

# LAF/UPDATE



Spring 2007

## From the Board President



Barbara O'Connor

The AAUW Educational Foundation is marking an important milestone with the Legal Advocacy Fund, celebrating 25 years of progress and precedents in fighting sex discrimination in academia. I am continually moved by our members' support for LAF,

because each time we contribute we're making a statement that issues such as sexual harassment, pay discrimination, and tenure bias have no place on college campuses. Thanks to your powerful voices, LAF has provided support to over 100 plaintiffs, giving over \$1.3 million in financial assistance.

To commemorate this milestone, LAF is continuing its celebration with a very special 25th anniversary pin.

With a generous donation of \$250, members not only receive this beautiful platinum-colored pin featuring the LAF 25th anniversary graphic, they will also receive the traditional pin given to \$100-level donors. In addition, anniversary pin bearers who purchase a ticket to the LAF awards dinner at the 2007 AAUW convention in Phoenix, Arizona, will be invited to a special reception with our 2007 Speaking Out for Justice honorees, Clara Bingham and Laura Leedy Gansler, authors of the book *Class Action: The Story of Lois Jensen and the Landmark Case That Changed Sexual Harassment Law*. This book inspired the Hollywood movie *North Country*. But hurry; there is a limited supply of these special pins. I don't want to miss this exciting opportunity, so I've already committed to buying the first pin.

With the ongoing support of members like you, LAF will continue fighting for those seeking justice against sex discrimination in higher education. Don't forget your pin, and I'll see you in Phoenix!

A handwritten signature in blue ink that reads "Barbara L. O'Connor".

Barbara L. O'Connor  
President, AAUW Educational Foundation

## Also in This Edition

- Programs Receive PIE Awards
- Teaching about Sexual Harassment
- Latest Case Updates

## Coaches as Protectors of Title IX

Over the past few years, the AAUW Legal Advocacy Fund has seen a new trend emerge—athletic coaches being subjected to sex discrimination or retaliation for complaining of sex discrimination against female athletes. When Title IX was passed in 1972, politicians and activists were focused on ending sex discrimination in academics, such as ending admissions quotas against women in higher education. Few foresaw the effect this piece of legislation would have on women's sports. Since then, Title IX has become almost synonymous with women in athletics, and coaches seem to be on the front line in securing equity.

In 2005, LAF supported Roderick Jackson in *Jackson v. Birmingham Board of Education*, a case that went all the way to the U.S. Supreme Court. In March 2005, the high court ruled in favor of Jackson (5-4), setting an important precedent that those who complain about sex discrimination have a private right of action for retaliation under Title IX. Jackson's success brought in a wave of applications for LAF case support from coaches. Currently, LAF is supporting three cases in different stages, each brought by a coach who complained about sex discrimination and suffered as a result.

*Wartluft v. Feather River Community College* is LAF's newest case, accepted by the AAUW Educational Foundation board in February. Laurel Wartluft was hired by Feather River Community College (FRCC) on a one-year emergency contract to teach and coach women's basketball, with the promise that her position would become a full-time, tenure-track position at the end of the year. Failure to make the position full-time could have negatively affected FRCC's compliance with Title IX. In addition, Wartluft pointed out that the college's methods for funding, selecting, hiring, and compensating coaches for women's athletics discriminated against women. A hiring committee member and the college president responded by referring to Wartluft as a "closet lesbian" and indicated

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# Programs in Michigan and Hawaii Receive PIE Awards

by Eleanor “Coco” Siewert

*Hope.* That one word was spoken into a microphone at the Progress in Equity Award reception, which was held Nov. 16, 2006, at the University of Michigan–Dearborn. The speaker was Diane Engleman, a student who took her first college-level course through the university’s program at the Scott Correctional Facility for Women. Engleman described what it was like to take classes in prison, how her confidence grew with her success, and how that success gave her hope for her future.

After opening comments by the university provost, a faculty member described the experience of teaching in prison, and a student talked about the mentoring program that pairs current UM–Dearborn students with students in the prison courses. The reception concluded with remarks by the warden of the Scott Correctional Facility and a state senator who is a member of the Corrections Committee.

At one time, educational courses were offered in Michigan prisons, but in 1994 the state legislature made it illegal to offer college-level classes to inmates at taxpayer expense. University of Michigan–Dearborn faculty member Lora Lempert became aware of this void and, with courage and persistence, worked to fill it. She sought financial support from her school’s administration and encouraged her colleagues to volunteer as teachers. Since the program started, several hundred incarcerated women have participated in the program.



Left to right: Eleanor “Coco” Siewert, AAUW Board of Directors; state Sen. Michael Switalski; Clarice Stovall, warden at Robert Scott Correctional Facility; Lora Lempert, program director and associate professor of sociology; Heather Gay, principal at Robert Scott Correctional Facility; and state Rep. Alma Wheeler Smith.

The women in the prison program are excited about it. I visited them after the award reception and had a lively discussion about the courses they are taking. When I asked what they like about taking classes, one woman said, “It is the only normal activity I have, and it feels right and gives me a sense that life will be good for me again.” Another woman stated, “I have been inside for twenty years and have only five years to go. The classes show me careers that I



Students testify on behalf of the Bridge of Hope program at a state legislative committee meeting on the needs of low-income student parents on campus.

could consider, and I have discovered something that I never knew, that I have a passion for writing.” The students are also enthusiastic about their professors, citing numerous examples of encouragement and support.

Course offerings for the program have included classes in women’s studies, composition, sociology, and African American studies. Students receive continuing education units for completed courses and, after release from prison, may petition a Michigan college or university to convert the CEUs to course credits.

This project changes women’s lives and helps them build confidence as they come to understand and

discuss issues at the college level. By selecting the program for an award, the Legal Advocacy Fund shows its support for innovative projects that promote education and equity for women and girls.

The Bridge of Hope Program of the University of Hawaii, Honolulu, received LAF’s 2006 Progress in Equity honorable mention award. This campus-based program supports students at the university who are parents and welfare recipients, 97 percent of whom are single mothers. The program provides on-campus student employment for welfare recipients to meet their welfare work requirements in a way that supports education. In addition, the program offers support services to help students who are single parents succeed in their educational goals. These services include advocacy, within both the university and welfare agency bureaucracies, as well as community referrals for crisis intervention.

For more information about these remarkable programs, as well as past PIE Award winners, please go to <http://www.aauw.org/laf/pie/index.cfm>. The PIE Award program is a critical part of the AAUW Legal Advocacy Fund’s proactive efforts to address sex discrimination on campus.

*Eleanor “Coco” Siewert is the Parliamentarian for the Educational Foundation and Association boards.*

*The AAUW Legal Advocacy Fund currently supports 17 lawsuits. The AAUW Educational Foundation board has awarded \$32,000 in support of ongoing and new cases for a total of \$64,000 in FY 2007.*

### AAUW Legal Advocacy Fund Plaintiff Awarded \$4.07 Million in Sex Discrimination Suit



Janet Conney, a former assistant clinical professor at the UCLA Neuropsychiatric Institute and Hospital and an AAUW Legal Advocacy Fund-supported plaintiff, has

received a \$4.07 million jury award in her sex discrimination suit against the Regents of the University of California. In 1998, Conney signed a contract with UCLA for a full-time fellowship position, but three years later the school denied her the promotion and reassigned her as a part-time employee with a significant pay cut. She later learned that similarly situated male co-workers were paid double or more what she earned and that they were offered promotions that she was told were unavailable. AAUW has donated more than \$17,000 to Conney's case to date. The award, which Conney received this week, is one of the largest ever awarded to an AAUW Legal Advocacy Fund plaintiff.

### New Cases

This winter the Educational Foundation board voted to adopt two new cases, ***Jaureguito v. Feather River Community College*** and ***Wartluft v. Feather River Community College***. Each case received an initial award of \$5,000.

***Michele Jaureguito sued Feather River Community College*** for retaliation for complaining of sex discrimination in violation of the California Fair Housing and

Employment Act. Jaureguito, former director of the Upward Bound/Talent Search program at Feather River Community College, claims that in July 2005 she received a call from a college resident assistant reporting that an adult staff member was sexually harassing high school-age recruits, including fondling them and making sexual overtures, as well as providing them with alcohol. She went with her supervisor to handle the situation and made a complaint to the university. Jaureguito was harassed in retaliation for reporting the staff member's illegal behavior and sexual harassment. The harassment became so severe that Jaureguito felt she had no choice but to leave—a constructive discharge—in April 2006. Read more about this case at [www.aauw.org/laf/cases/jaureguito.cfm](http://www.aauw.org/laf/cases/jaureguito.cfm).

***Laurel Wartluft sued Feather River Community College*** for sex discrimination and retaliation for complaining of sex discrimination in violation of the California Fair Housing and Employment Act and failure to pay agreed compensation in violation of California Labor Codes. Wartluft, former head coach and faculty member at Feather River Community College, was offered a one-year emergency hire with the promise that it would be made into a full-time, tenure-track position. She left a coaching position based on this assurance. The athletic director informed the president that if the coaching position was not made a permanent, full-time position, the college would be in danger of not complying with Title IX. Wartluft applied for the posted position as the incumbent coach. After she was hired, Wartluft told the department of her concern that the college discriminated against women in the way it funded, selected, hired, and compensated coaches for women's athletics. Wartluft worked full-time for two months in fall 2005 without receiving full-time pay. When she complained about the salary discrepancy and met with the college's human resources director for what she thought would be a review of her contract, she was given a letter reassigning her coaching responsibilities and effectively terminating her. Read more about this case at [www.aauw.org/laf/cases/wartluft.cfm](http://www.aauw.org/laf/cases/wartluft.cfm).

### Updates on Other Cases

***Brodsky v. Kaleida Health and State University of New York at Buffalo***  
Brodsky's case continues in discovery. Trial is scheduled for May 2007.

### ***Burch v. Regents of the University of California***

Burch has reached a settlement agreement with the Board of Regents. The settlement includes a payment of \$725,000. The settlement has not yet been finalized.

### ***Chichilnisky v. Columbia University***

Chichilnisky's case is in pretrial, and she is awaiting the judge's decision on two pretrial motions.

### ***Doe v. Berry College***

Discovery ended on December 1, 2006. Doe's attorneys anticipate that trial will begin in summer 2007.

### ***Ilon v. The State University of New York at Buffalo***

Ilon's attorney has asked the judge to set a court date for trial.

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

The class certification hearing has been postponed until April 2007. In addition, the attorney is filing an amended complaint to make women from other sports actual named plaintiffs and not just class members.

### ***McMahon v. Carroll College***

McMahon is still awaiting a decision from the judge on the university's motion for summary judgment. She now has a full-time, permanent, tenure-track job at another college in Wisconsin.

### ***Miller, et al. v. Texas Tech University Health Sciences Center***

In April 2006, a jury found for Miller on her Pay Equity Act claims and awarded her \$15,000. Miller is awaiting the university's decision on whether it will appeal.

### ***Nash v. Ray L. Belton and the Southern University System***

Nash and her attorney did not request a writ of certiorari (an appeal request) from the U.S. Supreme Court. She is still

litigating one aspect of the sex discrimination case in state court.

***Potera-Haskins v. Gamble, Montana State University, et al.***

Potera-Haskins' case is in discovery.

***Schuster v. Berea College***

A jury found in favor of the college in November. Schuster's attorney has presented her motion for appeal.

***Simpson, et al. v. University of Colorado***

In mid-December, Simpson's attorney filed a reply brief for the appeal with the 10th Circuit Court of Appeals. Separate from the lawsuit, the new University of Colorado president met with Simpson, her mother, and her stepfather. Simpson found it to be a rewarding experience.

***Violand v. George Washington University***

The U.S. Court of Appeals for the District of Columbia heard oral arguments Jan. 19, 2006. Violand awaits a decision.

***Vuolo v. Board of Trustees, University of the Commonwealth of Massachusetts***

Vuolo appealed the lower court's dismissal of her case to the Appeals Court of Massachusetts in October 2003. A date for oral arguments has not been scheduled.

**Settlements and Decisions**

***Conney v. The Regents of the University of California***

The California Supreme Court decided not to hear the university's appeal. Conney received an award of \$4.07 million from the university.

LAF contributed \$17,619 in support of Conney's case.

***L.R. v. The Trustees of Princeton University***

L.R., a former assistant professor in the chemical engineering department at Princeton University, sued the trustees of Princeton University for sex discrimination in the denial of tenure, retaliation for complaining of sex discrimination, and other claims under New Jersey state law. In late January, L.R. and her attorneys negotiated a settlement with Princeton University for an undisclosed sum. L.R. is satisfied with the outcome. LAF awarded L.R. \$10,500 in support of her case. [LAF](#)

**Coaches as Protectors of Title IX** continued from page 1

that she wouldn't fit in at FRCC as a result. Ultimately, the college simply stopped paying her full salary and then terminated her in the middle of the semester.

In contrast, Robin Potera-Haskins (*Potera-Haskins v. Gamble, Montana State University, et al.*) focused her complaints on the inequity between the men's and women's teams at Montana State University. She told senior officials about problems in access to sponsorships, weight-training facilities, athletic trainers, and financial resources. Potera-Haskins

was simultaneously being paid less than male coaches and did not receive the same benefits—such as cell phones and cars—that male coaches received. After her complaints, the university failed to renew her contract, even though she had turned the women's basketball team into a winning program.

*Burch v. Regents of the University of California* is drawing to a close, and the case is LAF's second coaching success story. Michael Burch, wrestling coach and lecturer at UC-Davis, led his team to more dual-meet victories than any other previous wrestling coach at the university. Most important, he was committed to providing wrestling opportunities to both male and female students at UC-Davis. In 2000, the athletic director informed Burch that UC-Davis would no longer provide opportunities to women on the athletic team. Burch spoke out against the decision and helped the female wrestlers to meet with the athletic department to complain of sex discrimination. He publicly supported the female wrestlers in their claims and then learned that the university would not renew his contract. In January, Burch reached a settlement

with the Regents of the University of California for \$725,000.

All of these plaintiffs were winning coaches who found their jobs on the line after speaking out to end sex discrimination. The good news is that coaches are increasingly willing to take risks to end injustice. By supporting coaches, LAF is making a broad-based commitment to equity in athletics at all levels. Coaches are in a natural position to speak out on behalf of female athletes. They can see what is occurring from multiple vantage points and, as adults, may have more credibility with the administration. The effectiveness of Title IX in athletics depends on individuals who are willing to hold schools accountable. Most important, LAF hopes that highlighting these cases will inspire other coaches to speak out, resulting in greater and more proactive Title IX compliance in schools and universities. If enough coaches take a stand and more cases come to successful conclusions, like the Burch and Jackson cases have, universities will have tangible evidence that termination is no longer a viable option and that sex discrimination will not be tolerated. [LAF](#)

**Title IX of the Education Amendments of 1972:**

**“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”**

# AAUW Legal Advocacy Fund Major Donors

We extend sincere thanks to the donors whose contributions to LAF, a program of the AAUW Educational Foundation, were received between October 1, 2006, and March 1, 2007.

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*LAF apologizes for any errors or omissions. Kindly bring them to our attention so that we may correct them promptly.*

## Plaintiffs Speak at AAUW State Meetings Around the Country

The AAUW Educational Foundation Board awarded travel grants to sponsor current and past LAF-supported plaintiffs as speakers at nine state meetings in 2007. Plaintiffs will

describe how they fought against sex discrimination on issues such as Title IX, retaliation, tenure, and pay inequity on their campuses.

Meeting	Date	Location	Plaintiff	Case Name
Maryland	March 24–25	Baltimore	Lisa Simpson	<i>Simpson, et al. v. University of Colorado</i>
North Dakota	April 20–21	Fargo	Robin Potera-Haskins	<i>Potera-Haskins v. Gamble, Montana State University, et al.</i>
Georgia	April 20–22	Columbus	Claire Schuster	<i>Schuster v. Berea College</i>
Kansas/Missouri	April 21	Kansas City, MO	Ricky Hirschhorn	<i>Hirschhorn v. University of Kentucky</i>
Florida	April 27–29	West Palm Beach	Laura Violand	<i>Violand v. George Washington University</i>
New Mexico	April 27–29	Las Cruces	Lyn deMartin	<i>deMartin v. New Mexico Highlands University</i>
Oregon	April 27–29	Salem	Colleen Crangle	<i>Crangle v. Stanford University</i>
Pennsylvania	April 27–29	Scranton	Michael Burch	<i>Burch v. Regents of the University of California</i>
New York	April 29	Saratoga Springs	Christina Ng	<i>Mansourian v. Regents of the University of California</i>

## LAF Campus Outreach:


# A Dynamic Approach to Teaching about Sexual Harassment

The AAUW Legal Advocacy Fund's campus outreach program is a proactive effort to stop sex discrimination before it starts. The purpose of the program is to present activities that educate students and staff about sex discrimination issues, share ways to address and prevent sex discrimination, and provide action steps toward creating a more equitable campus climate. This past November, LAF staff teamed up with the AAUW Rochester (NY) Branch and the State University of New York at Geneseo to present a particularly creative and effective program for students that was derived from the AAUW Educational Foundation report *Drawing the Line: Sexual Harassment on Campus*.

The program was based on a model known as social action theater, which uses audience participation in an interactive forum. Social action theater facilitates discussion on a diverse range of issues with the goal of creating an environment of inclusiveness and audience participation so that performed scenes and issues of conflict can be resolved. This particular program began with a short lecture on the AAUW Educational Foundation's research, followed by a

series of skits demonstrating instances of sexual harassment on campus. After each skit, student leaders and attorneys led attending students in a discussion of what constituted legal sexual harassment and what was a precursor to sexual harassment. Participants were then given the opportunity to step into the scene onstage and alter the outcome to mitigate or end the sexual harassment.

The program was a wonderful success with excellent student participation. One student leader, Dana LePage, commented, "I think the students who came to the workshop appreciated an action-oriented environment that allowed them to move and interact, to discuss freely, and to feel like they had personal control in resolving the possible scenes of sexual harassment."

This unique program is easily replicable and would be excellent for any student or adult group wanting to explore the issue of sexual harassment. To inquire about the possibility of a campus outreach program in your area, co-sponsored by your branch or state affiliate, please contact the LAF office at [laf@aauw.org](mailto:laf@aauw.org). 

## About LAF

The AAUW Legal Advocacy Fund, a program of the AAUW Educational Foundation, provides funding, support, and technical assistance to individuals challenging sex discrimination in higher education and is the nation's largest legal fund focused solely on this issue. Through its recognition of campus programs and individuals and its public education efforts, LAF educates campuses and communities about continuing barriers faced by women and the legal rights, policies, and strategies that can help eradicate sex discrimination in higher education.

## Staff

Lisa M. Maatz, Interim Director  
Sarah Warbelow, Program Manager  
Joan Jupiter, Program Assistant  
Michele W. Wetherald,  
AAUW Executive Director



1111 Sixteenth St. N.W.  
Washington, DC 20036  
Phone: 202/785-7750  
800/326-2289  
Fax: 202/463-7169  
TDD: 202/785-7777  
[laf@aauw.org](mailto:laf@aauw.org)  
[www.aauw.org](http://www.aauw.org)

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1111 Sixteenth St. N.W.  
Washington, DC 20036