

STATUS

The Committee on the Status of Women in
Astronomy - American Astronomical Society
JUNE 1992

Editor's Note

Many of our readers may also be connected with the AASWOMEN e-mail network, which can be joined by writing to AASWOMEN@vassar.edu. Geoff Clayton and I, who have been the editors of STATUS for several years now, are wondering if STATUS is now superfluous. We would like to hear your opinions on what kinds of articles, if any, you would like to see in STATUS. If we don't hear anything, we are likely to conclude that STATUS is no longer needed. Please mail your vote to us at eastwood@nauvax.ucc.nau.edu or clayton@fenway.colorado.edu.

Kathy DeGioia Eastwood

1992 Annual Report: Committee on the Status of Women in Astronomy *by Debra Elmegreen*

Our committee includes Kathy Eastwood, Debra Elmegreen (chair), Jay Gallagher, Charles Lada, Geoff Marcy, Jill Price, and Jean Turner.

Last year, our committee set the following goals for this year:

- (1) to deal with issues of harassment and abuse,
- (2) to investigate sources of funding specific to women,
- (3) to survey departments regarding treatment of women,
- (4) to organize an electronic bulletin board network.

Each of these objectives has been met in the following ways:

(1) At the January meeting in Atlanta, the guest speaker at the open CSWA meeting was Dr. Diane Fowlkes, Interim Director of Women's Studies and Professor of Political Science at Georgia State. Her talk on issues of harassment was enthusiastically received. The audience of over 90 AAS members consisted of about equal numbers of men and women. Dr. Fowlkes distributed a list of relevant reference materials. In addition, several issues, including those listed here, were discussed by the participants. Jill Price has concluded her independent survey of women's discrimination issues and has published an article in the February issue of Mercury. Jill continues to maintain a list of women seeking jobs, to be distributed upon request.

(2) Kathy Eastwood, with assistance from Geoff

input from the rest of the committee; a copy of it is attached. He distributed it in February to over 350 institutions. To date, about 30 responses have been received. The results will be tabulated when more responses arrive. A file of each department will be maintained for access by anyone considering appointments.

(4) Debra Elmegreen established an electronic bulletin board in December. From an initial list of about 70 AAS members, the list has now grown to over 275 members, including men and women, students and professionals alike. The original free-flow exchange of messages caused severe overflow in many small computers, and a glitch in the system sometimes caused multiple identical messages to be sent out, so the new system has been revised: now messages are received by the account AASWOMEN@VASSAR.EDU, compiled and edited by the chair, and sent weekly to the distribution list. The response has been very gratifying. Typically about 5-10 messages are received weekly to be shared with the distribution list, and an equal number are sent just to the chair commenting on the effectiveness of the network or discussing a particular issue. Many women have commented on how happy they are not to feel so isolated from other women, and many men have expressed interest in following women's issues, which often have bearing on men as well.

Key Issues and Goals for this year:

(1) Stemming from this network, we have identified one of the major problems perceived by the women astronomers as having adequate representation on key committees, giving invited review talks at international conferences, and even giving a proportionate share of invited colloquia at other institutions. Many scientific organizing committee members have expressed a desire and willingness to include more women, but do not due to lack of information about appropriate speakers. Thus, one of the committee's major goals for the coming year is to establish a list of women according to astronomical specialty, to be made available to SOC's and interested parties. Judith Pipher has offered to help coordinate this venture, possibly with assistance from Peter Boyce's office.

(2) Another hotly discussed issue is the nature of the PI status on research proposals: non-regular staff members at institutions usually must have a senior person as PI instead of themselves. This issue affects men as well as women, although more often than not it appears that women are the ones in this situation. Michele Kaufman independently has drafted a proposal for consideration by the AAS in June. It may be unrealistic to think that we can influence any changes in policy, but perhaps a consciousness-raising will help focus the issue. The committee continues to seek to define its major objectives, and appreciates input from anyone on

The STATUS Newsletter is published in January and June by the American Astronomical Society, 2000 Florida Avenue, N.W., Suite 300, Washington, DC 20009. See page 6 for subscription information.

Editors: Dr. Kathy DeGioia Eastwood Northern Arizona University, Department of Physics and Astronomy, Flagstaff, AZ 86011-6010. (e-mail address: eastwood@nauvax.ucc.nau.edu)

Dr. Geoffrey Clayton University of Colorado, CASA, Campus Box 389, Boulder, CO 80309 (e-mail address: gclayton@fenway.colorado.edu)

Sexual Harassment

Presentation for the Committee on the Status of Women in Astronomy at the annual meeting of the American Astronomical Society, Marriott Marquis Hotel, Atlanta, Georgia, 14 January 1992

by Diane L. Fowlkes, Interim Director of Women's Studies and Associate Professor of Political Science, Georgia State University

Think back to 1991. Whom did you believe? Professor Anita Hill or Judge Clarence Thomas? Whom would you have believed? Thelma and Louise or the rapist? Whom did you believe? The West Palm Beach single mother or Dr. William Kennedy Smith? I believe your answers will depend not only on the "evidence" presented but also on the presumptions you make about the relative power of men and women in society and whether you believe the asymmetry is proper or unjust. Your presumptions will shape how you evaluate the evidence and draw your conclusions. If 1991 was the year of pitting women's credibility against men's accountability, with specific women not being believed by the majority of women and men, and specific men thus escaping being held responsible for their negative actions against those women, then 1992 and beyond must be a time for redressing the balance. Women must become more empowered than ever before to tell our truths and be heard by men and other women, and men must be held accountable in more instances by other men and women for abusive and illegal actions toward women. I am here to talk about sexual harassment in the post-Hill-Thomas era: what it is, what has been done about it in the law, and what we can do to stop it in the workplace and in the classroom. The legal definition of sexual harassment is fairly new though the practice has a long history. Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment in companies of 15 or more employees on the basis of race and sex and national origin and more recently handicapped status and age. Title VII established the Equal Employment Opportunity Commission to implement this policy

the workplace. Meanwhile, female students, especially at some of the Ivy League universities where women had been previously excluded, began to point to sexual harassment as a problem in the classroom, and finally in 1981 the Office of Civil Rights of the U.S. Department of Education defined sexual harassment as a form of sex discrimination prohibited by Title IX of the 1972 Education Amendments in any program or activity receiving federal funds. The first sexual harassment case to reach the U.S. Supreme Court was *Meritor Savings Bank v. Vinson* in 1986, and following this decision, the EEOC issued further "Policy Guidance on Current Issues of Sexual Harassment" in October 1988, signed by none other than then-Chairman Clarence Thomas. Many states now have laws against sex discrimination including sexual harassment. So there is considerable basis in the law for combatting sexual harassment.

Sexual harassment has been defined by OCR as consisting of "verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient [meaning of federal funds] [which conduct]... denies, limits, provides different, or conditions the provision of aid, benefits, services or treatment protected under Title IX." This is not a terribly clear definition, but the OCR publishes a brochure giving some guidance in instituting the policy and procedures in schools, colleges, and universities and related services, for employees and students, and providing the addresses and telephone numbers of the ten regional offices of USDE to contact for further assistance.

While students are not the same as workers, the dynamics of sexual harassment are similar in both situations—the abuse of power using sexual behavior. Thus, the EEOC definitions and guidelines for combatting sexual harassment in the workplace arguably can be adapted in the educational setting to include students as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working/academic environment.

The first two forms are called "quid pro quo" sexual harassment, and the other is called "environmental" sexual harassment. Both forms are actionable at law. I should also note here that thinking of sexual harassment

possible that men can harass other men and women can harass men and other women. Keep that in mind because I will speak only in terms of the man harassing the woman.

"Unwelcome" is a key term for making a successful complaint or bringing a successful action. According to EEOC, "unwelcome" means the victim "did not solicit or incite" the behavior and "regarded the conduct as undesirable or offensive." Here are some examples (from the 1988 Policy Guidance of EEOC) of complainants whose own behavior was deemed not consistent with their assertion that the other party's behavior was unwelcome:

(1) the plaintiff's allegation was found not credible because she visited her alleged harasser at the hospital and at his brother's home, and allowed him to come into her home alone at night after the alleged harassment occurred.

(2) the court rejected the plaintiff's claim that she was sexually harassed by her co-worker's language and gestures; although she indicated in her personal diary that she did not welcome the banter, she made no objection and indeed appeared to join in "as one of the boys."

(3) the plaintiff regularly used vulgar language, initiated sexually-oriented conversations with her co-workers, asked male employees about their marital sex lives and whether they engaged in extramarital affairs, and discussed her own sexual encounters. In rejecting the plaintiff's claim of "hostile environment" harassment, the court found that any propositions or sexual remarks by co-workers were "prompted by her own sexual aggressiveness and her own sexually-explicit conversations."

It is possible to interpret these kinds of actions as manifestations of what some would call low self esteem or what some feminists would call internalized oppression, that is, behaving as the woman in the less powerful position believes she should in order to curry favor with the man in the more powerful position. But clearly, the courts will not buy this interpretation, and in any case, consciousness raising around these kinds of submissive behaviors can make us aware that we should not have to engage in behaviors of a sexual nature in order to succeed in the workplace or classroom, where task-oriented behaviors should be foremost. We have to educate ourselves and others, male and female, to understand that female persons are not inherently sexual creatures whose only role is to please men. Female persons are fully capable of being astronomers, and male as well as female persons have to learn that.

Under the law, each case must be evaluated as to how welcome or unwelcome a sexual advance was to the victim and how credible each party to the case appears if there were no witnesses to the behavior. A victim can strengthen a claim by making "a contemporaneous complaint or protest" either to the

institutional context for acting against sexual harassment. Sexual harassment does not happen in a vacuum. It cannot be considered simply behavior of a private nature between two individuals even though it may happen behind closed doors. As I said earlier, sexual harassment is considered to be an abuse of power using sexual behavior. This means, in the quid pro quo version, that someone in a superior rank is making unwelcome sexual advances on someone of inferior rank, explicitly or implicitly asking for sexual favors in exchange for some kind of advancement or threatening some kind of deprivation if the sexual favors are not forthcoming. It means, in the environmental version, that someone in a superior rank is engaging in sexual behavior or is allowing peers to engage in sexual behavior that unreasonably interferes with others' working conditions. How is a woman in a less powerful position going to show the harasser in the more powerful position that his behavior is unwelcome to her, since not everyone will agree on what is proper or improper behavior. She must somehow feel and in fact be empowered to protest the behavior,

(a) to the perpetrator directly, and if that fails to stop the behavior, to an authoritative person responsible for investigating her claim and acting on her behalf, including protecting her from retaliation by the person against whom she is making the claim; or

(b) to an authoritative person directly, if she fears retaliation from a direct protest to the perpetrator.

That brings us to what empowers women in the workplace and the classroom. How likely are individual women to find their voices and to use their voices in protest against sexual harassment? I would submit the following, with particular reference to women in astronomy:

(1) more likely when we know the long history of women in science--that there have been periods when women were more accepted as scientists and as colleagues of male scientists than they have been more recently and thus more likely where women's studies programs exist. Stir your soul and fuel your anger by reading books like this: *Hypatia's Heritage: A History of Women in Science from Antiquity to the Late Nineteenth Century* by Margaret Alic.

(2) more likely when we know there are other women and men concerned about the problem and willing to do something to stop sexual harassment. That will be more likely:

(a) when more women and men in Congress and state legislatures and the courts legislate and rule against sexual harassment.

(b) when more committees on the status of women bring the problem to the attention of educational administrators you have made a good start with your studies of women in physics and astronomy and articles like the one in the June 1991 issue of *Science*.

(c) when more educational administrators show real

education in addressing social issues in the workplace because they have to learn how to keep good workers in a diversifying population. Show them materials from the Center for Women Policy Studies on how to act against sexual harassment.

(d) when more women isolated in some departments seek out male allies there and female allies in other departments as people to talk to about incidents of sexual harassment. On most campuses now there are informal groups or formal committees that discuss such issues.

(3) when we know that many instances of sexual harassment are perpetrated by men who truly believe that women in the workplace and classroom enjoy being treated as sexual objects but who just as readily stop such behaviors when they are informed that we are there to work and learn for our own advancement, not to serve as their playmates. Confront them and get them on the side against sexual harassment. They may be readier than for further education about the problem.

(4) when we know what steps have been successfully taken by others to prosecute a case through a grievance proceeding in the institution or through a court of law. In addition to confronting the harasser immediately and directly or reporting the harassment promptly, even when the harasser stops the behavior, these include the following:

(a) keep written records of incidents, what the harasser said and did, how you responded, and how you felt about his behavior, why you feared retaliation; get and keep copies of evaluations of your job performance. These can count as evidence in a hearing or lawsuit, either your own or someone else's.

(b) tell trusted others the details of the incident. They can provide corroboration to your story in a hearing or lawsuit.

(c) if the harasser retaliates, respond to him with a letter immediately with copies to responsible authorities so that the harasser cannot claim later that you made up the story to excuse "poor job performance."

I have been referring to authoritative persons to whom a victim can bring a complaint, and now I want to elaborate on how institutions of higher education are beginning to address the problem of sexual harassment, for which they as institutions may be held liable if they are not taking action against sexual harassment. There are three steps to take. First, institutions are writing policies that track the language of EEOC as to what constitutes sexual harassment. Second, they are instituting procedures that provide for at least two avenues of redress. One avenue is informal and confidential to the extent that is possible under the laws of that particular state. The other avenue is a formal grievance procedure. Third, they are holding educational workshops for students, faculty and staff,

and the way it was handled by the Republicans and mishandled by the Democrats has galvanized public discussion of the problem.

Returning to the procedures, in the informal mode, a sexual harassment counselor or mediator is appointed to receive queries from workers or students who believe they may be being sexually harassed. The counselor/mediator can work with the victim to confront the harasser if that seems the way to proceed, or the counselor/mediator can confront the harasser on behalf of the victim. This latter action tends to keep the victim in a powerless position and to reinforce the idea that the harasser can retaliate successfully. I hope we can organize successfully on our campuses/workplaces to make this kind of response less and less "necessary." In the formal mode, the institutional attorney and/or affirmative action officer may be designated the person to receive formal complaints. Confidentiality cannot be granted in a formal procedure, because the party charged must be granted due process and an opportunity to defend himself if he believes he is not guilty of the charge.

If a victim believes that she has little hope of success at this point inside her institution, she can make a formal complaint outside the institution to OCR of USDE or to EEOC, though they have a heavy load of cases, and she can consult a lawyer, preferably one specializing in labor law and sex-discrimination/sexual harassment. She can also call organizations like 9 to 5, who have offices in many cities or call their hotline, which was published in the most recent issue of Ms.

Resources for Combatting Sexual Harassment

-Equal Employment Opportunity Commission, "Policy Guidance on Current Issues of Sexual Harassment," October 25, 1988.

-U.S. Department of Education, Office for Civil Rights, "Sexual Harassment: It's Not Academic," 1988. Washington, D.C. 20202-1328

-Center for Women Policy Studies, 2000 P Street N.W., Suite 508, Washington, D.C. 20036, (202) 872-1770.

Ask especially for: "Women in Traditionally Male Fields"(1987) \$5.00, Sexual Harassment Action Packet (1979/1987) \$5.00, which includes "Sexual Harassment: A Hidden Issue," Title VII Sexual Harassment Guidelines and Educational Employment," "Writing a Letter to the Sexual Harasser: Another Way of Dealing With the Problem," "Harvard Issues Statement About Sexual Harassment and Related Issues," and University of Iowa Sexual Harassment Statement.

-9 to 5, National Association of Working Women, 614 Superior Avenue, Suite 852, Cleveland, Ohio 44113 (800) 522-0925

ed.Urbana: University of Illinois Press, 1991.

-Eleanor Flexner, *Century of Struggle: The Women's Rights Movement in the United States*, with a new preface. New York: Atheneum, 1974.

-Catharine A. MacKinnon, *Sexual Harassment of Working Women*. New Haven: Yale University Press, 1979.

-Robert T. Gray, "How to Deal With Sexual Harassment," *Nation's Business*, December 1991, 28-31.

-Joann S. Lublin, "Sexual Harassment is Topping Agenda in Many Executive Education Programs," *Wall Street Journal*, December 2, 1991.

-News and Comment, "Still a 'Chilly Climate' for Women?" *Science* 252 (June 1991) 1604-1606.

-Macro International, Inc., consultants to assist public and private sector clients in obtaining solutions to contemporary problems. Contact Katie Baer, Senior Analyst, Macro International, 3 Corporate Square, Suite 370, Atlanta, GA 30329, (404) 321-3211, FAX (404) 3213688; or Lauren N. Nile, Macro International, 8630 Fenton Street, Suite 300, Silver Spring, MD 20910, (301) 588-5484 or 588-5485 FAX (301) 585-3180.

Thanks to Katie Baer for providing articles from *Nation's Business*, *Wall Street Journal*, and *Science*.

STATUS Needs You!

Subscriptions to STATUS are free but printing and distribution are not. STATUS is funded in large part through donations. A small donation of five or ten dollars from each reader would keep STATUS in the black for another year. If we receive money from you, we are less likely to ask you to support STATUS in some other way. Therefore, write us a check and we won't ask you to write something longer.

Contributions to STATUS may be sent to:

STATUS Support Fund
c/o American Astronomical Society
2000 Florida Avenue, N.W.
Suite 300
Washington, DC 20009

Make checks payable to AAS/STATUS. Your STATUS donation is tax deductible.