

# Sexual Harassment Redux



By Jan Collins

Published Sept. 16, 2016

A quarter of a century seems like a long time. And yet, 25 years after the famous Anita Hill hearings that electrified the nation, the scourge of sexual harassment is with us still. Witness the recent, high-profile lawsuit filed by Gretchen Carlson against Fox News founder Roger Ailes, alleging longtime, brazen sexual harassment.

The difference this time is that the men in power at the conservative network believed Carlson, a former Fox News host. In fact, they believed her so much that the 76-year-old Ailes was swiftly forced out of his job and Carlson received a public apology (rare if not unprecedented in sexual harassment cases) and a \$20 million settlement earlier this month.

So, have we come a long way, baby?

In some ways, perhaps. Another former Fox host, Andrea Tantaros, has filed her own lawsuit against Ailes. There are also reports that other women at Fox News – including star anchor Megyn Kelly – may also have been sexually harassed over the years by Ailes, and that monetary settlements may be forthcoming for some of these women, too.

And, after decades of accusations by dozens of women alleging sexual harassment and abuse by comedian Bill Cosby, one of those women will finally get her day in court next June. That's when Cosby is scheduled to go on trial for three counts of felony aggravated indecent assault against Andrea Constand, an employee of his alma mater, Temple University.

So, unlike the all-male, all-white U.S. Senate Judiciary Committee that in 1991 refused to believe law professor Anita Hill's accusations of sexual harassment by her then-boss, and now Supreme Court Justice Clarence Thomas, many women today *are* believed.

This doesn't mean these women are necessarily protected, however. Take the ongoing case of the former dean of the University of California, Berkeley, law

school who was found to have violated sexual harassment policies at the prestigious university. Sujit Choudhry resigned the deanship post in March but was allowed to remain on the faculty. He was forced to take a 10 percent pay cut for one year. Now, though, Choudhry has returned to his campus office, where he will do research and writing and advise students.

Meanwhile, his former aide, the woman who filed a lawsuit against him, remains on administrative leave and says she cannot return to the law school while Choudhry is still present.

Sexual harassment in the workplace continues to be so pervasive that a third of all complaints filed with the Equal Employment Opportunity Commission (EEOC) deal with this scourge. Sexual harassment is still illegal, but as editor and writer Bryce Covert says, this widespread practice is “nowhere near extinct.”

Indeed. Testimony at a 2015 (EEOC) hearing indicated that:

- One of every four working women in the United States has been sexually harassed at her workplace.
- Only 29 percent reported the harassment; 71 percent didn't for fear of retaliation.
- Some of the reported harassment was verbal; some was through unwanted touching and sexual advances; some was via inappropriate texts or emails.
- Online sexual harassment is growing, particularly for young women: 26 percent of women aged 18-24 said they have been stalked online, and 25 percent were the target of online sexual harassment.

Rarely does any victim of sexual harassment walk away with a multimillion dollar settlement, as Gretchen Carlson did. Most cases, says *The New York Times*, “don't end in favor of the plaintiff, given that it's often a victim's word against the person she is accusing. Those who win a settlement often get around \$30,000. So the rare women who come forward are usually left with nothing to show for it.”

(Carlson apparently had letters from Ailes and audio recordings of some of her encounters with him to prove her claims.)

Another issue is that a lot of men still don't get it. Republican presidential nominee Donald Trump, who himself has been accused of sexual harassment, is a case in point. When asked how he would react if someone treated his daughter Ivanka the way Mr. Ailes supposedly treated these women, Trump said he hoped she would find another career or find another company.

Easier said than done, of course. Anita Hill rightly feared that her career (and her reputation) would be damaged if she reported that Clarence Thomas sexually harassed her. She testified – reluctantly - only after being subpoenaed by the Senate Judiciary Committee.

Professor Hill's brave testimony transfixed the nation, cast a light on the existence of sexual harassment as never before, and led to more women seeking – and winning – seats in Congress and state legislatures the next year, a trend that has continued ever since.

It's not a stretch to say that we have Anita Hill to thank for much of the progress that has been made over the past 25 years in ending sexual harassment in the workplace. But as Professor Hill, who is scheduled to speak in Columbia Sept. 15 at the 25<sup>th</sup> annual "I Believe Anita Hill" networking event will tell you, we still have a long, long way to go.

#####

**Jan Collins** is a Columbia-based journalist, writer, and editor. A former Nieman Fellow at Harvard University, she is the co-author of *Next Steps: A Practical Guide to Planning for the Best Half of Your Life* (Quill Driver Books, 2009).