

LAF/UPDATE



Winter 2007

From the Board President



Barbara L. O'Connor

I am excited to report that the AAUW Legal Advocacy Fund had a wonderful turnout for the ceremony honoring this year's Progress in Equity (PIE) Award winner, the Women in Transition (WIT) program of Charter Oak State College in Connecticut. A number of prominent state officials attended, and a staff member from the office of Rep. Christopher Murphy (D-CT) presented Merle Harris, Charter Oak president, and Delores Bell, WIT program director, with a special certificate. In addition, approximately 15 to 20 AAUW members attended the reception.

Each year, the PIE Award recognizes a college or university program that has resulted in significant progress for women on campus. Recipients receive a stipend of up to \$10,000 and public recognition throughout their communities, campus, and AAUW. Since the first award in 1987, 24 programs have received the PIE Award and 25 others have received a special distinction award, with a monetary stipend, or an honorable mention.

AAUW appreciates LAF's efforts in urging members and nonmembers to create innovative programs that help women succeed on campus. Providing these types of education and work programs that can be replicated will result in significant progress toward equity for women faculty, staff, and students.

Applications for the 2008 PIE Award are due March 14, 2008.

Barbara L. O'Connor
President, AAUW Educational Foundation

Also in This Edition

- PIE Award Winner
- Spotlight on Melissa Jennings
- Latest Case Updates

Campus Outreach Programs Abound

This fall, LAF staff engaged in several outstanding campus outreach programs. To kick off the school year and celebrate the 35th anniversary of Title IX, LAF Director Lauren Kamnik traveled to Virginia Tech to participate in a panel presentation on all aspects of Title IX. The panelists explored major gains achieved as a result of Title IX, as well as the potential future of the legislation.

Kamnik also worked with the AAUW St. Louis (MO) Branch and students at the University of Missouri, St. Louis, to create a social action theater project modeled after the program that originated between the State University of New York, Geneseo, and the AAUW Rochester (NY) Branch. On November 14, the students examined AAUW Educational Foundation and LAF research on sexual harassment, listened to a talk by a former LAF plaintiff on the effects of sexual harassment, watched a student-led performance about the different forms of sexual harassment, and participated in a discussion of alternative actions to stop or mitigate sexual harassment.

Then, on November 19, Kamnik met with students, faculty, and staff of Central Connecticut State University to discuss experiences and perceptions of sexual harassment, sexual assault, and sex discrimination. Kamnik, with the help of the Central Connecticut State University Women's Center, will use these discussions to determine the types of programs that the university can implement to improve the campus climate and increase awareness of and sensitivity to concerns of women.

LAF currently supports 14 lawsuits. The AAUW Educational Foundation board has awarded a total of \$32,500 in support of ongoing and new cases for FY 2008.

LAF-supported plaintiff Lisa Simpson awarded \$2.5 million

LAF-supported plaintiff Lisa Simpson has settled her case against the University of Colorado. Simpson, a former student at the Boulder campus, and another former student sued the university after they were allegedly raped by football recruits at an off-campus party in 2001. Under the settlement, Simpson will receive \$2.5 million and the other woman will receive \$350,000.

The university did not admit any liability or wrongdoing but did agree to create a new position in the Office of Victim Assistance and to hire an independent adviser to monitor the school's compliance with federal sex discrimination laws. Throughout the suit, Simpson advocated for nationwide reforms to college and university policies to improve the treatment and safety of women on campuses.

Simpson's victory is one of the largest ever awarded to an LAF-supported plaintiff.

New Cases

In spring 2007 the AAUW Educational Foundation Board of Directors voted to adopt two new cases: *Jennings v. University of North Carolina, et al.*, and *Towers v. State University of New York, Stony Brook*. Each case received an initial award of \$5,000.

Read more about **Melissa Jennings** in the story on page 3 and at www.aauw.org/laf/cases/jenningsvUNC.cfm.

Sherry Towers sued the State University of New York, Stony Brook, alleging sex discrimination and retaliation. Towers began her employment as a postdoctoral employee with the Stony Brook physics department in September 2000. In late 2002, Towers states that she told her supervisor that she was pregnant and expected to give birth in spring 2003. Towers alleges that she was told that she could not take childbirth leave if she wanted to receive future recommendations. She says that her supervisor insisted, in April 2003, that she begin working from home the day after her child was born and return to work full time two weeks later. Towers also claims that her workload increased dramatically in the few months after the birth of her child. In August 2003, Towers cut back her hours to 30–35 hours per week and received a 40 percent pay reduction. Towers states that she returned to work full time in December 2003. In January 2004, she began receiving her full salary again. Also at this time, Towers complained to the chair of her department about her supervisor's discriminatory behavior toward her. She charges that the chair did nothing in response to her complaint. Read more about this case at www.aauw.org/laf/cases/towersvSUNY.cfm.

Updates on Other Cases

Brodsky v. Kaleida Health and State University of New York at Buffalo
Brodsky's case continues in discovery. Trial has been rescheduled for May 2008.

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
On September 12, 2007, the court dismissed **Doe's** case against Berry College.

Ilon v. The State University of New York, Buffalo, et al.
Ilon's attorney has asked the judge to set a court date for trial.

Jaureguito v. Feather River Community College
The whistle-blower portion of **Jaureguito's** case was heard on July 30, 2007. The Title IX claim will go to trial in early 2008. The expert discovery is due by February 4, 2008.

Mansourian, et al. v. Regents of the University of California, et al.
On June 5, 2007, the defendants filed a motion to dismiss the case.

McMahon v. Carroll College
McMahon's case was dismissed in October. However, she now has a full-time, permanent, tenure-track job at another college in Wisconsin.

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. Nash will no longer pursue legal action against Southern University.

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

On September 28, 2007, **Potera-Haskins** received a partial victory in her case. Although the court dismissed her Title VII claims, it denied summary judgment to the defense, allowing the Title IX claims to move forward.

Schuster v. Berea College

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

Thein v. Feather River Community College

The judge in **Thein's** case against Feather River Community College extended the period of discovery until November 19, 2007.

Wartluft v. Feather River Community College

On September 26, **Wartluft** and her attorney filed a complaint in the Eastern District of California against Feather River Community College.

Settlements and Decisions

Riccardi v. Vanderbilt University Medical Center

Patrizia Riccardi, a research assistant professor in the department of radiology at Vanderbilt University Medical Center, sued the university, alleging sexual harassment and retaliation in violation of Title VII of the Civil Rights Act of 1964 and the Tennessee Human Rights Act. In September, Riccardi and her attorneys negotiated an undisclosed settlement with Vanderbilt University. LAF awarded Riccardi \$5,000 in support of her case.

Violand v. George Washington University

On September 20, **Laura Violand** prevailed against George Washington University's appeal when the appeals court judge upheld her \$280,955 jury award for back-pay damages. This decision is a major victory in light of the recent U.S. Supreme Court decision in *Ledbetter v. Goodyear Tire and Rubber Company*.

SPOTLIGHT ON NEW LAF PLAINTIFF MELISSA JENNINGS

LAF would like to introduce Melissa Jennings, plaintiff in *Jennings v. University of North Carolina at Chapel Hill* and recent recipient of a grant from the case support program. Jennings attended the University of North Carolina at Chapel Hill (UNC) in the late 1990s. UNC has the premier women's soccer program in the United States, and the coach, Anson Dorrance, has one of the most successful coaching records in any sport. World Cup stars Mia Hamm and Kristine Lilly both graduated from UNC and played under Dorrance.

Jennings was thrilled when Dorrance personally recruited her to be a walk-on for the team in 1995. By being part of the team, she would not only play soccer for a nationally recognized program but also make a new group of friends and travel around the United States to different colleges and universities. She soon learned, however, that participating on the UNC women's soccer team was not as glamorous as she had once thought.

During pre-practice warm-up sessions, team members often engaged in personal conversations. According to Debbie Keller, team captain, Dorrance occasionally joined in, asking about his players' sex lives. In her complaint, Jennings stated that Dorrance's remarks were often crude and that he made comments about the players' weight, legs, and chests.

In fall 1996, Jennings met with Susan Ehringhaus, assistant to the chancellor and senior university counsel. At this meeting, Jennings told Ehringhaus that Dorrance made sexual comments at practice, such as asking players who was "shacking up" and about a player's "[expletive deleted] of the week." Ehringhaus told Jennings to talk things over with Dorrance.

In December 1996, Jennings met with Dorrance in his hotel room for a routine end-of-year meeting. At this meeting, they discussed Jennings' academic performance. In addition, Jennings says Dorrance asked her about her social life, inquiring "Who are you [expletive deleted]?"

In May 1998, after two more seasons, Dorrance cut Jennings from the team, citing her attitude and fitness level. Jennings' father, Craig, wrote Ehringhaus a letter complaining about Dorrance's sexual comments. Ehringhaus forwarded the letter to Richard Baddour, the athletic director, who began an investigation into the allegations.

In a meeting with Jennings, her father, Ehringhaus, and Baddour, Dorrance denied discussing players' sexual activity in

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Spotlight on Melissa Jennings

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a one-on-one meeting with any player but admitted that he had joked around with players during practice. After the meeting, Baddour told Dorrance that it was inappropriate to talk to his players about their sexual activity. UNC did not punish Dorrance in any other manner.

On August 25, 1998, Jennings filed suit against UNC and Dorrance for creating a hostile environment in violation of Title IX of the Education Amendments of 1972. In her suit, Jennings alleged that Dorrance denied her the benefits of college sports and that the university acted with deliberate indifference in failing to address her complaints. After filing suit, Jennings began receiving threats and transferred to another university to complete her degree.

It has been nine years since Jennings began her fight against UNC and

Dorrance, and she refuses to give up. The U.S. District Court for Middle North Carolina rejected Jennings' claim in October 2004, granting summary judgment to the codefendants. Jennings appealed this decision to the U.S. Court of Appeals for the 4th Circuit, but a three-judge panel upheld the district court's ruling. In April 2007, however, the full circuit court remanded Jennings' case to the lower court for trial. In October 2007, the U.S. Supreme Court, declined to hear UNC's appeal.

The trial is scheduled to begin April 7. One of the main questions before the court is whether Dorrance actually harassed Jennings; many of his comments were directed at others and not specifically at her. The answer may set an important precedent in sexual harassment case law.

AAUW believes in the benefits of college athletics and that all women should have the opportunity to participate in a sport without sexual harassment. There are many benefits to participating in college sports, including higher levels of confidence and self-esteem, positive body image and higher rates of psychological well-being, and increased understanding of teamwork and goal setting. A positive ruling for Jennings will put pressure on college coaches, as well as universities and colleges, to take the issue of sexual harassment seriously.

AAUW and the AAUW Educational Foundation began supporting Jennings in her fight in October 2007 and will continue to support her until the case has concluded. Women must be free from harassment to have the educational opportunities necessary to advance in all aspects of their lives.

LAF Honors 2007 PIE Winners at Ceremony

The Legal Advocacy Fund presented the 2007 Progress in Equity Award to the Women in Transition program of Charter Oak State College during a ceremony in New Britain, Connecticut, on November 19. LAF awarded the program \$5,000 for its work in advancing educational opportunities for women in a critically underserved population.

Many people from the college and surrounding community attended the Progress in Equity Award ceremony. Notable attendees included John Miller, president of Central Connecticut State

University; Merle Harris, president of Charter Oak State College; Delores Bell, program director of Women in Transition; Laura Fanelli, director of public affairs for the Connecticut lieutenant governor; Jonathan Harris, Connecticut state senator; Valerie Lewis, Connecticut commissioner of higher education; a staff member from the office of Rep. Christopher Murphy (D-CT); Gail Nordmoe, AAUW executive vice president/secretary; Lauren Kamnik, LAF director; and Carol Virostek, president of AAUW of Connecticut.



Charter Oak State College
President Merle Harris,
LAF Director Lauren Kamnik,
AAUW of Connecticut
President Carol Virostek, and
Connecticut Commissioner
of Higher Education Valerie
Lewis at the 2007
PIE Award Ceremony

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.

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