



Equity in Education

In this section you will find information on the logistics and history of the FMF Campus Program, Affirmative Action, and Title IX.

Knowing the history and understanding the legislation that affects these issues allows student activists to guard against gender and racial discrimination on their campuses.

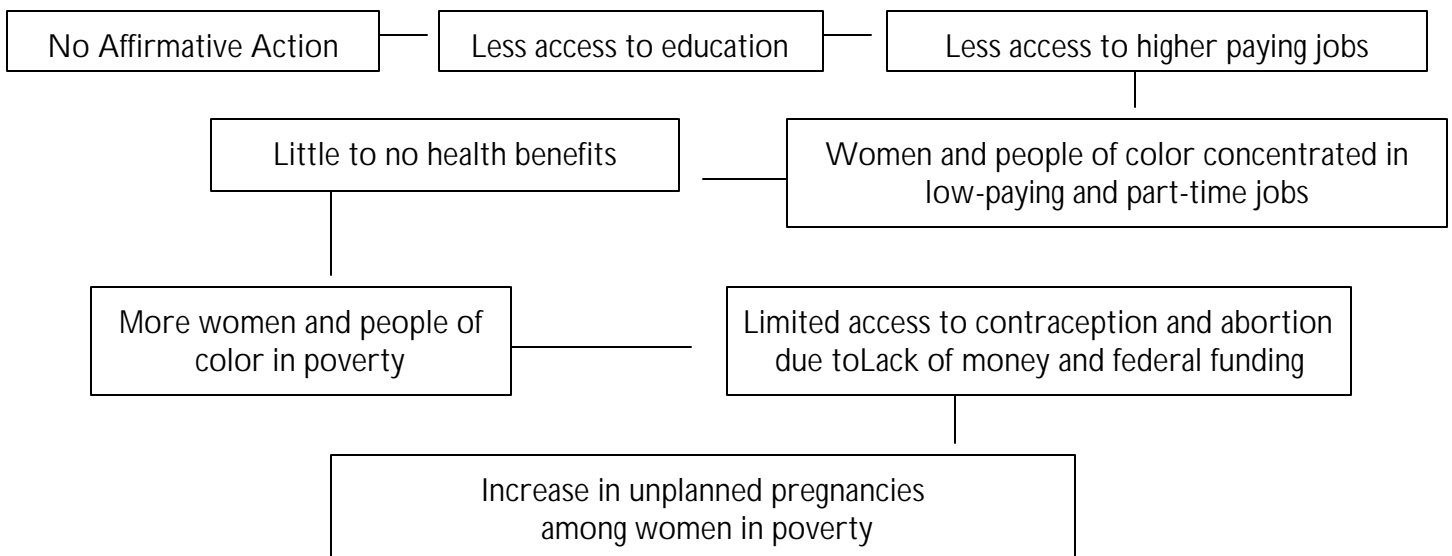
Affirmative Action in Education: The Origins of the Campus Program

During the 30 years following the Civil Rights Act, the university community took steps to recruit and admit more minorities. By 1990, over 11% of college students were black, a number that comes close to being representative of the percentage of blacks in the U.S. population as a whole. Soon thereafter, however, a backlash against affirmative action in higher education took hold (ACLU).

From the fall of 1995 through the fall of 1996, Feminist Majority Foundation President Eleanor Smeal spoke on some 110 community, private and state campuses nationwide. This major recruitment effort mobilized thousands of young activists for the **Freedom Summer/Fall '96**, a campaign to protect affirmative action in California's public university system, the largest in the US. Over 350 full-time volunteer interns worked to defeat **Proposition 209**, the anti-affirmative action initiative on California's November '96 ballot designed to outlaw affirmative action for women and people of color and to gut sex discrimination law. Through the "Save the Dream" Freedom Bus Tour, these student interns worked on almost all California campuses, including community colleges, to register students to vote and to recruit campaign workers. The bus tour, which was sponsored by the **Stop Prop 209 Campaign**, included **Feminist Majority** President Eleanor Smeal, **Rainbow Coalition** President Rev. Jesse Jackson, **United Farm Workers** founder Dolores Huerta and **National Organization for Women** President Patricia Ireland. In total, thousands of students, with some 750 volunteering significant blocks of time, worked on the campaign through the Feminist Majority Foundation program.

Ultimately, Proposition 209 was passed by a slim vote of 54% in favor and 46% opposed and affirmative action was eliminated in California. As a result, law school admissions among African Americans dropped nearly 72% and 35% among Latinos. At UC Berkeley, admissions of Native Americans, African Americans and Latinos were cut in half (ACLU). Yet the Stop Prop 209 Campaign generated energy and students nationwide wanted to stay involved in the movement. The Campus Program, Feminist Majority Leadership Alliances, and the *Choices* Campaign all grew out of a history of organizing with young activists to protect affirmative action and work for social justice.

Affirmative Action and Reproductive Choice





The 5W's of Affirmative Action

What is Affirmative Action?

- Affirmative action programs seek to remedy past discrimination against women and minorities by increasing recruitment, promotion, retention, and on-the-job training opportunities in employment and by removing barriers to admission to educational institutions.
- Affirmative action strategies include expanding the pool of job or admission applicants through recruitment strategies which reach outside of traditional channels, such as the posting of job notices in places where women and minorities are more likely to see them. In employment, affirmative action programs also have sought to increase on-the-job training opportunities that are related to occupational mobility within workplaces.
- Affirmative action is not a quota system. Under existing law, quotas are illegal. Federal contractors are required to establish goals and timetables for recruitment, promotion, retention, and on-the-job training opportunities for minorities and women of color, and to make a good faith effort to meet them. Race, national origin, and gender are among several factors to be considered, but relevant and valid job or educational qualifications are not to be compromised.

Who does affirmative action support?

- Affirmative action was created primarily to redress the imbalances caused by our nation's long-standing discrimination against people of color and women.

When did affirmative action start?

- The term "affirmative action" was used for the first time in 1965 by President Johnson in an Executive Order requiring federal contractors to take "affirmative action" to ensure equality of employment for people of color. This Executive Order was extended to women in 1968.

Where is affirmative action implemented?

- Affirmative action programs are in place everywhere from the federal government and large corporations to small businesses and colleges and universities.

Why do we still have affirmative action?

- Women earn just over 77 cents for every dollar men earn (AAUW/AFL-CIO 2005).
- Workers of color still are concentrated in the lower-paying, unskilled job sector. In 2002, minority men were 4-5 times less likely than white men to be employed as managers or professionals and much more likely to be employed as operators, fabricators, and laborers (EEOC, 2005).
- Gender-segregation prevails in many sectors, barring women from high-wage earning opportunities. Nationally, 99% of auto-mechanics, 97% of pilots, 98% of firefighters and 95% of welders are men, for example, but traditionally low-paying occupations, such as domestic and secretarial work, remain heavily female (FMF).
- Sexism and racism create a particularly difficult double burden for women of color. National data show that as of 1999, the median annual income of African American women for full-time year round work was \$27,600; of Native American women, \$25,500; and of Hispanic women, \$23,200; all of which are substantially below the income of their White counterparts, who earned \$30,900 (all above figures have been adjusted for inflation as of 2003 and are provided by the Urban Institute 2004b—Institute for Women's Policy and Research).
- Standardized tests still carry disproportionate weight in university admissions, yet many high schools serving students of color do not provide the resources students need to achieve on these tests and many fail to offer Advanced Placement courses to their excelling students (ACLU).

The American Civil Liberties Union (ACLU) AFFIRMATIVE ACTION TIMELINE

1791 "Original Sin" of the Constitution and Bill of Rights **legitimizes slavery.**

1860s The **Thirteenth Amendment** of 1865 abolishes slavery, but southern states revive slavetime codes, creating unattainable prerequisites for blacks to live, work or participate in society. The **Civil Rights Act of 1866** invalidates these codes, conferring "the rights of citizenship" on all people. The **Fourteenth Amendment** grants citizenship to all persons born in the U.S., forbids states from denying "life, liberty or prosperity" without due process of law, and guarantees equal protection under the laws.

1870s Fifteenth Amendment of 1870, gives freedmen the right to vote, **1875 Civil Rights Act** guarantees equal access to public accommodations regardless of race or color. White supremacist groups, however, embark upon a campaign of terror against blacks and their white supporters.

1896 Plessy v. Ferguson establishes "separate but equal" clause, which is immediately interpreted as "unequal." Segregation, lynchings, severe economic hardship, and political powerlessness for black people will begin to reach all time-highs, with few political or legal barriers.

1954 Brown v. Board of Education ends legal school segregation and sets a precedent for widespread desegregation. One year later, 4.9% of college students aged 18-24 are black.

1961 President Kennedy issues **Executive Order 10925**, prohibiting discrimination in federal government hiring on the basis of race, religion or national origin.

1964 The **Civil Rights Act** seeks to end discrimination by large private employers on the basis of race and gender whether or not they have government contracts. Title VII of the Act establishes the Equal Employment Opportunity Commission (EEOC).

1965 The term "affirmative action" is used for the first time, by President Johnson in **E.O. 11246**, requiring federal contractors to take "affirmative action" to ensure equality of employment. This Executive Order is extended to women in 1968.

1969 President Nixon's "**Philadelphia Order**" presents "goals and timetables" for reaching equal employment opportunity in construction trades. It is extended in 1970 to non-construction federal contractors. By this time, 7.8% of college students aged 18-24 are black.

1972 Title IX of the Education Amendments Act prohibits discrimination against girls and women in federally-funded education, including athletic programs.

1978 University of California v. Bakke sets the parameters of educational affirmative action saying that quotas are unconstitutional, but that minority status can be used as a factor in admissions.

1990s As black enrollment reaches an all-time high (11.3% in 1990), a backlash against affirmative action begins. In **Richmond v. J.A. Croson Co.**, the Supreme Court rules set-aside programs unconstitutional unless specific industry-wide discrimination can be proven.

1995 In **Adarand Constructors v. Peña**, Supreme Court issues a "strict scrutiny" standard for proving race-based discrimination, a ruling which critically undermines affirmative action.

1996 U.S. Court of Appeals, in **Hopwood v. University of Texas School of Law**, rules that race can no longer be used as an admissions factor (overruling **Bakke**). Latino admissions drops 64% and African American admissions drops 88% in one year.

1997 The anti-affirmative action initiative **Proposition 209** narrowly passes in California. Enrollment of students of color at UCB decline within one year. Washington state passes a similar initiative, I-200, in 1998.

1999 Governor Jeb Bush of Florida Issues **Executive Order 99-281**, ending affirmative action in state contracting and higher education.

2003 Supreme Court upholds the race-conscious admissions policies of the University of Michigan's law school while rejecting as unconstitutional the undergraduate school's "point system" in the case



Affirmative Action: Myth vs. Reality

Myth: Women do not need affirmative action anymore.

Reality: Though women have made gains in the last 30 years, they remain severely underrepresented in most nontraditional professional occupations as well as blue-collar trades.

- As of 2000, white men were 36 percent of the U.S. population, but 65 percent of physicians, 71 percent of lawyers, 73 percent of tenured professors, and 94 percent of school superintendents.
- As of 2003, women were only 5.6 percent of all mechanical engineers, less than two percent of carpenters, 12.4 percent of police, and 3.5 percent of firefighters (DOL).

Myth: Under affirmative action, minorities and women receive preferences.

Reality: Affirmative action does not require preferences, nor do women and minorities assume that they will be given preference.

- Race, gender, and national origin are factors that can be considered when hiring or accepting qualified applicants. Hiring qualified women and minorities is similar to the preferences given to veterans in hiring, or private colleges and universities valuing geographic diversity on their campuses.

Myth: Affirmative action programs that aid the economically disadvantaged (i.e. needs-based programs) are enough to address discrimination.

Reality: Women and minorities face discrimination as they climb the corporate ladder and bump up against the "glass ceiling."

- Affirmative action based on need would fail to break down barriers that women and minorities experience in the workplace, especially at higher levels.

Myth: Unqualified individuals are being hired and promoted for the sake of affirmative action.

Reality: Only affirmative action plans that do not compromise valid job or educational qualifications are lawful.

- Plans must be flexible, realistic, reviewable, and fair. The Supreme Court has found that there are at least two permissible types of actions that qualify for voluntary affirmative action by employers under Title VII:
 - (1) to remedy a clear and convincing history of past discrimination by the employer or union.
 - (2) to cure a manifest imbalance in the employer's work force. Thus, affirmative action programs are intended to hire the most qualified individuals, while at the same time achieving equality of opportunity for all.

Myth: Title VII alone is sufficient to address discrimination.

Reality: Affirmative action means taking positive, proactive, and preemptive steps to root out discrimination, rather than waiting for after-the-fact litigation.

- Title VII addresses discrimination, but it does so only after an instance of discrimination has been claimed. Affirmative action policies are a means to end discrimination in a far less costly and disruptive way than protracted litigation.

Myth: Under-representation of minorities and women in the corporate world (or other high-paying jobs) is not due to discrimination.

Reality: While discrimination is not the sole reason for lack of women and minorities in the corporate world, we must acknowledge past and present discrimination.

- A study of the 1982 Stanford MBA graduating class found that in 1992, 16 percent of the men held CEO titles compared to 2 percent of the women. Twenty-three percent of the men become corporate vice presidents, but only 10 percent of the women, while 15 percent of the men served as directors, compared to 8 percent of the women. Barriers to employment and promotion still exist for women and minorities. Affirmative action opens the doors to opportunity and advancement.

Myth: Most analyses that point to wage differentials between men and women do not take into account differences in hours worked and years of uninterrupted work experience between the sexes. Female earnings are depressed because women work, on average, fewer hours per week than men and have more interruptions over their working lives than do men.

Reality: The wage inequities most often cited are based on Department of Labor and Census Bureau data on year-round, full-time workers who have a permanent attachment to the work force.

- This data does not compare full-time male workers to part-time female workers, nor does it compare permanent workers to part-time and contingent workers.

Myth: The so-called earnings gap between men and women has closed significantly in recent years, therefore, affirmative action is no longer needed to achieve pay equity.

Reality: In 1993, the total amount of wages women lost due to pay inequity was nearly \$100 billion.

- The average woman loses approximately \$420,000 over a lifetime due to unequal pay practices.
- Working women still earn just over 77 cents for every dollar men earn.
- Much of this wage gap is due to the fact that women are still segregated into traditionally female-dominated jobs where wages are low. In 1993, 61 percent of all employed women worked in technical/sales, service, and administrative support/clerical positions, while only 28 percent of women worked in higher-paying managerial and professional fields.
- The pay gap exists even within the same occupation. In 86 occupations tracked by the Bureau of Labor Statistics, women earn 20 to 35 percent less than men earn. For example, female college professors earn 77.1 percent of male professors' wages. Women public relations specialists earn 76.7 percent of their male counterparts' wages. Women in securities and financial services earn 65.6 percent of men's wages.

Calculate your pay inequity at www.aflcio.org



Equal Opportunity and Access: Promote Affirmative Action

Explore Diversity on Campus: "Know Your Campus Survey"

These are just some of the questions you'll find in the first chapter of the Study and Action Manual. Try breaking up into committees to research several areas of diversity on campus. Then, publicize your results on campus.

- What institutional policies and resources are available to women and people of color? Does your university fund programming specifically geared towards women on campus?
- How do faculty break down by gender and race? What percentage of faculty on campus are women or people of color? How are these percentages affected by subject area, tenure status, status as full or part-time, associate, or full professor, and department chairs?
- What is the composition of your student body in terms of gender, race and ethnicity, age, and geographic reach? Is your university taking proactive steps to foster diversity and its appreciation on campus? What is included in employee health insurance coverage?

Help Create a Diverse Campus Career Center

Carefully exam your campus Career Center and determine what resources are available to your campus to get started. Plan a visit to your Career Center with other Leadership Alliance participants. Below is a list of some questions your Leadership Alliance should ask.

- What special job listings, files, or books does your Career Center have for women and people of color in the workplace? What about resources devoted to non-profit or activist careers?
- Is there a staff member at the Center who is particularly knowledgeable about feminist and activist careers? Are there women and people of color on the staff?
- Does your Career Center adhere to an Equal Employment Opportunity policy? Such a policy would require that all employers wishing to be listed or recruit through the Career Center comply with non-discrimination standards.

Based on the results of your inquiry, your Leadership Alliance may want to initiate some actions in direct response to your findings. For example, if the Career Center does not have an Equal Employment Opportunity policy, urge them to adopt one. Write letters to the editor, circulate petitions, and publicize your cause. Additionally, if your Center lacks feminist career information, develop a list of books and web resources that the Career Center should make available to students and urge them to make use of these resources.

Organize A Feminist Career Panel

Organizing a feminist career panel discussion is not only an excellent way for students to learn about careers in feminism and ways of bringing feminism to traditional careers, but offers a terrific opportunity for students in the Leadership Alliance to establish contacts with influential women in the local community. Such a panel might consist of women in local government, in unions, women business owners, reproductive healthcare providers, full-time activists, or women in traditionally male occupations. Aim to invite panelists who can best address the interests of feminists on your campus. Check out Unit 9 of the Study and Action Manual for help with this action, <http://www.feministcampus.org/fmla/program-materials/default.asp>

Create Diversity at Your General Career Fair

How feminist friendly are the companies at your University's yearly career fair? Start by contacting your Career Center about a month before the event in order to obtain a full list of all participating companies. Divide the companies among members of the Leadership Alliance and investigate them. Call the companies and inquire about their policies, benefits, and staff. Important questions to ask include:

- Do they practice and support affirmative action?
- Do they have a diverse workplace? What are the percentages of women and people of color in their business?
- Are women and people of color evenly distributed among the lower, middle, and upper management?
- Do they conduct sexual harassment and sensitivity trainings?
- Do they participate in any volunteer or mentoring programs?
- Do they have childcare, flextime, and healthcare policies?
- Do they offer health and insurance benefits to domestic partners of gay and lesbian couples?
- Is their business accessible to people with disabilities?
- Does their employee health insurance plan cover abortion costs and prescription costs for contraceptive pills, IUDs, and injections?

After gathering this information, make it widely known which companies have poor policies and which ones are progressive. Some ideas for disseminating this information include handing out flyers at the career fair, informing your Career Center, and writing a letter to your campus newspaper.

For More Information

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO)- www.afl-cio.org- brings social and economic justice to our nation by enabling working people to have a voice on the job, in government, in a changing global economy and in their communities.

American Association for University Women (AAUW) - www.aauw.org- promotes education and equity for all women and girls through public policy efforts and diversity initiatives.

Leadership Council on Civil Rights, www.civilrights.org- a coalition of over 185 progressive organizations, the Leadership Conference on Civil Rights offers resources and research on the struggle to end discrimination of all forms, including a social justice career center, action center, and links to a multitude of civil rights organizations.

American Civil Liberties Union (ACLU)- www.aclu.org- works through courts, legislatures and communities to defend and preserve the individual rights and liberties guaranteed under the Constitution.



Title IX: Sex Based Equality

Title IX of the 1972 Education Amendments to the Higher Education Act

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.

Title IX is most well-known for increasing women's participation in sports. In 1971, only 294,015 girls participated in high school athletics. According to the U.S. Department of Education, **today, over 2.7 million girls participate in high school athletics, an 847 percent increase.** However, males are still the majority of high school and college athletes.

But, Title IX is not just about sports. It prohibits discrimination against girls and boys, women and men, students and employees, in **all levels of education.** In accordance with the 1987 Civil Rights Restoration Act, it applies to all education programs and activities that receive federal financial assistance. For example, it prohibits sex discrimination in facilities, access to courses, career guidance, student financial aid, health and insurance benefits, employment in educational institutions, and sexual harassment. In addition to schools and colleges, it covers scientific laboratories, prisons, museums, and a variety of other public and private institutions.

Prior to Title IX, many professional programs had quotas drastically limiting the number of women admitted. **By 2003, women made up over 75 percent of veterinary students, and roughly half of the medical and law students.** In the field of nursing, men now make up 13 percent of students compared to one percent in 1972. Elite undergraduate institutions are now reaching parity between men and women in admissions. Harvard College reported admitting slightly more women than men for the first time in 2004.

Despite progress on some indicators, many inequities remain. Women earn only 20 percent of engineering degrees. Sex segregation and tracking funnel 90 percent of girls and women into traditionally female fields in vocational and technical education.

In March 2004 the U.S. Department of Education proposed changes to the Title IX regulations that would extensively weaken Title IX by making it significantly easier for schools and school districts to have single sex classes and single sex schools.

Alarming, the proposed changes contain no requirement that the facilities offered to the two sexes be identical or equal.

Take Action!

**Promote Women's Sports!
Attend your schools women's sporting events. One of the ways universities and colleges deny women's sports comparable funding to men's sports is by saying that there is no interest or that it generates little to no money.**

Deny them this excuse!

Current Title IX regulations permit some sex segregated education, such as single-sex schools and classes when they are needed to overcome the effects of gender discrimination. The March 9, 2004 proposed changes to the Title IX regulations would allow such classes in many more cases and no longer tie these classes to overcoming the effects of discrimination. This would allow separate facilities or classes as long as the gender that is not given the special class or school receives a "substantially equal" educational opportunity. "Substantially equal" is not specifically defined in the regulation. However, the Department is very clear that equal or identical treatment is not required. For example, if boys are given a single sex class with two teachers, the "substantially equal" class for girls could have only one instructor.

Many studies have found that there is no evidence that the single-sex nature of single-sex schools or classes actually benefit male or female students. The qualities that make single-sex schools and classes attractive - fewer students, motivated parents, motivated teachers and resources - are the same factors that make any school successful. Additionally, public response to the proposed changes was overwhelmingly against any weakening of Title IX's sex segregation regulations.

As of March 2005, these changes have not taken effect, however this could change any day. Stay updated so you know how you can help keep the Title IX regulations stable.

Action Through Education

To learn more check out the following websites:

- Current threats to Title IX:
<http://www.feminist.org/education/ThreatsToTitleIX.asp>
- Does your campus comply with Title IX laws:
<http://www.nwlc.org>
- The History of Title IX:
<http://bernicesandler.com/id44.htm>
- Full statute of Title IX:
<http://www.usdoj.gov/crt/cor/coord/titleixstat.htm>

Title IX and Sports

Title IX of the Education Amendments of 1972 **prohibits sex discrimination in education programs and activities, including athletic programs, which receive federal funding.** Title IX covers such issues as sexual harassment, single-sex classes, employment and admissions processes, as well as gender equity in athletics.

For athletic programs to comply with Title IX, schools must meet **one** of the following requirements:

1. The proportion of athletic opportunities offered to female athletes must mirror the proportion of female students in the campus population **–OR–**
2. The school must show efforts to increase opportunities for female athletes **–OR–**
3. The school must prove that they already accommodate the interest of female athletes, even if women are offered fewer opportunities to participate.

Title IX, Women in Sports, and the Struggle for Equality

Title IX has yielded greater opportunities for women and girls to participate in sports.

Since the passage of Title IX, female athletic participation in high school has increased 847%. Today, there are five times more female college athletes than before the passage of Title IX [Women's Sports Foundation].

Gender inequity still exists on the playing field.

Nearly 80% of schools and universities fail to comply with Title IX. On average, male athletes receive twice the number of athletic opportunities, 75% of the school's operating athletic budget, and \$179 million more in athletic scholarships than female athletes, even though men account for only 46% of the general student population [National Women's Law Center]. Additionally, there remains a discrepancy between salaries for coaches of men's and women's sports teams [National Coalition for Women and Girls in Education].

Title IX does not discriminate against men's sports programs.

Opponents of Title IX often use the argument that Title IX reversely discriminates against men's sports teams. For example, men's gymnastics and wrestling teams have been cut from school budgets to accommodate the introduction of women's sports teams. Yet two-thirds of schools that have added women's sports programs to comply with Title IX did so without eliminating men's sports. What is actually to blame for the reduction in low-revenue teams like gymnastics and wrestling is schools' refusal to adequately distribute men's athletic funding. Football and men's basketball currently absorb 72% of men's total athletic budgets in Division I-A colleges, making the rest compete for remaining funds [NWLC].

Gender equity in sports participation is essential to the struggle for equality.

Lack of encouragement, opportunity, and institutional support for female athletes prevent women and girls from experiencing the documented physiological, psychological, and sociological benefits that come with sports participation. Title IX requires schools to provide the institutional support and encouragement that female athletes deserve.



Sexual Harassment: Title IX

Sexual Harassment in Schools, Colleges and Universities

What Constitutes Sexual Harassment in an Educational Setting?

Sexual harassment in schools is illegal **under Title IX of the 1972 Education Act**. This law applies to schools, colleges and universities that receive **any** amount of federal funding. Title IX allows the U.S. Department of Education to investigate complaints, order remedies, and withhold funding from educational institutions in violation of Title IX. Enforcement of Title IX is administered by the Department of Education's Office of Civil Rights.

In 1992, Christine Franklin, a high school student from a Georgia school district, became the first to win a Supreme Court case for sexual harassment under Title IX. She had been sexually harassed by her male science teacher for two years. The harassment culminated in rape on three occasions.

Equity in education is compromised and jeopardized by the existence of sexual harassment in educational institutions. In the 1993 American Association of University Women (AAUW) study "Hostile Hallways," **85% of all girls and 76% of boys reported having been sexually harassed at school**. But, says Anne Bryant, former director of AAUW, "The impact on girls is far more devastating." Many more girls than boys said that, as a result of the harassment, they were afraid in school or less confident about themselves.

The two types of sexual harassment that are legally recognized are quid pro quo and hostile environment. **Quid pro quo** is when someone is offered an incentive for inappropriate and unwanted sexual advances, such as a professor offering a student an "A" if the student has sex with them. **Hostile environment** is when an environment is created or maintained that makes a student feel uncomfortable and jeopardizes their ability to be a successful student or employee, such as a lewd poster on a dorm door or in a professor's office.

Most of the harassment in junior high and high schools happens in hallways.

Classrooms are the second most frequent location where harassment occurs. The most common complaints were inappropriate jokes, looks, or gestures. Sexually suggestive touching, grabbing, or pinching was the second most common complaint.

Most of the harassers are students, although **18% of all students in the survey said they had been sexually harassed by a school employee**.

Take Action!

Become a member of the Title IX Action Network!

The Title IX Action Network is being created to fight threats to Title IX and to enable and empower equity advocates. These advocates will work together to strengthen the implementation of Title IX and rebuild a national gender equity infrastructure that has been emaciated by the withdrawal of federal funding.

**To get involved visit:
www.feminist.org**

Many ask how one can tell whether the questionable behavior is **normal flirting, the effect of raging hormones, or sexual harassment**. Nan Stein, of the Wellesley Center for Research on Women and an expert on the sexual harassment of young women, suggests considering the following checklist:

Sexual Harassment

- Feels bad
- One-sided
- Feels unattractive
- Is degrading
- Feels powerless
- Unwanted touching
- Feels invading
- Demeaning
- Provokes negative emotions
- Negative self-esteem

Flirting

- Feels good
- Is reciprocal
- Feels attractive
- Is a compliment
- Equal control
- Open
- Legal
- Flattering
- Provokes positive emotions
- Positive self-esteem

What to Do if You are Harassed in a Federally-Funded Education Institution

Incidents of sexual harassment in elementary, middle or high school should first be reported to the Principal, if possible. They may also be reported to the Vice-Principal, school counselor, a member of the school board, or the district Superintendent of Schools. College and university students and staff should consult their student and staff handbooks for information on how to file grievances.

Schools, colleges and universities that have not already done so should develop grievance policies and procedures regarding sexual harassment and distribute this information to students, teachers and administrators. **Persons experiencing harassment should first follow grievance procedures established by the school, college or university.** If this action is ineffective, the victim should report sexual harassment to the U.S. Department of Education's Office of Civil Rights at (202) 260-7250 (phone) or (202) 260-7250 (fax). If any criminal behavior has occurred (e.g. sexual assault, rape), you should report this to the police as soon as possible.



Sexual Harassment: The Workplace

Sexual Harassment and Workplace Issues

Sexual harassment is a form of sex discrimination when it would not have occurred but for the person's gender. It is covered under Title VII of the 1964 Civil Rights Act. Some of the most recognized forms of sexual harassment are:

- Direct sexual advances or propositions, including higher-ranked employees asking for sexual favors;
- Intimidating or excluding women employees to jeopardize their employment status;
- Creating a hostile workplace for women by using sexist jokes, remarks, or pinning up sexually explicit or pornographic photos;

Sexual harassment is not mutual and is unwelcome. It is rude, demeaning behavior and is about the abuse of power. Sexual harassment psychologically hurts the women involved and their relation to the work atmosphere. According to the *National Council for Research on Women*, **women are 9 times more likely than men to quit their jobs, 5 times more likely to transfer, and 3 times more likely to lose jobs because of harassment** (*The Webb Report*, June 1994). There may be serious economic consequences as a result of sexual harassment. A woman's job status may be jeopardized and she may lose wages if she is fired or takes extended leave (without pay) to avoid the harasser.

The 1994 Merit Systems Protection Board Study of sexual harassment noted that women in traditionally male-dominated occupations such as construction, policing, and the military are more likely to be harassed. Additionally, other studies have found that **harassment is more commonly found in female-dominated workplaces where the majority of women earn low wages and the management is predominantly male** (see Frank E. Saal, "Men's Perceptions of Women's Interpersonal Behaviors and Sexual Harassment" in *Sexual Harassment in the Workplace: Perspectives, Frontiers and Response Strategies*. Sage Publications: Thousand Oaks, CA, 1996).

A victim of sexual harassment may file a legal claim even if s/he has tolerated the behavior for fear of retaliation or losing their job.

The law remains unclear whether a woman "who is not herself the object of sexual harassment might still have a hostile environment claim" (*Women and Sexual Harassment: A Practical Guide to the Legal Protections of Title VII and the Hostile Environment Claim* by Anja Angelica Chan, JD, [Harrington Park Press: New York, 1994]).

Offensive and demeaning behavior does not have to be tangibly detrimental (ex. wage loss, passed promotion) to the job to be considered sexual harassment.

Did You Know?

In Fiscal Year 2004, the U.S. Equal Employment Opportunity Commission (EEOC) received 13,136 charges of sexual harassment; 15.1% of those charges were filed by males.

**To learn more about the EEOC visit them at:
www.eeoc.gov**

Employer Liability

Employers are responsible for the conduct of supervisors and managers. Employers also have a responsibility to protect their employees from harassment by non-employees (e.g., customers, vendors, suppliers, etc). Managers are liable for sexual harassment between co-workers if they knew or should have known about it and took no steps to stop it. The existence of a company grievance procedure alone does not automatically insulate employers from liability. Employers should also take responsibility to take action against sexual harassment once they are aware it is occurring.

An effective sexual harassment policy stresses the illegality of sexual harassment and delineates a clear and appropriate complaint process while ensuring confidentiality for the victim. Additionally, such a policy encourages witnesses or victims to report the behavior immediately and mentions that retaliation against persons reporting harassment is illegal and will not be tolerated.

Once finalized, an organization's sexual harassment policy should be distributed to all employees and a copy posted in an accessible and prominent location. Employers should also consider scheduling seminars or workshops on sexual harassment to promote company-wide knowledge of the policy.

Many states have drafted state prevention model policies for employer use. Other employer resources concerning sexual harassment may be obtained from federal employment discrimination enforcement agencies such as the Equal Employment Opportunity Commission (EEOC) and state fair employment agencies, or national organizations combating sexual harassment, such as the National Organization for Women's legal component Legal Momentum (formerly the Legal Defense Education Fund), which offers an "Employer Legal Resource Kit."

Benefits of Sexual Harassment Policies

Ignoring problems of sexual harassment can cost the average company up to \$6.7 million a year in low productivity, low morale, and employee turnover and absenteeism, not including litigation or other legal costs. Following clear and proactive formal policies against **sexual harassment in the workplace** is one way to prevent lawsuits and drops in productivity and efficiency ("Sexual Harassment in the Fortune 500", *Working Woman*, Dec. 19, 1988).