

WOMEN'S WORDS

STRENGTH IN DIVERSITY • FALL 2001

HOW TO **SUE** YOUR UNIVERSITY*

*** BY WOMEN WHO KNOW**

INSIDE: ADVICE FROM LAWYERS . . . WORDS FROM THE CO-CHAIRS
. . . SURVIVING THE QUARTER-LIFE CRISIS . . . FEMINIST FORUM



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KATHLEEN L. ENDRES, *Editor* • **KELLY L. GIONTI**, *Assistant Editor* • **KELLY L. GIONTI**, *Designer*

Women's Words is published by the Commission on the Status of Women, Association for Education in Journalism and Mass Communication. During the academic year 2001-2002, it is produced by the School of Communication, The University of Akron, Ohio. Articles for *Women's Words* are welcome. Please send them to Kathleen L. Endres, School of Communication, Kolbe Hall, The University of Akron, Akron, Ohio 44325-1003 or via e-mail at endres@uakron.edu. Letters to the editor should be sent to the same address. Electronic copy, either via disk or e-mail, is preferred. The deadline for the winter issue is January 15. The editor gratefully acknowledges the support of the School of Communication at The University of Akron.



KITTY ENDRES, NEWSLETTER EDITOR

This is not your typical, whiny, cry-baby editorial written by a pampered academic.

It merely reports the conditions of academic life in today's economy and explains the new edgier tone to *Women's Words*.

Across the nation, states are facing serious financial problems.

According to the *Chronicle of Higher Education*, 44 of the 50 states reported revenue below forecast levels and budget cuts were in the offing for 28 of those states. The *Chronicle* observed that higher education—specifically state-supported universities—could be in for some rough times.

I teach at one of those state-supported universities. Ohio is one of the states especially hard hit during this economic downturn. The state legislature has cut the budget. Our university has been directed to give money back to the state and now faces even more cutbacks.

It's not a particularly nice time to be an academic.

At The University of Akron, we'll be teaching more. The director of our school just *told* us that we will be teaching four classes per semester. We had no input into that decision. We'll also be expected to continue to do research and service because all our raises are based on merit. That is, if we get a raise. We also will be paying more for benefits—substantially more.

The majority of the women on our faculty are untenured. They're worried and I don't blame them. Today, the president of our

university announced that layoffs were possible.

That's not peculiar to The University of Akron. A number of university presidents have announced plans to cut personnel.

My guess is that women, untenured or those with little seniority, will be the most vulnerable to these cutbacks.

What can we do in this climate?

In the spirit of what we are calling "strategizing for empowerment," *Women's Words* is going to offer a range of alternatives this year. We've asked women from campuses across the United States to write stories based on their experiences. Some of the strategies may not be appropriate for your campus, your lifestyle or your economic circumstances; but some of them will be.

In addition, we also invite you, our readers, to let us know what is happening on your campus, to share your strategies—the ones that have worked and the ones that haven't. Everyone can benefit from your experiences and your insight.

The new design....The new editorial tone of *Women's Words* demanded a new look. Kelly Gionti, a graduate student in the School of Communication and associate editor of the newsletter, combined a new logo with the new editorial tone into a new look for the newsletter.

We hope you enjoy the new direction of *Women's Words*.

Kitty

**CFP: Born to Be Bad:
Trash Cinema of the 60s & 70s**

The University of California, Berkeley plans a conference on "Trash Cinema" of the 1960s and 1970s and invites paper proposals.

Papers may cover a wide range of topics on "trash" films, including horror, spaghetti westerns, science fiction, sexploitation, blaxploitation, comixploitation, erotic thrillers, ultraviolence, prison films and sex comedies. Especially encouraged are papers that discuss the role of the spectator in an array of locales, including drive-ins, second-run theaters, video stores, cable TV, eBay and fanzines.

The keynote speaker at the conference, scheduled for May 17-19, 2002, is Eric Shafer of Emerson College, author of *Bold! Daring! Shocking! True!: A History of Exploitation Film*.

Deadline for proposals for papers is January 4, 2002. Submit a 300-word abstract with paper title, name, address, affiliation, e-mail address and 1-2 page vita, to Tamao Nakahara, Department of Italian Studies, 6303 Dwinelle, #2620, University of California, Berkeley, Berkeley CA. 94720-2620. For further details, check the conference website: <http://socrates.berkeley.edu/~tamao/Trash.htm>.

**CFP: Fakes, Forgeries
Conference in UK in 2002**

Contributions are invited for an interdisciplinary conference, "Fakes and Forgeries, Conmen and Counterfeits," at the UK's Durham Castle in July 2002. Deadline for proposals is Jan. 1, 2002.

Possible topics include film "mockumentaries," P.T. Barnum and Boggs, internet hoaxes, digital imaging and virtual reality, plagiarism and copyright and others.

Conference organizers plan to publish selected papers.

E-mail a 250-word abstract by Jan. 1, 2002 to Dr. Peter Knight, Dept. of English and American Studies, University of Manchester, peter.knight@man.ac.uk and Dr. Jonathon Long, Department of German, University of Durham, j.j.long@durham.ac.uk.

For additional details on the submission details and conference, check the website at <http://www.art.man.ac.uk/english/fakes.html>.

**CFP: Documentary Film
Encyclopedia**

Entries are needed for the two-volume *Encyclopedia of Documentary Film* to be published by Fitzroy Dearborn.

The work will include entries on individuals (directors and theorists), film and television documentaries, concepts and issues (including postmodernism, Marxism, feminism and psychoanalysis) and styles and techniques (including observation, interactivity, digitalization), themes and representations (including art, science, crime, war).

The full list of entries is available at the project's website, <http://www.fitzroydearborn.com/london/dfilm/intro.htm>.

Entries will be analytical essays, varying in length from 1000 to 5000 words with a list of readings. Ian Aitken, author of *Film and Reform, The Documentary Film Movement, Albert Cavalcanti* and *European Film Theory and Cinemas*, is editor of the project.

**CFP: Women, Culture &
the Sixties**

An anthology is planned on women who shaped the culture of the 1960s in the U.S. Deadline for queries, proposals or submissions is Jan. 15, 2002.

The collection will focus on women active culturally, artistically or at the nexus of culture and politics. Categories of "culture" include, but are not limited to, journalism, visual arts, film, photography, television, literature and literary criticism and religion.

Full submissions should be no longer than 25 pages.

For additional information contact: Avital Bloch, avital_b@yahoo.com, University of Colima, Box 264, Colima, Colima 28000 Mexico or Lauri Umansky, Luman85113@aol.com, Brandeis University, Women's Studies Research Center, Mailstop 079, Epstein 134, 515 South St., Waltham, MA 02454-9110.

Winterthur Offers Fellowships

Winterthur Museum, Garden and Library is accepting applications for residential research fellowships in American culture.

Winterthur supports 25 visiting scholars each year in its NEH fellowships for senior scholars (up to \$30,000 for four to 12 months); Lois F. McNeil Dissertation Fellowships (\$7,000 per semester) and short-term fellowships (\$1,500 per month for one to three months).

For more information on the fellowships or for the on-line library catalog, visit <http://www.winterthur.org>.

ASSOCIATION FOR EDUCATION IN JOURNALISM AND MASS COMMUNICATION
COMMISSION ON THE STATUS OF WOMEN

CALL FOR PAPERS

Annual Meeting • August 4-7, 2002 • Miami, Florida.

The Commission on the Status of Women invites submissions of research papers for competitive paper sessions at the AEJMC 2002 annual meeting in Miami.

The Commission seeks scholarship related to issues of gender and communication. We welcome research papers that use a variety of approaches and research methods, including, but not limited to, critical, empirical, ethnographic, historical, legal, and semiotic. It is expected that the research will demonstrate a familiarity with feminist communication theory where appropriate. We especially encourage submissions by students. Authors of accepted papers must be able to present their papers at the conference.

Submission guidelines:

- ▶ Submit six copies of the paper, including a 75-word abstract on a separate page.
- ▶ Suggested paper length is 25 pages of 12-point type, excluding notes, references, and figures or illustrations.
- ▶ Identify author(s) on a separate page with mailing address, telephone number, and e-mail address of author to whom correspondence should be directed
- ▶ Paper title should appear on all pages as a running head.
- ▶ Submissions cannot be under consideration for presentation at other conferences or publication by hard copy or electronic journals.
- ▶ Submissions must be postmarked by April 1, 2002.



Send submissions and direct questions to:

Julie Andsager
CSW research chair,
Edward R. Murrow School of Communication
Washington State University
Pullman, WA 99164-2520
Andsager@mail.wsu.edu.



SUBMISSIONS MUST BE POSTMARKED BY APRIL 1



DOING JUSTICE WORK

By Lana F. Rakow, University of North Dakota

All of us with a conscience and a consciousness who call ourselves feminist scholars, do justice work. On a daily basis and in our teaching and research, we fight to correct injustices where we work and for all women. Sometimes in our workplace, we experience injustice that is so deep, that so violates what we took to be an established legal principle for women, that we consider filing a legal suit against the institution that employs us. Sometimes some of us actually do file suit. It is demanding and punishing justice work, but some of the most important work we can do to change the workplace.

I am one who has been through such a legal suit. I have a story to tell about my justice work. My story has a moral but before I get to its moral, I need to explain some things about what it means to do the work that involves a lawsuit. We first need to be clear that the legal system is not a justice system. Contemporary feminists may have

been lulled into a sense of false security about our legal rights because of the work done for us by other women.

As women before us learned in their fight for the vote, for protection against domestic violence, for remedy for rape and assault, for freedom from sexual harassment, we are victimized all over again when we go to the authorities for help, even or especially legal authorities. In my experience, this has not changed.

Second, we need to be clear how very powerful are the institutions that we fight against. The will and resources of one individual is hardly a match against that of a large institution with attorneys, money, a public relations office, and the purse strings controlling departmental budgets and the positions and salaries of faculty and staff. Many women, of course, cannot afford to begin the process of a suit or cannot stomach what it entails. Some cannot get an attorney to take the case. Some who file have to

drop it in the course of the action because they cannot afford to continue. Judges throw out suits at various stages. Some cases are settled, perhaps with the woman who filed suit feeling victorious, but sometimes feeling cheated and sullied, because “settle” means less than the justice you are due. A few actually make it to trial, then lose the case. Others win and lose the case on appeal. A few actually win their case when the last appeal has been made on either side.

Considering how very few cases make it through the legal system and how very few of those are won by women, does that mean we shouldn't do it? No. We need to see our legal justice work as part of the long line of work

the larger war I was fighting. I am still a full professor in the School of Communication, despite the administration's concerted effort to remove me from that position as well and to drive me out.² We have had a complete turn over in the upper administration of the university. The Board of Higher Education forced out the president (according to media reports and common folklore) shortly after the trial. The provost took a job elsewhere. The dean against whom I filed my original complaint resigned when the president, before he left, closed the College of Fine Arts and Communication. I am now working on a campus-wide project for the new president. I have been appointed by the new president to

“TEACHING, RESEARCH, SERVICE, AND JUSTICE WORK ARE NOT THE USUAL CATEGORIES FOR EVALUATING WOMEN FACULTY, BUT THEY SHOULD BE.”

by women *to establish our legal claims and to make them stick*. Just because a behavior has been deemed illegal does not mean some people and institutions will not engage in the behavior and that some will not get away with it. We will continue to need to use the legal system as employers and institutions test the ways they can establish defenses to permit discrimination and abuse of women.

But our work in the courts might be leveraged more effectively—and the damage done to us as we do this work lessened—if we think carefully about what it takes to go through a legal suit and how to accomplish our goals of change for women whether we win or lose. Let me outline briefly the part of my justice work that involved the legal system in order to draw the moral from the story about how to win our point and what it may take to do so.

In June of 1996, after two years of a three-year contract as director of the School of Communication and associate dean of the College of Fine Arts and Communication at the University of North Dakota, I made a written complaint of sex discrimination by my dean. Rather than an investigation being conducted by the university's affirmative action office, the university's legal counsel was directed by the president of the university at the time to conduct an investigation. Little did I know I was being investigated, not the dean.

Three weeks after my contract was renewed and about six weeks after writing my complaint, I was terminated from my positions as director of the School of Communication and associate dean. In October of that year, I filed suit against the president, the provost and the dean. In July of 1998, following a two-week jury trial, the defendants were cleared of the civil charges.¹ In February of 1999, I lost my appeal in the 8th Circuit Court. The direct and indirect cost to me for the three-year case was more than a quarter of a million dollars, which my husband and I have paid personally.

I may have lost the legal case, but I did not lose

serve on his President's Advisory Council on Women, and I serve on other appointed and elected committees in the university where I have been in a position to make changes in the university, including revising the university's constitution and rewriting the university's grievance procedures. I do not consider my case to be over, but I do feel I have been vindicated.

From my experience, then, we may surmise that it may sometimes be necessary to file a lawsuit to do our justice work, but we may not need to win it to achieve justice. Sometimes the justice comes from the *doing* of the legal suit, along with other strategies for achieving change made possible by the legal action.

That is part of the moral of the story. The other part relates to what it takes to do this work. Below is a small portion of what I learned about what it takes:

1. Commitment. It takes an unwavering belief that what has been done needs to be addressed and that women, if not you personally, will be better off because you did so. I may have had my moments of doubt about myself during these long five years, but I never doubted that what was done to me should not be done to any woman.

2. Money. No matter how much you have of this, you are unlikely to have enough. Only you can decide how much of your own money you are willing or have to sacrifice. Finding an attorney who will take your case on retainer, filing a class action suit, or finding an organization that will sponsor you are ways to help with legal expenses. Unfortunately, as I found out, these avenues are not always available.

3. Time. Teaching, research, service, and justice work are not the usual categories for evaluating women faculty, but they should be.

Being in a lawsuit adds another full-time job to your life at a time when your morale and health is at its lowest and the scrutiny of you and your abilities is at its highest.

4. **Goals.** Winning your legal case may not be as realistic a goal as winning your point or getting change accomplished. I set a simple goal at the outside: to still be standing, personally and professionally, at the end of the lawsuit. Little did I know what it would take to do so.

5. **Professional Support.** We all know the importance of personal support during times of crisis, but we also can draw on the expertise of a professional support system. Support from a team of professions whom you have selected—your attorney, a physician, an accountant or financial advisor, a spiritual guide, a psychologist or therapist, a feminist theorist—gives you the expertise to make good judgments in unusual and stressful circumstances.

6. **Strategies.** Thinking about your lawsuit as part of an overall strategy for making change leads to other methods to bring pressure to bear to hold individuals and institutions accountable: internal grievance processes, public opinion, accreditation of units and universities, professional certification and licensing, state and federal agencies, and professional associations. It takes extreme persistence to find and use some of these methods, and the results may be more indirect than direct, but I found that sometimes the most effect was achieved from complaints I filed

that did not involve my own situation. For example, the Department of Education did nothing for two years with my allegations that the president was committing enrollment fraud, but I did finally convince the state auditor of North Dakota to investigate. The auditor's office concluded that the president had ordered enrollment numbers to be falsified, a factor that may have entered into the president's resignation.³

In sum, to launch a lawsuit and live through it takes more than can be imagined at the outset. I have managed to tell only a small portion of my story of justice work, but maybe what I have told will be helpful if you find yourself contemplating legal action against your university. Lawsuits aren't for everyone, but justice should be. Fortunately, some of us will file them, and win or lose, make a difference in the long journey to legal protection that should be our guarantee.

¹ The story of the trial and what the university did to convince the jury is the subject for another paper. Let me simply say here that jurors apparently were acting on the belief that the university can fire an employee if it wants to.

² A longer account of the workplace abuse to which I have been subjected is found in my paper, "Workplace Abuse at the University of North Dakota: Parallels to Domestic Abuse."

³ I have more examples than I can relate here of other complaints, including an ethics complaint to the Public Relations Society of America and an accreditation complaint about the university's law school, whose dean served as the university's chief legal counsel.

HOW TO FIND A LAWYER

If you have a problem on campus, litigation should always be the solution of the "last resort," our sources agreed. But, if you are going to sue, you absolutely must have the right attorney.

Donna Euben, staff counsel of the American Association of University Professors (AAUP), emphasized that the attorney must have experience with higher education cases. "Higher education is not your typical workplace," she said. Attorneys need to be familiar with the special higher education issues and experienced in arguing them before a judge who is not necessarily sympathetic.

So how do you find an attorney like that?

Here's what our sources suggested:

- **Word-of-mouth.** Talk to friends on campus or your nearest AAUP or American Federation of Teachers chapter. These individuals often have knowledge of local attorneys who have successfully sued and/or negotiated a beneficial settlement with your university.

- **Call the local law school.** Faculty at the law school knows local attorneys with expertise in employment issues and/or higher education.

- **Phone the local bar association.** Bar associations keep a list of attorneys by expertise. Ask for employment specialists.

- **Contact the AAUP or the American Association of University Women (AAUW).** The national AAUP maintains a list of attorneys from across the country. These names have been forwarded from AAUP members. AAUW's Legal Advocacy Fund (www.aauw.org) also provides attorney referrals.

- **Access the website of the National Employment Lawyers Association (www.nela.org).**

Be a good consumer, our sources emphasized. Don't take anyone's recommendation on blind faith. Background the attorneys and interview them. Find out what kind of higher education experience they have; ask about specific cases and what dealings they have had with your university.



NEW DEVELOPMENTS IN TENURE AND PROMOTION CHALLENGE

By Carolyn M. Byerly

It is mid October and another phase of my legal challenge to Ithaca College for denying me tenure and promotion in May 2000 is about to begin.

Two weeks ago, the federal Equal Employment Opportunities Commission (EEOC) issued a "right to sue" letter, clearing the way for me to file a sex discrimination lawsuit in federal court. My attorney, Jonathan C. Moore, is completing work on the case document and will file on my behalf in the days ahead. The case could run two to five years before a resolution is reached.

In this article, I explain why sexism, homophobia and retaliation are at the heart of my legal suit. I also explore problems of academic freedom. All of these have serious implications for feminist critical scholars in our field and for the role of multicultural issues in journalism education.

My work in feminist communication scholarship and teaching spans more than 15 years, 10 as a full-time faculty member.

When I interviewed for a tenure-track position in the Television and Radio Department at Ithaca College in fall 1995, I was asked to give a teaching demonstration on gay issues in the news, so the college was well aware (and I assumed supportive of) my emphasis.

During the three years prior to tenure, I served as an openly gay faculty member. I also consistently worked to include current information and relevant assignments on responsible ways of reporting on gender, race relations, sexuality, socio-economic class, environment, religion and other social issues, in addition to the traditional material one includes.

My theory classes also incorporated a critical dimension. Having a certain number of students opposed to this approach seemed predictable. What I was unprepared for was my administrators' alignment with the few hostile students.

I can still barely believe that I was denied tenure and promotion without full consideration of my portfolio. All

parties at every level agreed that my scholarship and service were strong and merited tenure and promotion. But most ignored the preponderance of evidence that my teaching was also effective.

The entire tenure and promotion decision rested on a few *anonymous* student comments that criticized material on women, feminism, gay and lesbian experience, globalization of the media, and other critical issues in journalism and theory classes. Some examples:

“Feminism. Feminism. Women’s rights. Enough already.”

“Human rights and activism, although important, hold no water in the history of U.S. mass media. . . The agenda she brings to the class should be left outside the classroom. . . This class should be taught from an ethnocentric (sic) viewpoint – narrower focus.”

“I CAN STILL BARELY BELIEVE THAT I WAS DENIED TENURE AND PROMOTION WITHOUT FULL CONSIDERATION OF MY PORTFOLIO. ALL PARTIES AT EVERY LEVEL AGREED THAT MY SCHOLARSHIP AND SERVICE WERE STRONG AND MERITED TENURE AND PROMOTION. BUT MOST IGNORED THE PREPONDERANCE OF EVIDENCE THAT MY TEACHING WAS ALSO EFFECTIVE.”

“Dr. Byerly used this class [U.S. media history] as a forum to preach her ideals about human rights, activism, and journalists responsibilities as she saw them. . . Media coverage of events like women’s & civil rights movements were covered. All other history courses at this school have encouraged students learning names, dates, etc. This class was Dr. Byerly’s attempt to mold us into critical thinkers. . . I don’t know that I gained any useable knowledge in this class, but I have a pretty clear picture as to where Dr. Byerly stands on women’s rights, gay rights, human rights and other social issues.”

“This instructor brings many of her own biases into the class. She’s active on (sic) woman’s (sic) and homosexual rights, which makes for biases within the classroom experience.”

These comments were starkly unrepresentative of the whole. In both quantitative measures and anonymous written comments, the majority of students in my classes in the six semesters prior to tenure said that I was an excellent teacher. In addition, there were nine peer evaluations of my teaching, conducted by tenured male and female faculty, from four different departments. They all found my teaching performance to be excellent. Some had been conducted on days when I taught multicultural issues.

In addition, nearly a dozen former students wrote letters praising my teaching methods. My own narrative spelled out a clear pedagogical approach, informed by current research and methodologies, and my self-assessment explained how I was accomplishing my goals. Two thick notebooks of syllabi and teaching materials

illustrated my efforts, which included teaching 10 different courses (including two new courses that I developed), coordinating speaker series and other activities.

I should mention that of the 10 courses I was assigned to teach in six semesters, only two of them were assigned to me more than once. No other faculty member in my department – tenured or untenured – had so many courses assigned in the same timeframe. This, in itself, raises serious questions.

The fate of my case was essentially sealed within my own school. Although I received my department committee’s favorable recommendation by a vote of five to three, and the majority wrote a glowing report, the dissenting three members (who presumably included the department chair, who had a vote on the committee), used selected negative student comments to write a separate

statement condemning my teaching.

The chair and dean later adopted the minority report’s language and reasoning in their reports. Similarities in these three documents suggest a carefully orchestrated campaign based on the thinnest of evidence. That decisions at higher levels followed in lock step seems unbelievable even now.

Ithaca College’s provost and president disregarded my own interventions, and dozens of letters written by students, alumni, and communications colleagues across the nation in the months prior to the final decision. Nor did they respond to complaints by some faculty involved in the tenure and promotion process who suggested sexism and lack of fairness were at work in my case.

Equally disturbing is Ithaca College’s stunning disregard of faculty rights in policies specifically prohibiting appeals in tenure and promotion cases on any grounds other than technical ones.

In late May 2000, I approached the American Association of University Professors about my plight. The group’s committee on academic freedom agreed to help me seek a hearing on academic freedom grounds. With AAUP’s advocacy, and a petition signed by 17 male and female faculty from departments across campus, the president eventually agreed to let me seek an appeal on academic freedom grounds, but she said I couldn’t include any mention of the tenure and promotion ruling.

The situation seemed futile, and I turned to legal remedies.

Jonathan C. Moore, Esq., in New York City, came recommended by the American Association of University

Women in Washington D.C. We lodged a complaint with the EEOC in February 2001, charging sex discrimination and retaliation.

In its response to the EEOC in Summer 2001, Ithaca College avoided addressing my teaching abilities almost entirely, focusing instead on my "attitude," which it said was "more discouraging than constructive." Relying exclusively on anonymous student comments, the college said that "Dr. Byerly's style of criticism" was "perceived as intimidating and discouraging" to students. The college made no reference to any other evidence of teaching performance.

My legal case will show that Ithaca College's behavior is sexist and homophobic. It will also show that its paper trail reveals a systematic attempt, particularly on the part of my chair and dean, to silence critical scholarship that addresses the role of women and minorities in reporting and media studies, and that asks students to critically examine relations of gender and other elements of power within media industries. The case will build on Moore's response to the EEOC, which said, in part, that:

"By relying on the negative student evaluations, which are replete with gender and gay bias, Ithaca College has adopted the opinions expressed in those evaluations as their own. . . The only thing more offensive than the comments themselves is the fact that Ithaca College, in a totally uncritical and anti-intellectual manner, relied on those statements of bias and prejudice to deny a distinguished feminist scholar the tenure and promotion that she so richly earned and deserved."

The legal case will also argue that tenure and promotion denial were retaliation for my efforts to advocate for more sexual and racial diversity in the Television-Radio Department and Park School of Communication. I had

sought to re-open a search for an endowed chair position in 1997 after six white males were brought in for interviews; and on other occasions, I advocated for the hiring of ethnic minorities in order to broaden the diversity of an almost all-white TV-R department.

I note that the few gains made in my years with the department had vanished by the time I packed up my office and left in May. By then, the journalism program faculty had been reduced to a three-person, master's level team, none in tenure-track positions. Over the previous year, the dean had succeeded in denying me tenure and reassigning the two tenured Ph.D.'s, both critical scholars, to teach non-journalism courses. The fourth Ph.D., an untenured ethnic minority with many years' experience in the profession, sought and found another job.

Needless to say, these have been a personally painful two and a half years. While I was going through this nasty tenure battle, there were other losses. Both my parents, in advanced years and ill health died, my father just shortly after I received the final word. Also poignant was the need to leave a community we'd grown to love and in which we'd built deep friendships. My partner Kay suffered the secondary effects of what I was going through each day in various ways. We made a joint *family* decision to pursue a legal challenge, feeling as we did that there has been a grave injustice. I should add that we are both with new employment and settling in well to our new situation in the outskirts of Washington D.C. I am teaching again and moving forward with my research, though the long-term damage to my career is still unknown. I'm enjoying my work as chair of ICA's Feminist Scholarship Division, which I assumed in May.

QUESTIONS TO ASK AN ATTORNEY . . .

Lawsuits can take three to seven years, according to the American Association of University Women's Legal Advocacy group. That is why it's important that you are comfortable with the expertise of your attorney.

The AAUW's Legal Advocacy group suggests that you ask the following questions during the initial consultation:

- What are my legal options? What should my next steps be?
- Does my case have merit? What are its strengths and weaknesses?
- What are the risks involved in pursuing legal recourse?
- What are the estimated financial costs of a lawsuit?
- What kind of relief is likely in my case? Reinstatement? Promotion? Monetary settlement? Attorney fees?



Photo courtesy of lawyers.com

- Do you work on a contingency basis (taking a percentage of the final settlement)? Do you have a sliding scale fee?
- What are the costs of expenses such as depositions, transcripts, travel and copying?
- How long do you estimate my lawsuit taking?
- How many cases of sex discrimination have you litigated?
- What were the outcomes of those cases?
- On average, how long did those cases last?
- If you are unable to take my case, do you have other referrals?

FIGHTING FOR GENDER EQUITY AT KENT STATE UNIVERSITY: REFLECTIONS ON A DEPARTMENT OF LABOR DISCRIMINATION COMPLAINT

by Beth Blue Swadener, Arizona State University; Vilma Seeberg, Kent State University, & Dorothy Kovacevich, Kent State University (emeritus)

This is the story of a journey for gender equity at Kent State University in Ohio. It is a trip that took seven years and was made with the U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP).

The three of us took this journey together. Swadener was chairperson of Committee W of the American Association of University Professors (AAUP), Kent Chapter, from 1995-2001; Seeberg was the statistician for the studies for Committee W and Kovacevich was head of Kent State's Committee at the time of the initial studies and the filing with the Department of Labor. Each of us had been active for many years in struggles for race and gender equity.

Kent State's AAUP chapter had been investigating salary and promotion inequities since 1982, and internal "remedies" had produced few improvements. Committee W completed its first formal study comparing salaries and promotion rates of male and female faculty at KSU in spring of 1993 and shared it with both the faculty and the university administration. A sophisticated statistical analysis showed that female faculty members were paid less and promoted later and at a lower rate than similarly situated (and comparably productive) male faculty members. The discrimination in promotion accounted for the greatest proportion of salary inequities (Johnson & Kovacevich, 1994). When it became apparent that the university administration would not respond, Committee W explored various legal options and decided that since filing with the Department of Labor (DOL) cost only the price of a postage stamp — as compared to a much larger sum in attorney fees for a class action suit, we would take our case to that federal agency.

We were advised that to file a class action suit, we would need six to eight women willing to testify and that all women faculty would be designated as a class. This can be problematic if different departments had varying promotion and merit criteria, for example. And, then, there was the matter of cost; class action suits typically cost in excess of \$20,000. Individual discrimination cases (including Kovacevich's which is currently pending in the federal appeals court¹) cost even more—attorneys may take cases on the "contingency" of receiving a proportion of the settlement or, more typically, are paid according to their hours on the case, as reviewed by a judge. The plaintiff must pay filing expenses, and these can amount to several thousand dollars. Thus, Committee W decided that the DOL was our most accessible avenue for addressing documented gender discrimination at Kent State. We would, however, advise consulting an attorney to help determine how strong your case is before beginning any action.

After filing our claim, the Cleveland DOL office investigated and collected additional data from KSU and from Committee W. Meetings were held between staff at the Cleveland office and the federal Solicitor, and it was determined that there was ample evidence to merit enforcement — which meant that our complaint was forwarded to the Chicago Regional Office. At this point, Kent State's administration's consultant submitted his rebuttal of the DOL report to the OFCCP. The complaint and all related documentation were forwarded to the Office of Federal Contract Compliance Programs in Washington, D.C. for enforcement in fall of 1995 — two years after we had filed our initial complaint. Twice in 1996, Committee W members and our AAUP chapter president wrote to President Carol Cartwright and all members of the KSU Board of Trustees, urging a settlement and requesting internal dialogue to address the gender equity issue. These offers were refused.

In early 1997, the Cleveland Office of DOL requested funding from Washington, D.C. to hire an outside expert to conduct an independent analysis of the KSU salary and promotion data. Members of Committee W met with our congressperson in June 1997 to request a congressional inquiry (basically a call and letter to the DOL); his office finally sent a letter in September 1997. The DOL's request to hire an independent statistical consultant was finally approved in January 1998 and his report was accepted (after a series of meetings, further data analysis, and other delays) in early 1999. The original complaint included over 200 women victims affected by both salary and promotion rate discrimination. The DOL consultant accepted Committee W's statistical analysis showing **gender discrimination in promotion** and its inequitable effect on salary.

In April 1999, the DOL shared preliminary language for a settlement with the Committee W and AAUP leadership. The list of affected women faculty had shrunk by one half, as had the financial remedy. To add further injury, the remedy was a *one-time*, "extra" — not one which would go to base salary and make a difference in closing the salary gaps over time. The negotiations, as well as everything leading up to them, were handled entirely by the DOL, because with the acceptance of the complaint, Committee W had become a third — outside — party. Summer and fall 1999 saw many delays related to "legal tweaking" of the settlement language, with some involvement going as high as the Secretary of Labor, due to the precedent-setting nature of a finding based on discrimination in promotion.

Another year and a half of delays were created by the KSU administration's meeting with various DOL officials before they reached a final settlement in November, 2000. It provided just over \$200,000 and was limited to 24 women, one of whom had died the previous year. To be awarded their one time payment, female faculty must have been in rank for five years or more and have been an assistant professor at that time, with terminal degree, and not been promoted to associate. The settlement further required the university to conduct an annual salary and promotion analysis and report their findings to the DOL. Our initial reaction was "too little, too late, for too few women!" Still, we appreciated the precedent that our case may set for recognizing delays in promotion as a form of gender discrimination.

We conclude with some brief "**lessons learned**" that we hope will be informative to readers who are considering their legal and other options for addressing gender and other forms of discrimination. We would also urge readers to collect anecdotal data on "chilly climate" or subtle forms of gender discrimination in their workplace. If you ever go to court, such data may be critical. We have begun to use exit interviews with female faculty leaving KSU as another form of documentation. In summary, we would advise you to...

- Know that federal government action takes time. When we first filed, the DOL quoted a nine-year average

settlement time! Patience and persistence are needed (e.g., bi-weekly calls to the DOL, pestering Congress members).

- Understand going in that you or your group will not be directly involved in the negotiation of a settlement — that you are only the "filer" of the complaint and, as such, a third party to the final negotiations and eventual settlement. And, importantly, make sure those you represent understand your role!

- Work hard to explore internal alternatives to lawsuits — in our case, however, Kent State's administration spent far more to fight us (in attorney fees and statistical consultants) than it would have cost to settle!²

- Know that only women covered in the original complaint (and often only a small percentage of them) will be covered by any settlement.

- Work with the local media and other pressure points in trying to keep the process moving.

- Do other forms of research in your institution, including a "chilly climate" or subtle sexism survey (e.g., Hall & Swadener, 2000) and collect personal narratives of women who have experienced discrimination.

- Know that a DOL complaint covers a three-year time period. New complaints must be filed for each subsequent three-year period.

- Be prepared for a "battle of the statisticians"!

- Know that the DOL negotiates on the basis of its judgments as to which *individual* case within the complaint has a chance of winning in civil court. Only the most egregious cases will be part of the settlement, regardless of the overall "proof" of discrimination.

- Be aware that retaliation against individuals can and will happen and it may come from your immediate (even female!) colleagues.

- Find ways to keep your group's spirits up in order to go the distance together!

REFERENCES:

Hall, E.J. & Swadener, B.B. (2000). "Chilly climate": A mixed-method study of subtle sex discrimination at a state university. *Initiatives* (on-line Journal of the National Association for Women in Education), Spring issue.

Johnson, R. & Kovacevich, D. (1994). Promotion and salary inequities between males and females at Kent State University. Kent, OH: AAUP-Kent State Chapter.

NOTE:

For more information on the work of Committee W at Kent State or the DOL complaint, contact Elizabeth Swadener at Beth.Swadener@asu.edu.

For more information on Dorothy Kovacevich's case and current appeal status, go to: <http://pacer.ca6.uscourts.gov/cgi-bin/getopn.pl?OPINION=00a0281p.06>

¹ Kovacevich v KSU, Sixth Circuit Court of Appeals, December, 2000 (web-site listed at end of article)

² KSU will pay well over a million dollars in legal fees along for Dorothy Kovacevich's case, when they could have settled for a small salary adjustment when she first requested a salary review.

ASSOCIATION FOR EDUCATION IN JOURNALISM AND MASS COMMUNICATION
COMMISSION ON THE STATUS OF WOMEN

Call for Judges

Annual Meeting • August 4-7, 2002 • Miami, Florida

It's that time again! The AEJMC Commission on the Status of Women is asking for your help in judging the Commission's 2002 research paper competition for the annual conference in Miami, Florida, Aug. 4-7, 2002. We expect submissions that use a variety of approaches and research methods in the area of gender and communication. It is expected that judges have a good knowledge of feminist media theory. Judging will occur during April 2002.

If you would like to serve as a judge and offer constructive criticism to fellow scholars and graduate students in the field of gender and communication, we would greatly appreciate your time and expertise!

Simply return this letter with the bottom portion filled out, either via snail-mail, e-mail or fax to:

Julie Andsager
CSW research chair,
Edward R. Murrow School of Communication
Washington State University
Pullman, WA 99164-2520
Andsager@mail.wsu.edu.

Name: _____ e-mail _____

Address: _____ Phone(_____) _____

_____ FAX (_____) _____

Types of research you'd be comfortable judging:

historical feminist legal policy semiotic
 critical ethnographic qualitative quantitative

Please list your subject area(s) and methodological expertise:

Did you judge for CSW last year? yes no



KATE PEIRCE, SECOND-YEAR CO-CHAIR

To those of you who were in Washington:
Good to see you.

To those of you who were not: We missed
you. A good time was had by most of us most
of the time.

I have been telling everyone I know about
my 15 minutes of fame (ok, more like 30
seconds, but hey, this is my story). It happened
when C-Span covered the preconference
workshop in which I was a participant.

CSW, along with USC's Annenberg
School, co-sponsored the event, a workshop
about diversity issues in education. Its official
title was "Gay and Lesbian Issues in Journal-
ism for Educators and News Professionals." C-
Span seemed interested in the subject and so
did the 20 or so spectators. And so, I found out
a couple of weeks after the fact, were members
of the Unenlightened Ones. An email sent to
participants and others, including my
university's president, accused us of plotting to
convert small children: "This is the campaign
to indoctrinate children from kindergarten to
university level to accept and celebrate
homosexuality," the writer said of our work-
shop. He then suggested that "homosexuality
promoters and activists" will "deprogram
children to abandon all family-provided values
and reprogram them to celebrate and hopefully,
to participate in a lifestyle that has been
destroying families and civilizations for
millenia." (Grammar and spelling mistakes
his.)

I might have missed something, but I'm
fairly sure no one at the workshop mentioned

children. I'm fairly sure we simply discussed
coverage of gay and lesbian issues. I'm fairly
sure I don't need another 15 minutes of fame.

I consider the diversity workshop a major
success as were other events CSW was
involved with. We co-sponsored research and
panel sessions with VisComm, International,
Entertainment, Cultural and Critical Studies,
History, Comm Theory, Small Programs and
Scholastic. We honored our foremothers at
Wild Women and helped Ramona Rush and
Carol Oukrop showcase their research on
women in journalism and mass communication
education.

At our business meeting, we voted to
amend our bylaws to reflect officers' actual
duties, and we got to announce that the Donna
Allen award was endowed only a year after its
creation, thanks to contributions from the
Freedom Forum and others. We are working
this year to determine guidelines for choosing
a recipient and plan to announce the first one
next summer in Miami.

To those of you who plan to be there:
Let's party! To those of you who don't have
such plans: We hope you change your minds.

Kate



ANNETTE SAMUELS, FIRST-YEAR CO-CHAIR

Six weeks after the terrorist attacks on the World Trade Center and the Pentagon on Sept. 11, I, like millions of Americans, am still in shock. Shocked that strangers, visitors to our country, were able to wreck such physical and emotional damage and destruction using ordinary traveling vehicles as weapons to carry out their unspeakable, horrifying deed. And shocked that the city I was born and raised in and raised my six children as well, was so brutally attacked by 19 men who used the hospitality of my country to shatter our sense of security and murder my fellow citizens and others from all over the world.

I don't think, or at least I hope that none of us was so naïve as to think that our nation could not be invaded. But the 9-11 attack goes beyond any reasonable person's belief. In spite of the deep sense of sorrow and grief I feel I am even more concerned that on my campus and campus' across this nation, professors have been attacked by students and, in some cases, by their fellow professors for, as one faculty critic said, forgetting "to use their intelligence." In other words, they dared to exercise their right to freely express their views. Just as troubling is the apparent willingness of my students and students across our nation to give up a measure of their freedom for safety and a

level of comfort.

On the other hand, I do realize that these are young people who have not experienced the challenges of war and acrimony that our nation and the world experienced for most of the 20th century. These, after all, are the children of a relatively peaceful and prosperous era in our nation's history.

More troubling, though, is the willingness of many college and university administrators to take action to stifle free expression on their campuses in response to complaints of students and alum that are offended by or disagree with the views of those professors and students. These are the people who are supposed to stand firm for freedom and provide guidance for students and support for faculty.

I, and many of my fellow educators across the country, have been taken aback by the intolerance of the students and the acquiescence of leadership at campuses across the country to these demands for conformity.

In response to these attacks on academic freedom, Mary Burgan, the General Secretary of the American Association of University Professors said it best in a statement she issued recently on the value of academic freedom. Faculty, she noted, "think many things about September 11. Some of them died in the bombings; some lost loved ones. They disagree vociferously on ethics, strategy, causes and effects . . . faculty opinion ranges from vengeful to conciliatory."

The organization, she noted, could not "speak on the course of war or peace for 'the faculty' that we represent within the American Association of University Professors. But we can speak for faculty on one big thing—the necessity, as patriots and professors, to think and express their views in freedom."

COMMISSION ON THE STATUS OF WOMEN, AEJMC
BUSINESS MEETING MINUTES
WASHINGTON, D.C.
AUGUST 6, 2001

The meeting was called to order by first-year co-chair **Kate Peirce**, Southwest Texas State University

APPROVAL OF MINUTES:

The minutes from the 2000 business meeting were approved.

OFFICER AND COMMITTEE REPORTS:

Second-year co-chair **Terry Lueck** thanked everyone for help, especially **Kate Peirce**. She noted that the past chair would remain on the Advisory Board and provide guidance to the Advisory Committee. She discussed the Donna Allen Award, which is now endowed. The Freedom Forum contributed \$5,000 and individuals have also contributed.

First-year co-chair **Kate Peirce** stressed the importance of supporting graduate students and being involved with the new member breakfast to solicit new members for CSW. She reported that CSW's accounts have the following balances:

- General: \$5,797.38
- MaryAnn Yodelis Smith: \$23,417.02
- Mary Gardner: \$1,185.69
- Donna Allen: \$6,575

She noted that the Gardner Award will go to **Danna Walker** of Maryland.

She mentioned that CSW had co-sponsored a pre-convention symposium, the Donna Allen Memorial Symposium, and a **pre-convention workshop**, USC Annenberg's Dialogue on Gay and Lesbian Issues in Journalism For Educators and News Professionals. She noted that CSW has one research panel on feminist communication theory, one teaching panel with VisCom and four PF&R panels with International, Entertainment, Cultural and Critical Studies and Small Programs. The miniplenary, she said, is co-sponsored with History, Communication Theory and Methodology and Scholastic. Wild Women will honor women who blazed the trail for other women in journalism and mass communication.

Vice chair **Annette Samuels** commented on the success of the upcoming Wild Women and said that the pre-convention symposium and workshop had gone well.

Research chair **Erika Engstrom** noted the number of paper submissions was up this year and that the submission ratio was half faculty and half students.

OLD BUSINESS:

Changes to the bylaws were approved. The changes reflect the actual duties of officers.

NEW BUSINESS:

Officers elected for the 2001-02 year are:

- Kate Peirce**, second-year co-chair
- Annette Samuels**, first-year co-chair
- Erika Engstrom**, vice chair
- Julie Andsager**, research chair
- Michelle McCoy**, recorder
- Kitty Endres**, newsletter editor

NEW BYLAWS

Article I – Name

The name of this organization shall be the Commission on the Status of Women.

Article II – Purpose

The purpose of the Commission is to advocate for the improvement of the status of women in journalism and mass communication education as well as in the journalism and mass communication workforce. The Commission shall promote feminist scholarship in journalism and mass communication, and shall plan and present programs.

Article III – Membership

Membership in the Commission shall be open to members in good standing of AEJMC (who are dues paying members of the Commission).

Article IV – Officers

Section 1. The officers of the Commission shall be two Co-Chairs (a first Year Co-Chair and a Second-Year Co-Chair), a Vice-Chair, a Research Chair, a Newsletter Editor, a Recorder. The officers shall perform duties prescribed by these Bylaws and by the Constitution and Bylaws of AEJMC.

Section 2. Election of the officers shall be held at the annual meeting.

Article V – Executive Committee

Section 1. The Executive Committee of the Commission shall consist of the elected officers.

Section 2. The Executive Committee shall have general responsibility for the conduct of affairs of the Commission between its annual business meetings, fix the time and place of meetings, make recommendations to the Commission, and perform other duties as may be prescribed by the Bylaws.

Article VI – Duties of the Officers

Section 1. The Second Year Co-Chair

of the Commission, who is also known as the advocacy chair, shall be the person who served in the previous year as the First Year Co-Chair. This person shall also serve on the Executive Committee of the AEJMC and assist the First Year Co-Chair in her duties as needed.

Section 2. The First Year Co-Chair, who is also known as the management chair, shall oversee the activities of the Commission and shall appoint any committees and task forces deemed necessary. The First Year Co-Chair shall be the person who coordinates liaisons between the Commission on the Status of Women and the Commission on the Status of Minorities and other groups within AEJMC actively engaged in supporting the non-discrimination and multicultural inclusiveness clause in the AEJMC Constitution. (These groups include those dedicated to lesbian/gay/bisexual issues and interests of persons with disabilities.) This person shall also coordinate liaisons between the Commission on the Status of Women and Divisions within AEJMC. This duty shall include the appointment of a graduate student liaison at the annual business meeting. The first year co-chair shall have signing authority for the budget and shall report on the budget at the annual meeting. The First Year Co-Chair shall also represent the Commission at meetings of the AEJMC Executive Committee in cases where the Second Year Co-Chair cannot attend.

Section 3. The Vice Chair shall assist the First Year Co-Chair and shall be responsible for the preparation of the program for the annual meeting.

Section 4. The Newsletter Editor shall be responsible for publication of a newsletter.

Section 5. The Recorder shall be responsible for taking minutes at the annual meeting. The Recorder shall also be responsible for coordinating membership drives.

Section 6. The Research Chair shall be responsible for conducting competitions for research papers to be presented at the annual meeting in compliance with requirements of the AEJMC Standing Committee on Research.

Article VII – The Resource Committee

Section 1. A Resource Committee, made up of full professors who are members of the Commission on the Status of Women, shall be appointed by the First Year Co-Chair of the Commission on the Status of Women, and shall serve the following functions.

A. Collate information about and provide information to members who experience sexual, gender, or other harassment and/or discrimination situations.

B. Keep informed about reported instances of discrimination, in the spirit of the non-discrimination and multicultural inclusiveness clause in the AEJMC Constitution. The committee should not duplicate the monitoring functions of the Standing Committees of the AEJMC.

C. Provide contact information about members of the Commission who are willing to provide a support network for members who experience discrimination and/or harassment as well as persons who are supporting those who have experienced discrimination and/or harassment.

Article VIII – Meetings

Section 1. The annual business meetings of the Commission shall be conducted during the annual meeting of AEJMC for the purpose of electing officers, receiving reports of officers and committees, and any other business that may arise.

Section 2. Special meetings of the Commission may be called by the First Year Co-Chair or by the Executive Committee.

Article IX – Amendments

These Bylaws can be amended at any regular meeting of the Commission by a two-thirds vote of those present and voting, provided that the proposed amendment has been mailed to members of the Commission 30 days before the meeting.

KELLY GIONTI, GRAD STUDENT, THE UNIVERSITY OF AKRON

A week after my 25th birthday I learned my grandmother has leukemia. This was the start of my quarter-life crisis.

I remember the warm late-August day that my mom sat me on the porch and broke the news. Up until this point nothing really terrible has ever happened in my life – I'd never encountered any major losses or tragic events. I had no idea how much that one afternoon would change my outlook on life.

I had just come back home from the most amazing summer in New York City working for *Mediaweek* magazine, feeling as if my life was finally on track. All those years of hard work and dedication had finally made a dream come true.

But back in Akron those carefree days spent exploring New York were distant memories. The news about my grandmother – with whom I am very close – rattled me. I couldn't sleep. School seemed unimportant. For several weeks I didn't want to leave my house.

The events of September 11 shook me further. I lived four short blocks from where the World Trade Centers stood this summer. I have pictures of my roommates and I drinking apple martinis at the Windows on the World in the beginning of August. Seeing my old stomping ground on the TV literally in ruins made me sick. Not to mention the thought of all those people – some of whom I probably saw on the subway everyday or at the corner Duane Reade.

By the time October hit, I knew I had to do something to change my perpetual state of depression. One of my best friends suggested a spontaneous trip to New York City to lift my spirits. At first I was hesitant to go – did

I really want to see devastation? Would New York still be the same place I always loved?

Being in the city a month to the day after the attacks was spooky. The air smelled like strong burning rubber. While my apartment building was still in tact, the stores I frequented in the area were still covered in ashes. People seemed more on edge than normal, and Times Square was almost empty, expect for a few theatregoers.

My friends in the city questioned why I came back so soon. Those that worked in the media industry looked exhausted. After countless bomb and anthrax threats, they were dealing with more industry layoffs. A friend who was offered a job at a magazine before the attacks found her offer rescinded a month later.

But going back to New York made me realize how lucky I am. I'm lucky I don't have to worry about job prospects just yet. I'm lucky all of my friends and family are safe. I'm lucky I have a good friend who made me go and realize that New York will always be New York.

Once I got home I had something else to be grateful for as well. My grandmother was playing her first game of golf since her diagnosis in June. The doctors said her health was in good shape and didn't need to see her for six months.

Maybe being 25 won't be so bad after all.



Kelly

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WOMEN'S WORDS

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