition scholarship for four years. Nomination to Woodrow Wilson Fellowship.

**LEGAL EXPERIENCE**

Professor of Law, Michigan State University College of Law, 447 Law College Building, East Lansing, Michigan 48824-1300. 1993 to present.

Teaching Evidence, Constitutional Law, Jurisprudence, and International Human Rights Law.

Associate Professor of Law, Detroit College of Law, 130 East Elizabeth Street, Detroit, Michigan 48201. 1989-93.

Teaching Evidence, Law and Education, Constitutional Law, and Contracts.

Visiting Associate Professor of Law, Detroit College of Law, 130 East Elizabeth Street, Detroit, Michigan 48201. 1988-89.

Teaching Evidence, Law and Education, and Contracts.

Associate Counsel, Board of Education of the City of New York, Office of Legal Services, 110 Livingston Street, Brooklyn, New York 11201. 1981 to 1987.

Advising the Chancellor's office and departmental executive directors on a wide range of legal issues: for example, constitutional constraints on religious activities in the schools; use of school facilities and involvement of students in private sector undertakings; and evaluation of bidding and contracting procedures under administrative and statutory requirements.

**LEGAL EXPERIENCE (continued):**

Negotiating and drafting leases and commercial contracts, including contracts for provision of dropout prevention services and health clinics in the schools; drafting internal regulations and proposed state legislation.

Associate, Cohen, Weiss and Simon, 330 West 42nd Street, 25th Floor, New York, New York 10036. 1977 to 1981.

Conducting litigation in federal district and appellate courts, especially under the Labor Management Relations Act, the Railway Labor Act, and Title VII of the Civil Rights Act of 1964; representing clients at evidentiary hearings and through briefing and oral argument before the National Labor Relations Board, American Arbitration Association, and New York State Mediation Board.

Assistant General Counsel, United Steelworkers of America, AFL-CIO, Five Gateway Center, Pittsburgh, Pennsylvania 15222. 1974 to 1977.

Conducting litigation in state and federal trial and appellate courts, with specialization in federal court cases under the Labor Management Relations Act and Title VII of the Civil Rights Act of 1964; representing clients at evidentiary hearings and through briefing and oral argument before the National Labor Relations Board.

Conducting negotiations with ten major steel companies for collective bargaining agreements and negotiations with the then United States Steel Corp. concerning health and safety conditions on the company's coke ovens.

**PUBLICATIONS**

**BOOKS**

CORPORAL PUNISHMENT OF CHILDREN: A HUMAN RIGHTS VIOLATION (Transnational Publishers, 2006). (referred to in the testimony of the Honorable Roméo Antonius Dallaire, in the Canadian Senate debates, concerning a bill to amend the Criminal Code so as to protect children from corporal punishment (see Debates of the Senate, 39<sup>th</sup> Parliament of Canada, vol. 143, no. 29, June 28, 2006); cited by the New Zealand Law Commission's Nov. 8, 2006 Report "Section 59 Crimes Act 1961 Amendment: Options for Consideration"; and included in the collection of the library of the European Court of Human Rights).

**PUBLICATIONS (continued):**

BOOK CHAPTERS

*Chapter 9: Educating the Child for a Productive Life (Articles 28 and 29), in CHILDREN'S RIGHTS IN AMERICA: U.N. CONVENTION ON THE RIGHTS OF THE CHILD COMPARED WITH UNITED STATES LAW 167-196 (C. Cohen & H. Davidson eds. 1990) (jointly published by the American Bar Association and Defense for Children International - USA).*

CONTRIBUTIONS TO ENCYCLOPEDIAS

*International Rights of the Child, in THE CHILD: AN ENCYCLOPEDIA COMPANION 515 (Thomas R. Bidell et al. eds., The University of Chicago Press 2009)*

LAW REVIEW ARTICLES (non-symposium):

*The Poverty of Precedent for School Corporal Punishment's Constitutionality Under the Eighth Amendment, 77 UNIVERSITY OF CINCINNATI LAW REVIEW 1327 (2009)*

Coauthored, *The Case Against Corporal Punishment of Children: Converging Evidence from Social Science Research and International Human Rights Law and Implications for U.S. Public Policy, 13 PSYCHOLOGY, PUBLIC POLICY, AND LAW 231 (2007)(peer-reviewed)*

*Of Originalism, Reality, and a Constitutional Right to Education, 86 NORTHWESTERN UNIVERSITY LAW REVIEW 1056-1067 (1992).*

*Theoretical Foundations for a Right to Education Under the U.S. Constitution: A Beginning to the End of the National Education Crisis, 86 NORTHWESTERN UNIVERSITY LAW REVIEW 550-642 (1992).*

*A Contemporary Proposal for Reconciling the Free Speech Clause With Curricular Values Inculcation in the Public Schools, 70 NOTRE DAME LAW REVIEW 769-843 (1995).*

*Cat in the Hat Moves to Michigan; Expert Witnesses and Their Proponents Curse Dr. Seuss, 2002 LAW REVIEW OF MICHIGAN STATE UNIVERSITY-DETROIT COLLEGE OF LAW 835.*

*Section 1983: Agent of Peace or Vehicle of Violence Against Children?, 54 OKLAHOMA LAW REVIEW 333-372 (2001).*

**PUBLICATIONS (continued):**

*Spare the Rod, Embrace Our Humanity: Toward a New Legal Regime Prohibiting Corporal Punishment of Children*, 31 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 353-474 (1998). (This article is cited in the appellant's brief to the Supreme Court of Canada in *Canadian Foundation for Children, Youth and the Law v. The Attorney General in Right of Canada* (at n. 53); is reviewed in the 1999 issue of PANSTWO Í PRAWO by Adam Lopatka, Professor Ordinarius of the Theory of State and Law at the Institute of Law Studies, Polish Academy of Sciences; and is cited in HENRY J. STEINER & PHILIP ALSTON, INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS, MORALS 538 (2nd ed. 2000).)

LAW REVIEW ARTICLES (non-symposium)(continued):

*We "Had a Dream" in Brown v. Board of Education...*, 1996 DETROIT COLLEGE OF LAW REVIEW 1-16.

LAW REVIEW ARTICLES (symposium):

*The Constitutionality of School Corporal Punishment of Children as a Betrayal of Brown v. Board of Education*, 36 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 201 (2004).

*The U.N. Convention on the Rights of the Child and Corporal Punishment of Children: Ramifications for the United States*, 5 THE GEORGETOWN JOURNAL ON FIGHTING POVERTY 225-234 (1998).

*The Child's Right to Humane Discipline Under the U.N. Convention on the Rights of the Child: The Mandate Against All Corporal Punishment of Children*, 4 LOYOLA POVERTY LAW JOURNAL 47-53 (1998).

*Spare the Rod, Embrace Human Rights: International Law's Mandate Against All Corporal Punishment of Children*, 21 WHITTIER LAW REVIEW 147-161 (1999).

OTHER LAW-RELATED PUBLICATIONS:

Coauthored, *The Case Against Corporal Punishment of Children: Converging Evidence from Social Science Research and International Human Rights Law and Implications for U.S. Public Policy*, 13 PSYCHOLOGY, PUBLIC POLICY, AND LAW 231 (2007)(cited in the May 28, 2008 issue of THE ECONOMIST).

*We Don't Hit Animals; Why Do We Hit Children?* The Baltimore Sun (op-ed), Nov. 22, 2006; **also published by:** Sacramento Bee, Monterey Herald, Houston Chronicle, Atlanta Journal-Constitution, The Salt Lake City Tribune, Newsday, Stars and Stripes, Jerusalem Post, The Capital Times (Madison, WI), The Fayetteville Observer (NC), The Columbian (Clark County, WA), Chandigarh India Tribune, Winnipeg Free Press, The Keene Sentinel (NH), Gulf News (United Arab Emirates), Spokesman Review (Spokane, WA), and Guelph Mercury (Ontario, Canada).

**PUBLICATIONS (continued):**

*Did You Know That Spanking Is a Human Rights Violation?*, EPOCH-USA Newsletter, Fall, 2006.

*Corporal Punishment of Children in School: A Violation of International Human Rights Law*, published in the 2005 annual proceedings of the Organization of American States.

*Corporal Punishment of Children: A Violation of International Human Rights Law*, published by UNICEF (in Turkey).

*Spanking*, THE ATLANTIC MONTHLY, June, 2005, at 20 (Letter to the Editor).

*Israel Bans All Corporal Punishment of Children*, EPOCH-USA Newsletter, Fall, 2000, at B.

*Corporal Punishment*, New York Times, Mar. 12, 2000, Week in Review, at 14(Letter to the Editor).

Coauthored, *School Violence and the Court*, The National Law Journal, Sept. 13, 1999, at A22.

*Spare the Rod, Embrace Our Humanity*, AMICUS, Fall, 1998, at 13-18.

*Parental Corporal Punishment of Children Is a Crime in Minnesota*, EPOCH-USA Newsletter, Fall, 1998, at 3.

*Legal News: Ninth Circuit Court of Appeals Finds No Clearly Established Parental Right to Use Corporal Punishment*, EPOCH-USA Newsletter, Fall, 1997, at 3.

*Final Straw: To Spank or Not to Spank?*, Chicago Tribune (op-ed), July 25, 1996, §1, at 25.

*Every Child's Right to Receive Excellent Education*, 2 THE INTERNATIONAL JOURNAL OF CHILDREN'S RIGHTS 137-147 (1994) (Kluwer Academic Publishers).

Coauthored, UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD: ANSWERS TO THIRTY QUESTIONS (3rd ed., 1996) (first edition distributed at special briefings for members of the U.S. House of Representatives on Mar. 18, 1994 and for members of the U.S. Senate on May 20, 1994).

**OTHER PUBLICATIONS:**

*Eulogy for Sean MacBride*, in FRANCIS A. BOYLE, THE FUTURE OF INTERNATIONAL LAW AND AMERICAN FOREIGN POLICY 427 (1989) (Transnational Publishers, Inc.).

**PUBLICATIONS (continued):**

OTHER PUBLICATIONS (continued):

*On "Psychotherapy and the Dying Patient,"* 6 JOURNAL OF HEALTH POLITICS, POLICY AND LAW 810 (Winter 1982).

**PAPERS PRESENTED**

*Corporal Punishment of Children and the Thirteenth Amendment* - - paper presented at the Central States Law Schools Association 2008 Conference, at Southern Illinois University Law School, in Carbondale, Illinois, on October 25, 2008.

*Corporal Punishment of Children and the Convention on the Rights of the Child* - - paper presented at a forum of the Section on International Human Rights, as part of the Annual Meeting of the American Association of Law Schools, held in New York City, on January 6, 2008.

*Multiculturalism, Human Rights and Corporal Punishment of Children* - - paper presented at invitation of Macomb Community College as part its annual "Celebration of Libraries and Learning" and its multicultural initiative, held in Warren, Michigan, on April 18, 2007.

*Children's Rights – is American Out of Step With the Rest of the World?* - - paper presented at the invitation of The Global and Multicultural Education Center, and the University of Missouri-Kansas City Women's and Gender Studies Program, at a symposium titled "Activism for Human Rights; The Fourth Biennial Kansas City Conference: The U.N. Convention on the Rights of the Child and the U.N. Convention on the Elimination of All Forms of Discrimination Against Women," held in Kansas City, Missouri, on Nov. 17, 2006.

*Corporal Punishment of Children in School: A Violation of International Human Rights Law* -- paper presented at invitation of UNICEF and the Turkish Ministry of Education to be keynote international speaker at symposium on Turkish school corporal punishment, held in Istanbul, Turkey, on March 29-30, 2006.

*Corporal Punishment of Children: A Violation of International Human Rights Law* -- paper presented at Trilateral Symposium, sponsored by the Organization of American States and the University of Ottawa Faculty of Law, held at the University of Ottawa Faculty of Law, Canada, on October, 2005.

**PAPERS PRESENTED (continued):**

*Status of Corporal Punishment of Children Under Foreign and International Human Rights Laws* - - paper presented at National Advisory Board meeting of EPOCH-USA (End Physical Punishment of Children), held in Columbus, Ohio on May 21, 2005.

*Corporal Punishment of Children as a Human Rights Law Violation* -- paper presented via live satellite transmission to Old Dominion University in Norfolk, Virginia, on February 14, 2005.

*The Origins of Separation of Powers and the Advantages and Disadvantages of Such a Structure for Tribal Courts* - - paper presented at "Inaugural Indigenous Law Conference: Tribal Constitutional Issues in the Self-Determination Era," held at Michigan State University College of Law, on Oct. 29, 2004.

*Ingraham v. Wright: A Betrayal of Brown v. Board of Education* -- paper presented at conference on "Race in Education Policy: A Constitutional Examination," held at Loyola University Chicago School of Law, on March 13, 2004.

*Controversial Aspects of the Convention on the Rights of the Child: Right to Education, Violence and Abuse, Freedom of Expression* - - paper presented at conference on "Moving the Convention on the Rights of the Child Forward in the U.S.," sponsored by the Child Welfare League of America, in Washington, D.C., on Feb. 13, 2003.

*Report on Corporal Punishment in the U.S.: Obstacles to Abolition* -- paper presented at EPOCH briefing conference entitled, "Charting Global Progress Towards Ending Corporal Punishment of Children," in Denver, Colorado, on July 7, 2002.

*"Using and Defusing Expert Witnesses": Case Law Update in the Federal and Michigan State Courts* -- paper presented at the Michigan Defense Trial Counsel's 2002 Summer Conference entitled, "Using and Defusing Expert Witnesses: Cutting Edge Law and Practice for Trial Lawyers," in Traverse City, Michigan, on June 21, 2002.

*The Child's Right to Be Educated Without Corporal Punishment* -- paper presented at the University of Victoria international symposium entitled, "Creating a Culture of Human Rights, Democracy and Peace in the New Millennium," in Victoria, British Columbia, Canada, during August 18-22, 2001.

*Spare the Rod, Embrace Human Rights: International Law's Mandate Against All Corporal Punishment of Children* -- paper presented at Whittier Law School international symposium entitled, "Rights of Children in the New Millennium," in Costa Mesa, California, on April 17, 1999.

**PAPERS PRESENTED (continued):**

*Spare the Rod, Embrace Human Rights* -- paper presented at Old Dominion University in Norfolk, Virginia, on April 7, 1999.

*The U.N. Convention on the Rights of the Child and Corporal Punishment of Children: Ramifications for the United States* -- paper presented at symposium on "The United Nations Convention on the Rights of the Child: Benefits to American Children, Effects on American Law," held at Georgetown University Law Center, on February 28, 1998.

*The Role of Law in Abolishing Corporal Punishment of Children* -- paper presented at international seminar (organized by Swedish Rädda Barnen, Irish Society for Prevention of Cruelty to Children, Spanish FUNCOE, and EPOCH-Worldwide) on "Ending All Physical Punishment of Children in Europe," held at Centro de Estudios, Juridicos y Formación Especializada del Departamento de Justicia, Barcelona, Spain, on October 19, 1997.

*The Child's Right to Humane Discipline* -- paper presented at University of Iowa College of Law symposium entitled, "International Human Rights at the Grassroots: Putting International Standards to Work for Our Children," Iowa City, Iowa, during March 14-15, 1997.

*The Child's Right to Humane Discipline Under the U.N. Convention on the Rights of the Child: The Mandate Against All Corporal Punishment of Children* -- paper presented at Loyola University New Orleans School of Law international symposium entitled, "United Nations Convention on the Rights of the Child: Prospects for the Year 2000," in New Orleans, Louisiana, during February 13-15, 1997.

*Every Child's Right to Receive Excellent Education* -- paper presented at Wayne State University symposium entitled, "U.N. Convention on the Rights of the Child: A Voice for Children's Rights and Responsibilities," in Detroit, Michigan on October 22, 1993.

*Indigenous Peoples of the United States and the Right to Education* -- paper presented as a speaker on the International Year of the Indigenous People Panel at the Sovereignty Symposium V, sponsored by the Supreme Court of Oklahoma and the Oklahoma Indian Affairs Commission, in Oklahoma City, Oklahoma, June 9-11, 1992.

*The Duty to Teach Morals and the U.N. Convention on the Rights of the Child: A Legal Perspective* -- paper presented at The University of Notre Dame international symposium entitled, "Values, Rights and Responsibilities in the International Community: Moral Education for the New Millennium," at The University of Notre Dame, Indiana during November 7-11, 1990.

**PAPERS PRESENTED (continued):**

*Children's Right to Education Guaranteed Under the Constitution?* -- paper presented at Wayne State University symposium entitled, "Children Have Rights Too" in Detroit, Michigan on December 1, 1989.

**OTHER SPEECHES AND CONFERENCE LEADERSHIP**

Speech on corporal punishment of children as a violation of international human rights law, sponsored by the Institute for Global Education, in Grand Rapids, Michigan, on November 5, 2008.

Speech on role of faculty scholarship at MSU College of Law, sponsored by the College Admissions Office, in East Lansing, Michigan, on March 14, 2008.

Speech on my book, *CORPORAL PUNISHMENT OF CHILDREN: A HUMAN RIGHTS VIOLATION*, sponsored by the Michigan State University College of Law's Programs Committee, on March 21, 2007.

Panelist speaking on international human rights law course, as part of a Professor Discussion Panel, sponsored by Michigan State University College of Law's International Law Society, on February 26, 2007.

Speech on international human rights law at the invitation of Michigan State University's Prelaw Society, on January 10, 2007.

Moderator, *Gender, War & Peace: Women's Status in the Wake of Conflict*, sponsored by the Michigan State University College of Law Journal of International Law, on February 24, 2006.

Speech on the federal constitutional aspects of governments' response to Hurricane Katrina, delivered at workshop called "Coming to Terms with Katrina and Its Aftermath," sponsored by the Office of the Provost, Office of Faculty & Organizational Development, Michigan State University, on the campus, on September 28, 2005.

Moderator, *The Case Against Torture: A Panel Discussion on U.S. Policy and the Use of Torture in Iraq*, sponsored by Amnesty International at Michigan State University College of Law, on April 20, 2005.

**OTHER SPEECHES AND CONFERENCE LEADERSHIP (continued):**

Speech describing the May, 1996 decision of the Italian Supreme Court prohibiting all corporal punishment of children, delivered at International Seminar on Worldwide Strategies and Progress Towards Ending All Physical Punishment of Children, at University College, Belfield, in Dublin, Ireland on August 22, 1996.

Speech analyzing why public education has not improved as a result of *Brown v. Board of Education* and proposing ways of reviving *Brown* as a catalyst for quality education, delivered at Faculty's Diversity Week Program, at Detroit College of Law at Michigan State University in Detroit, Michigan, on January 15, 1996.

Speeches concerning the legal status of corporal punishment of children, delivered to Professor Julia Grant's class on The Politics of Childhood at James Madison College, Michigan State University, on October 13, 1999 and October 26, 2000.

Speech concerning parents' rights and corporal punishment of children, delivered at a debate sponsored by The Federalist Society at Michigan State University- Detroit College of Law, on September 8, 1999.

Speech entitled, "Is the Judicial System Failing Our Children: Does the U.S. Supreme Court Have Blood on its Hands"?, delivered at a debate sponsored by the Public Interest Law Society and the Alumni Association, at Michigan State University-Detroit College of Law, on October 10, 2000.

Speech concerning children's rights under the U.S. Constitution and international human rights law, delivered to Professor Nannette Bowler's law and social work class at Michigan State University School of Social Work, on April 9, 2001.

Speech concerning whether U.S. Supreme Court decisions have contributed to gun violence in the schools, at Michigan State University-Detroit College of Law President's Club Dinner, on May 11, 2001.

**BROADCAST MEDIA PRESENTATIONS**

Featured as of November 5, 2008 in a videotaped interview, made by MediaMouse.org, concerning various aspects of corporal punishment of children, including its legal status in the United States and under international law, and aired on-line at <http://www.mediamouse.org/video/110608inter.php>.

Quoted in the January 20, 2008 New York Times (first section, page 33) in a news article, *Murder Case Tests Limits on Parents' Right to Hit*, by Andy Newman and Leslie Kaufman.

**BROADCAST MEDIA PRESENTATIONS (continued):**

Panelist on National Public Radio's "Justice Talking," an hour-long program hosted by Margot Adler, produced in Philadelphia, Pennsylvania and aired during the week of June 24, 2002, concerning corporal punishment of children.

Panelist on the television program, "Massachusetts School of Law Presents: A Question of Law," in a show concerning corporal punishment of children, aired by MediaOne in 2000 locations during September, 2000.

Guest speaker on July 2, 1999 on WXYT Radio's "Frankly Speaking," hosted by Frank Turner, in Detroit, Michigan, on the topic of corporal punishment of children.

Panelist on April 7, 1999 on a program entitled, "Corporal Punishment, Human Rights, and Children," on WHRO Radio's "Hearsay," hosted by Kathy Lewis, in Norfolk, Virginia.

**INTERNET PRESENTATIONS**

Dialoguing with Michigan State University College of Law students concerning the federal constitutional implications of the governments' response to Hurricane Katrina, under auspices and at invitation of the College's chapter of the American Constitution Society, at TWEN, [lawschool.westlaw.com](http://lawschool.westlaw.com), from September 26 through October 3, 2005. Discussion began with my six-page paper on the subject.

Managing website, developed by Child Rights Education-International, at <http://www.center.iupui.edu/credintl/home.html>, from fall, 1999 through spring, 2000. Website featured articles and analytical guides authored by Susan Bitensky concerning the status of corporal punishment of children as a human rights violation.

**PRO BONO ADVOCACY**

Consultant on Human Rights Watch national project to ban all public school corporal punishment in the United States (2007-2008).

Advisor to the Centers for Disease Control and Prevention respecting its development of a universal parenting program that will aim to teach healthy parenting strategies, including avoidance of violent disciplinary tactics (2008).

Coauthored position paper, submitted to the New Zealand government, on behalf of EPOCH-USA (End Physical Punishment of Children), setting forth policy and legal arguments against corporal punishment of children.

**PRO BONO ADVOCACY (continued):**

Brief on behalf of EPOCH-USA (End Physical Punishment of Children) to Great Britain's Department of Health in response to the Physical Punishment of Children Consultation (the British government's proposal to reform the country's laws on corporal punishment of children).

Issue paper for the American Bar Association on how the ban on corporal punishment of children contained in the U.N. Convention on the Rights of the Child would impact American law if the U.S. became a party to the Convention (submitted Sept., 2001).

**BAR ADMISSIONS**

Michigan State Bar. New York State Supreme Court. Supreme Court of Pennsylvania. United States Courts of Appeals for the Second and Third Circuits. United States District Courts for the Southern and Eastern Districts of New York and for the Western District of Pennsylvania.

**MEMBERSHIP IN AND HONORS RECEIVED FROM ORGANIZATIONS OF THE LEGAL PROFESSION**

**MEMBERSHIPS:**

- Member, American Constitution Society.
- Included in Marquis' WHO'S WHO IN AMERICA.
- Included in Marquis' WHO'S WHO IN AMERICAN LAW.
- Member of American Bar Association. 1988 to present.
- Associate Member of the Michigan State Bar Committee on Standard Criminal Jury Instructions. 1992 to 2000.
- Member of Ad Hoc Committee to Amend the Michigan Constitution in Relation to Children's Rights. 1993 to 1994.
- Member of Michigan Bar's Section on Arbitrations and Alternate Methods of Dispute Resolution. 1988 to 1989.
- Member, National Advisory Board, EPOCH-USA (End Physical Punishment of Children).
- Member of Board of Directors, CASA of Ingham County. 2003 to 2004.

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**MEMBERSHIP IN AND HONORS RECEIVED FROM ORGANIZATIONS OF THE  
LEGAL PROFESSION (continued):**

**HONORS:**

Award given on February 17, 2007 by the Law Review of Michigan State University College of Law, at its Hat Trick 2007 Dinner, for publication of my book, CORPORAL PUNISHMENT OF CHILDREN: A HUMAN RIGHTS VIOLATION (Transnational Publishers, 2006).

**OTHER PROFESSIONAL EXPERIENCE**

Robert Joffrey Ballet Company. Apprenticeship preceded by full-time professional study on scholarship. 1965 to 1967.