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Alexander v. Yale: Collected Documents from the Yale Undergraduate Women's Caucus and Grievance Committee.

- STATEMENT -

On July 2, Judge Ellen Bree Burns issued her opinion in the case Price v. Yale, finding, after a trial, that the plaintiff had not proved her allegations of sex discrimination based on the university's lack of adequate grievance mechanisms to handle complaints of sexual harassment. The Judge based her decision on her findings of fact that the incident did not occur and that Price had not shown any adverse influence on her grade in the course.

The Judge noted that when Price first complained, "Yale University had no . . . regulations setting forth any procedures to provide for resolution of such complaints." She further agreed with the plaintiff that, when Yale did have regulations setting forth procedures, "the procedures . . . give no real guidance to students or to faculty as to procedure to be followed with respect to claims such as Miss Price had made." She concluded, however, that the absence of such procedures did not adversely affect Ms. Price's educational opportunities.

"It is hard to imagine," said Anne Simon, one of the attorneys for Pamela Price, "how the judge could have come to this conclusion when the legal basis of the case was Title IX, which requires regularized procedures as part of universities' obligation not to discriminate against their students on the basis of sex. The decision fails to take seriously the possibility that Yale really is under some legal obligations to its students." By focusing on the individuals rather than on Title IX, the judge reduced the case to a black woman's accusation and a white man's denial of improper sexual conduct, with all too predictable results. Judge Burns found that the incident did not occur, but the opinion offered no support for this conclusion. "It is appalling, in this day and age, that a finding of this sort, which amounts to saying that Price made the entire thing up, can be made without providing any evidence from the trial to back it up," commented Phyllis Crocker, a legal worker on the case.

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"It's the same old story," said Ms. Price. "Where sex is concerned, black women's accusations are considered lies and white men's denials are believed. Unfortunately, the trial, which was presided over by a woman, was merely another manifestation of the racism and sexism pervasive in society and reflected in its laws. It is symbolic that I entered this case primarily because I am a woman and lost it primarily because I am a black woman. But that is all the more reason for us to continue to fight back against all forms of oppression."

"This decision makes clear that Judge Burns lacked the guts and insight necessary to really listen to a woman's painful experience of sexual harassment and to challenge Yale's neglect of her complaints. The irony, however, is that we lost this round, but achieved other important goals. Women in universities all over the country are now coming forward with their complaints, breaking the debilitating fear and isolation which have rendered sexual harassment invisible for so long," said Linda Hoaglund, of the Grievance Committee of Yale's Undergraduate Women's Caucus.

Price's lawyers are considering appealing the decision. "We lost the wrong case," Anne Simon observed. "Judge Burns did not allow any evidence that would have shown that Yale discriminates against women. Her decision is vulnerable to attack on appeal for that reason, although her emphasis on the 'facts' might make an appellate court less likely to reverse her decision. It's unfortunate that an issue of such legal and political importance to women was so constricted in the way it could be presented in court, but one unenlightened decision is not going to stop women from speaking out about sexual harassment."

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