

100 for Justice

By Sarah Warbelow

With the adoption of five cases in 2005, the AAUW Legal Advocacy Fund marked an important milestone: 100 cases and counting. Since adopting its first case, *Zahorik v. Cornell University*, in 1981, LAF has worked to provide both funding and support services to plaintiffs with sex discrimination claims against institutions of higher learning.

The new cases—four of which are highlighted below—demonstrate a trend toward a more diverse range of plaintiffs and type of cases as more people have come to see LAF as a valuable national resource. Students, administrators, and other campus employees experiencing sex discrimination began to come forward seeking LAF support. Claims of sexual harassment and retaliation for complaining about sex discrimination are among those that have increased. LAF has even funded cases with male plaintiffs who have stood up for justice on behalf of campus women. Of the cases LAF currently supports, faculty members make up 47 percent of the plaintiffs, students 21 percent, and staff/administrators 32 percent.

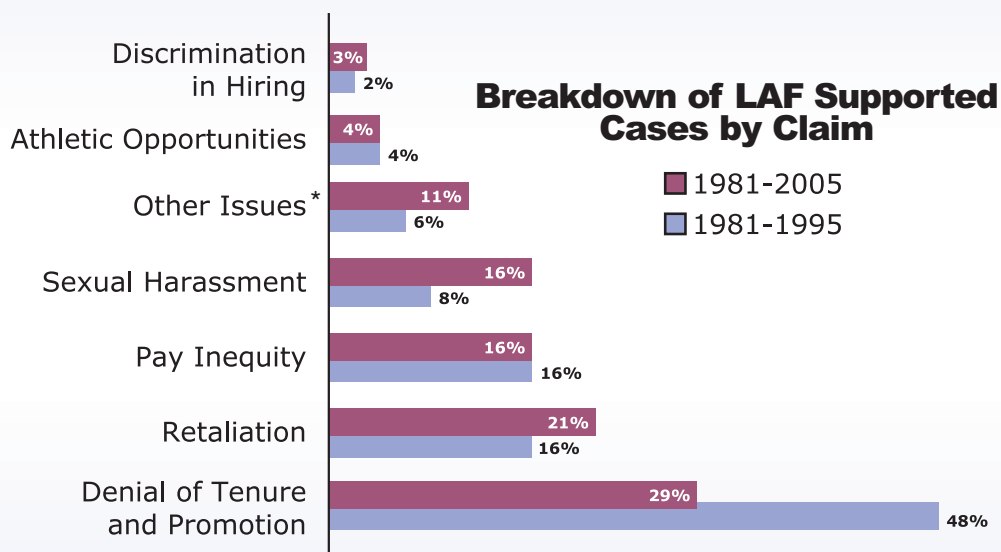
Sexual Harassment and Assault Against Female Students

Despite the greater presence of female students on campus today, incidences of sexual harassment and assault remain prevalent. Jane Doe (a pseudonym to protect her identity), a student at Berry College in Georgia, was sexually harassed and assaulted by a fellow student shortly after beginning her studies. She notified the administration but nothing was done.

While Doe was studying abroad, her alleged assailant sexually assaulted another student and attempted to sexually assault a third. These women also

contacted the administration, which again failed to act. Upon Doe's return, she was attacked, tortured, and raped by the male student. Doe and the other two women again approached the administration.

This time the college held a nine-hour hearing in which the male student was allowed to interrogate the women directly, while they were prohibited from having attorneys present. The university decided against him



* Other issues include wrongful termination, pregnancy discrimination, discrimination in admissions, and sex discrimination in the terms and conditions of employment.

and gave him sufficient demerits for expulsion but allowed him to remain through the end of the school year. In February 2004 Doe filed a claim against the college in federal court under Title IX, the federal law prohibiting sex discrimination in federally funded education programs and activities.

Athletic Opportunities and Retaliation

In yet another Title IX case, *Mansourian, et al. v. Regents of the University of California*, four female students chose to attend University of California, Davis because its varsity wrestling team provided women the opportunity to compete in major competitions. As members of the team, women received the same benefits as male wrestlers, including insurance and tutoring. The

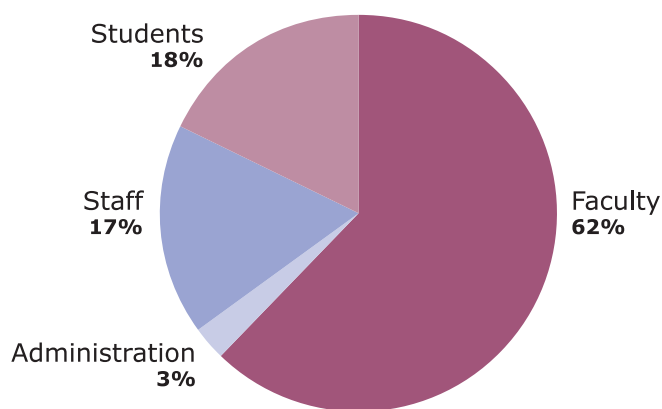
program was cut while three of the female students were there and just as the fourth, who had a scholarship to wrestle, arrived.

The female wrestlers were then told that they could remain on the team only if they could win against the male wrestlers using male wrestling rules. They appealed to the university to no avail. In 2003 the female students filed suit in federal court alleging failure to provide equal athletic opportunities.

Their coach, Michael Burch, has strongly supported them. As head coach of the wrestling team, he was committed to providing opportunities for women in the sport. In 2000 he was informed that due to concerns about liability and insurance, the wrestling team would no longer be open to female athletes.

Burch assisted the female athletes in appealing the university officials' decision—to no avail. When the female wrestlers filed a formal complaint for Title IX violations, Burch spoke publicly in their support. Soon thereafter, the university chose not to renew his contract despite his winning record. Burch filed a claim against the college in federal court in 2003 claiming retaliation in violation of Title IX. For both cases Burch feels that “without programs like the AAUW Legal Advocacy Fund, many people would have little hope of getting any justice, and causes that need to be fought would not be fought.”

Types of Plaintiffs in LAF-Supported Cases



Pay Inequity

Pay inequity remains a persistent challenge for women employees at universities around the country. Laura Violand began her position as assistant director of medical development at George Washington University at a level 17 salary. A male colleague, who was the director of major gifts at the medical center, was being paid at a level 24 salary. Violand claims that she was performing work equal to his in terms of cultivating, soliciting, and closing significant gifts and that

their work involved similar conditions, skills, effort, and responsibility.

She filed a complaint with the university, but the administration refused to adjust her salary. She then filed a complaint with District of Columbia Superior Court in 2001 alleging unequal pay. Violand won her jury trial and was awarded \$280,000 in back pay, but the university has appealed the decision.

“LAF validated me in my long, lonely struggle ... they saw [my case] and named it as part of a national trend.”

—Batya Weinbaum, LAF-supported plaintiff

Termination

Talented female faculty members like LAF plaintiff Batya Weinbaum increasingly find themselves excluded from academia due to gender stereotypes and claims of lack of collegiality.

When hired by Cleveland State University, Weinbaum, a tenure-track assistant professor of English, was promised a part-time graduate assistant, an office, and equipment to support her work on a feminist journal. She claims she was denied these promises and also faced harassment and disparate treatment from her male department head.

At her four-year review, the department's peer review committee praised her scholarship and teaching. However, they questioned her ability to work well with others and recommended she not be reappointed. She appealed the decision, but the university decided not to renew her contract. Weinbaum filed her case in 2004 in the Ohio Court of Claims.

Moving Forward

These newest cases show the breadth of issues LAF is now addressing. The cases were brought by people with vastly different experiences that ultimately boil down to the same core issues: the mistreatment of women by their universities on the basis of their sex and the mistreatment of those who stood up for women on campus. The cases demonstrate both how far we have come with the issues facing women in higher education as well as how far we have to go. Taken together, they all aim to further the same goal: making campuses more equitable for women.

—Sarah Warbelow is the program manager for the AAUW Legal Advocacy Fund.