

Street Harassment Impedes Women's Equality

Under Title VII of the Civil Rights Act of 1964, it is illegal to make unwelcome, sexually explicit or sexist remarks that are either so severe or pervasive that they adversely affect an employee's ability to do work in the workplace. But those same types of remarks are completely legal in public places, and they negatively affect women's lives, just as they do their work.

Sexual harassment in public, often called street harassment, is a real problem. It impedes women's equality with men in the same way sexual harassment in the workplace does: by letting women know they aren't welcome there. Street harassment ranges from legal acts such as leering, whistling, honking, making sexual or sexist comments, and following someone to illegal acts such as groping, public masturbation, and assault.

Most American women have experienced street harassment in some form, especially when they are young or when

they are alone in public places. In a study conducted by Carol Brooks Gardner of Indiana University, Indianapolis, in the early 1990s, 100 percent of the 293 women Gardner interviewed cited multiple incidents of street harassment. Similarly, a Northwestern University study conducted by Laura Beth Nielsen showed that 100 percent of the 54 women interviewed in the California Bay Area in the early 2000s had been the target of offensive or sexually suggestive remarks on multiple occasions. In 2007, the Manhattan Borough President's Office surveyed 1,790 transit riders in New York City and found that 63 percent had been sexually harassed on the subway. In addition to this limited amount of formal research, women regularly share their stories on blogs like HollaBack NYC and Stop Street Harassment.

The threat or experience of street harassment, often combined with a socialization to be fearful of male-perpetrated sexual assault in public, means that women tend

to be more wary of public places than men. A study of several thousand women living in 26 American cities conducted by scholars Margaret T. Gordon and Stephanie Riger in the 1990s found that 60 percent reported feeling "very unsafe" or "somewhat unsafe" alone at night in public. A study of 12,000 Canadian women conducted in the early 2000s by Ross Macmillan, Annette Nierobisz, and Sandy Welsh showed that more than 80 percent of the women surveyed had experienced male stranger harassment in public and that those experiences had a large and detrimental impact on how the women perceived their safety in public.

The resulting effect of this fear on women's lives is stunning. Sixty percent of women surveyed by LAF Program Manager and street harassment expert Holly Kearl said they "always" constantly assess their surroundings. Eighty percent told Kearl that, at least sometimes, they

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avoid being in public if they have to go alone. Eighteen percent said actual or feared interactions with strangers influenced their decision to move from their neighborhood, and 9 percent said harassers along their commute or near their workplace affected their decision to change jobs.

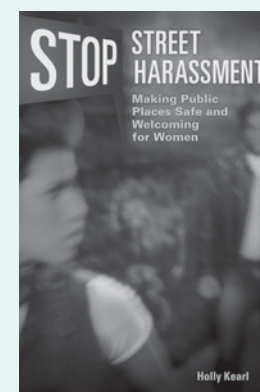
According to Kearl's research, the more often a woman reported being harassed, the more likely she was to practice several strategies that restricted her freedom. Women who had been assaulted by men in public were also more likely to limit their actions outside of home.

Street harassment must end. Women will never achieve equality with men if they are unable to enter public places without being harassed or fearing assault and if they feel they must change jobs, move to a new neighborhood, or miss out on evening classes or community forums because they feel unsafe traveling alone at night.

A growing number of activists around the world are working to help achieve that goal. In Egypt, activists have successfully lobbied parliament to consider a law against sexual

harassment at work and in public places. Activists in New York City are working with the transit authority to address harassment on public transportation; their efforts already have resulted in anti-harassment subway ads and audio public service announcements. In India, activists challenge men's dominance on the streets through public demonstrations and work to address victim-blaming by collecting the clothing women wear when they are harassed to show that women never ask to be harassed.

Visit Kearl's website, www.stopstreetharassment.com, to learn about these and other activists and to find suggestions for what you can do in your community to end street harassment. Let's all help make public places safe and welcoming for women.



Stop Street Harassment: Making Public Places Safe and Welcoming for Women, written by LAF program manager Holly Kearl, will be released on August 30, 2010. At that time, you can purchase it at www.bn.com/aauw, or you can preorder it today. Contact Kearl for more information about the book and her work to end street harassment at kearlh@aauw.org.

About LAF

The AAUW Legal Advocacy Fund partners with other civil and women's rights organizations to support strategic litigation that affects women in all workplaces. Through our campus programs and online resource library, LAF educates campuses and the general public about barriers faced by women and the legal rights, policies, and strategies that can help to eradicate sex discrimination in higher education and the workplace.

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LAF/UPDATE

Summer 2010

From the President



Carolyn Garfein

Over the last several months, the AAUW Board of Directors and I have had the privilege of participating in state conventions throughout the country. It has been a joy for me to visit with so many of you and to learn more about your interests and priorities.

One exciting thing is to see how our members are coming together as a nationwide community. Although AAUW has been a significant force in communities across the country for many decades, we have never been more engaged with each other. In each state I visited, members wanted to talk about collaboration with other branches and states both offline and through online means such as blogs, Facebook, Twitter, and YouTube.

I've also been heartened to see how our members are embracing the work of the Legal Advocacy Fund. States are inviting our plaintiffs to speak at their conventions and are donating generously to case support. Members are interested in participating in our new Title IX Compliance: Know the Score and campus sexual assault programs, which provide branches step-by-step guidance for ensuring equity in high schools and on college campuses. Next year during my visits, I look forward to hearing more about our great LAF programs across the country.

Thank you for your continued dedication to LAF's goal to combat sex discrimination in higher education and the workplace. It is through your generous support that our work continues.

Sincerely,

Carolyn H. Garfein
AAUW President

Also in This Edition

- Branch Programming Ideas
- Street Harassment Impedes Women's Equality
- Latest Case Updates

Paid Sick Days in the Courts

In a case that could have significant implications in the battle for paid leave for workers nationwide, the Wisconsin Supreme Court has agreed to hear *Metropolitan Milwaukee Area Chamber of Commerce v. City of Milwaukee*, which will determine the fate of a Milwaukee city ordinance that granted paid sick days to city workers. A hearing date has not yet been scheduled.

In November 2008, Milwaukee voters approved an ordinance by referendum, requiring all city employers with 20 or more employees to grant each full-time employee up to nine paid sick days per year, roughly one hour of sick leave for every 30 hours worked. Small employers—defined as those with fewer than 10 employees—would be required to grant five paid sick days. The ordinance was approved overwhelmingly, with more than two-thirds of city residents voting in favor. At the time, Milwaukee was the third American city to adopt such a measure, following San Francisco and Washington, D.C.

The day after the referendum was adopted, the Metropolitan Milwaukee Association of Commerce, Inc., (MMAC) filed a lawsuit against the ordinance, arguing that it was invalid and unenforceable. A preliminary injunction was issued by the Milwaukee County Circuit Court, preventing the law from taking effect. The circuit court ruled that the drafters of the ordinance did not frame the ballot language correctly under Wisconsin law. Further, the court asserted that voters were not given sufficient information about the ordinance prior to Election Day.

The decision was opposed by 9to5 National Association of Working Women, which advocated on the ordinance's behalf. In June 2009, the circuit court issued a permanent injunction against the ordinance. According to background

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Raising Students' Awareness about the Gender Pay Gap

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harassment, and attorney Katy Goshtasbi suggested interviewing/negotiating techniques for securing optimal pay and benefits. The director of the University of San Diego Women's Center voiced interest in holding an Equal Pay Day event on their campus next year.

The AAUW Tacoma (WA) Branch and the Women's Center at Pacific Lutheran University held a campus Equal Pay Day program called "Women at a Discount: How the Paycheck Fairness Act Impacts You." The students who organized the program first attended a lunch with Lilly Ledbetter to learn more about the gender wage gap. They were awed to meet Ledbetter, known as the face of pay equity, and to learn firsthand about workplace discrimination.

Numerous students attended the program. AAUW Tacoma (WA) Branch President Dorothy McBride spoke about AAUW and its pay equity efforts. The main speaker, Janet Chung, legal and legislative counsel for the Northwest Women's Law Center, spoke about the gender wage gap at the national and local levels. She also

focused on the importance of the pending Paycheck Fairness Act and why students should work to see it signed into law. After the program, many students took advantage of the laptops provided in the room to write to their senators. The Tacoma branch and Women's Center hope to hold a similar event next year for Equal Pay Day, though they'd love to celebrate passage of the Paycheck Fairness Act before then!

If your branch is interested in holding an LAF Campus Outreach event on a sex discrimination topic this academic year, you may apply anytime for up to \$1,000 in funding. For more information and to access the short, one-page application, visit the AAUW website, www.aauw.org/act/laf/campusOutreach.cfm.



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Breaking through Barriers

Branch Programming Ideas

Do you need ideas for how your branch can make an impact in your community? Take advantage of these new LAF programs. Each one will allow you and your branch to make a concrete difference in your community and will help break down barriers for high school girls and college women. Please contact laf@aauw.org with any questions or if you need more information.

LAF Campus Outreach

AAUW branches and members can apply on a rolling basis to receive up to \$1,000 in funding and LAF staff support to implement a gender-equity-focused program or event at their local college or university. Topics for campus outreach may include sexual harassment or sexual assault on campus, equal pay and preparing for the workplace, Title IX in the context of athletics or women in nontraditional fields, and tenure issues for faculty. The LAF Campus Outreach Program in a Box includes more information about the grant, ideas for programming, and suggestions for

how to work with a campus to hold the event: www.aauw.org/member_center/programs/LAFCampusOutreach.cfm.

Title IX Compliance: Know the Score



Decades after the passage of Title IX of the Education Amendments of 1972, many schools still treat boys' and girls' high school sports teams inequitably. By engaging in local activism, AAUW members can help high schools reach the goal of Title IX compliance in athletics without the use of expensive litigation. In collaboration with the Legal Aid Society–Employment Law Center and the Women's Sports Foundation, the AAUW Legal Advocacy Fund has produced a tool kit for members with materials about Title IX and high school athletics and documents that can help AAUW members find out if their local school is Title IX compliant. The tools lend themselves well to branch programming

and branch member collaboration. Visit www.aauw.org/member_center/programs/TitleIXCompliance.cfm for more information.

Campus Sexual Assault

Twenty to 25 percent of college students, mostly women, experience sexual assault during their college careers. The Campus Sexual Assault Program, created in collaboration with SAFER (Students Active for Ending Rape), provides interested groups, including alumni and AAUW branches, with information about the prevalence of campus sexual assault and ideas for action that they can take to end it. The section for AAUW branches includes branch programming ideas on the topic. Visit the Campus Sexual Assault Program in a Box for more details: www.aauw.org/member_center/programs/csa.cfm.



Case Updates

In February the AAUW board awarded a total of \$25,000 to the ongoing cases described below, and in June they awarded \$40,000 more.

Jaureguito v. Feather River Community College, Thein v. Feather River Community College, Wartluft v. Feather River Community College

Plaintiffs: Michelle Jaureguito, former director of the Upward Bound/Talent Search program at Feather River Community College; Paul Thein, former vice president of student services, athletic director, and dean of students; and Laurel Wartluft, former head coach and faculty member

Complaint: Sex discrimination and retaliation for complaining of sex discrimination in violation of Title IX of the Education Amendments of 1972

Case History: In spring 2008, the lawyers in these cases submitted closing and reply briefs to the California State Personnel Board from the November 2007 trial. The judge in the State Personnel Board hearings submitted a decision in August 2009, ruling in favor of all three plaintiffs and awarding reinstatement, back pay, and damages. The State Personnel Board rejected the judges' decision.

Status: Jaureguito's trial is set for March 2011, Thein's trial for December 2010, and Wartluft's trial for October 2010. To date, LAF has contributed \$48,217 to Jaureguito's case, \$42,217 to Thein's, and \$45,217 to Wartluft's.

Mansourian, et al. v. Regents of the University of California, et al.

Plaintiffs: Arezou Mansourian and several other former students and members of the wrestling team at the University of California, Davis

Complaint: Sex discrimination in violation of Title IX of the Education Amendments of 1972. The university disbanded the women's wrestling team in 2001.

Case History: Mansourian et al. filed an appeal of the judge's ruling against them, which found there was not sufficient notice of the discrimination, not that discrimination had not occurred. The appeal also questions whether a Title IX claim supplants an equal protection claim. In February 2009, the National Women's Law Center (NWLC), the ACLU, and other women's rights groups submitted appellate briefs supporting Mansourian's briefs. AAUW signed onto the brief submitted by the NWLC. Oral arguments were held in U.S. Court of Appeals for the 9th Circuit in October 2009.

Status: On February 8, 2010, the 9th Circuit issued an opinion reversing the lower court's entry of summary judgment and remanded the matter for trial. The reversal also reinstated the plaintiffs' equal protection claims against the individual defendants. UC Davis filed a petition for rehearing en banc, asking the 9th Circuit to reconsider portions of the court's Title IX ruling. The en banc court has not yet ruled on whether it will hear the matter. To date, LAF has awarded \$64,746 in support of the wrestlers' case.

A Message from Development

Please remember that without financial support, we cannot provide these essential programs. We hope you will join other generous donors and support our critical work by using the enclosed donation envelope or by visiting our secure website at www.aauw.org/contribute. If you have any questions or would prefer to make a contribution over the phone, please contact Tremayne Parquet at 202/728-7611 or Kristie Malley at 202/785-7766 for assistance.

Please contact laf@aauw.org for a case recommendation form if you know about a workplace or higher education sex discrimination case that has the potential to set precedent. Read more about LAF's expanded case support program online at www.aauw.org/act/laf/cases.

Through case support travel grants, several LAF-supported plaintiffs and their lawyers spoke at the recent AAUW state conventions.



• Paul Thein, current LAF-supported plaintiff, spoke to members at the AAUW of Nebraska convention. "I appreciate the opportunity to spread the word. It keeps me sharp on the details of the case and at the same time helps spread the word on the need for enforcement of Title IX," said Thein of his speaking experience.

• Kristen Galles, lawyer for the current LAF-supported case *Mansourian, et al. v. Regents of the University of California, et al.*, spoke to members at the AAUW of Maryland and AAUW of Pennsylvania conventions.

• Lauren Mancuso, one of the current LAF-supported plaintiffs in the Mansourian case, spoke to AAUW members at the five-state conference of AAUW of Arkansas, Kansas, Missouri, Oklahoma, and Texas.

• Graciela Chichilnisky, a former LAF-supported plaintiff, spoke at the AAUW of New Jersey convention.

• Claire Schuster, a former LAF-supported plaintiff, spoke at the AAUW of New York and AAUW of California conventions.

AAUW Legal Advocacy Fund Major Donors

We extend sincere thanks to the donors whose contributions to LAF were received between November 1, 2009, and March 31, 2010.

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Raising Students' Awareness about the Gender Pay Gap

Most college students have never heard about the gender wage gap and are understandably astonished and outraged when they find out that just one year out of college, women only earn 80 percent of what men make in the same career field. Because litigation is expensive and out of reach for many people who face wage discrimination, speaking to students to make them aware of these issues and to help them learn how to address them when they enter the workforce is important. This spring, two AAUW branches received LAF Campus Outreach funding to hold campus events on the gender pay gap. Both events were held in conjunction with Equal Pay Day.

The AAUW San Diego (CA) Branch held an Equal Pay Day Mixer at the alumni center of San Diego State

University. The event was funded by the Gloria Weston Giving Circle. At check-in, the 50 attendees, including students, faculty, and community members, were handed either a list of questions related to pay equity issues or a set of answers to the questions. Then, they were encouraged to mingle to match up the questions and answers. This strategy was successful at prompting conversation and learning among the attendees.

AAUW San Diego (CA) Branch President Eunis Christenson introduced a representative of the San Diego mayor's office, who read a proclamation recognizing AAUW's efforts and establishing April 20 as Equal Pay Day in San Diego. AAUW Program Manager Holly Kears gave a history of AAUW's involvement on the issue and the status of the Paycheck Fairness Act. Kelly Jenkins-Pultz, a program analyst for



Attendees at the Equal Pay Day Mixer talk with AAUW member Donna Lilly, the past president of AAUW of California and current C/U recruiting liaison.

the U.S. Department of Labor Women's Bureau, described regional programs that assist women entering nontraditional careers and encourage employers to expand workplace flexibility. Attorney Paula S. Rosenstein discussed legal issues related to wrongful termination, discrimination, and

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