Patsy T. Mink Equal Opportunity in Education Act (Title IX)

Patrice Miller

The Patsy T. Mink Equal Opportunity in Education Act is more commonly known as Title IX of the Education Amendments of 1972. The statute, which was co-authored by Representatives Patsy Mink and Edith Starrett Green, was short and direct – "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Title IX did not specifically mention athletics, however, it is most widely known for increasing access to and participation in sports by female students. The statute has been used to ensure equity in athletic expenditures and programs in schools, colleges and universities. In addition to fostering changes in athletics, Title IX covers all aspects of the programs and activities at educational programs like Penn which receive federal funds ranging from admissions for students to employment practices for faculty and staff.

Representative Mink was the first woman of color elected to Congress where she represented the State of Hawaii for more than two decades. She also served as an Assistant Secretary of State during President Jimmy Carter's administration. In honor of her efforts to break down barriers for women upon her death in 2002, President George W. Bush formally renamed Title IX the Patsy T. Mink Equal Opportunity in Education Act.

If you would like additional information about Title IX in particular or sex discrimination in general, please contact the Office of Affirmative Action and Equal Opportunity Programs at (215) 898-6993 or TDD (215) 898-7803.

Changes in Self-Identification of Race/Ethnicity

Patrice Miller

The U.S. Department of Education instituted changes in the manner in which race and ethnicity are maintained, collected, and reported by institutions like the University of Pennsylvania which receive federal funds. Prior regulations allowed students, faculty and staff who are U.S. citizens or permanent residents to identify their race or ethnicity in one of six categories – Black, non-Hispanic; American Indian/Alaskan Native; Asian/Pacific Islander; Hispanic; or White, non-Hispanic. The new regulations which are effective for information reported to the federal government must be reported using a two-question format that first inquires as to whether the respondent is of Hispanic, Latino or Spanish origin of any race. The second question asks respondents to identify themselves in one or more of the following categories – American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, or White.

The University has been working for several months to develop the necessary changes in its electronic systems to capture, collect, and maintain race and ethnicity for faculty, students, and staff in the new two question format. In addition to the broad categories mandated by the federal government for reporting purposes, the University will offer students and employees the opportunity to provide more specific information regarding their racial or ethnic heritage.

A web-based application is being developed that will allow students, faculty and staff to self-identify their race/ethnicity, sex, and disability, or veteran status. In addition, the University's self-identification forms for applicants for employment are being redesigned to conform to the two-question format. These changes will facilitate the ability of faculty and staff members to update his or her demographic information. Any questions or concerns regarding the new regulations may be directed to the Office of Affirmative Action and Equal Opportunity Programs at oaaeop@upenn.edu or 215-898-6993 (voice) or 215-898-7803 (TDD).
Guest Column

Erin Cross

The store clerk says, “Have a nice day, sir!” as you leave the store. But are you a ‘sir’ or a woman with short hair wearing a loose coat? Have you ever assumed a group of children is all girls because you saw them playing with Barbie dolls? If so, you have been experiencing and/or exploring gender identity. Gender identity is one of the protected categories in Penn’s non-discrimination statement and Philadelphia’s Fair Practices Ordinance. So, what is it and what does it mean for you? Before we tackle the subject, however, it is helpful to understand the difference between the terms sex and gender.

Sex: a medical term designating certain sets of gonads, chromosomes, external gender organs, secondary sex characteristics, and hormonal balances.

Gender: socially constructed behavioral and cultural traits typically associated with one sex; in the United States such traits usually are based on the binary continuum of feminine and masculine.

Basically, sex is biological, gender is social, and they are not always congruent. How does this play out on campus?; you guessed it, through gender identity and its expression. Gender identity is a person’s inner sense of being feminine, masculine, or otherwise gendered. In the United States, people usually express their gender identities in terms of the gender binary and we assume people’s gender identity is congruent with their sex from the time they are born. For instance, female children must like fashion and male children must like sports. As we know from Mia Hamm and Tommy Hilfiger among others, those assumptions do not always hold true. If people do not identify with the gender associated with their assigned birth sex, they may identify as transgender. That said, even people who are not transgender are sometimes discriminated against because of their perceived gender identity.

At Penn, you may encounter issues around gender identity in several arenas, a few of which I will tackle. The first area most people think about is one of the first areas most people think about is around gender identity in terms of pronouns and so on.  This demonstrates you are aware of gender matters and is easier than avoiding pronouns all the time.  Have you ever tried to have a conversation only using a person’s name?  It is quite hard!

I challenge you to think about how they would like to be referred to given the option of ‘female’ or ‘male.’ To accommodate those of all gender identities, the best solution would be to have the following choices and allow people to check all that apply: female, male, transgender, and other. Before making this change, however, I challenge you to think about why you are asking for someone’s gender – is it pertinent to what you are doing? Most of the time, it is not and it is just habit for us to include the query.

Finally, at least for this article, is how you address people. As in one of the examples beginning this piece, many of us use ‘ma’am,’ ‘miss,’ or ‘sir,’ when we are trying to be polite. In some cases, we are incorrect. If you are not sure of somebody’s gender identity or they may be transgender, ask them how they would like to be referred to in terms of pronouns and so on. This demonstrates you are aware of gender matters and is easier than avoiding pronouns all the time. Have you ever tried to have a conversation only using a person’s name?  It is quite hard!

Overall, then, it is important to be conscious of gender identity at Penn as it affects each one of us on a daily basis.

Erin Cross is the Associate Director of Penn’s Lesbian Gay Bisexual Transgender Center (LGBT), located 3907 Spruce Street. You can get more information about the center and services it offers at http://www.vpul.upenn.edu/lgbtc/
According to the Gender Equity in Higher Education: 2010 report published by the American Council of Education, the gender gap in higher education seems to have stabilized for all groups except Hispanic and Latino students under age 24. Overall, 43% of students enrolled in and receiving undergraduate degrees were men. According to this study, women outnumbered men 2:1 among those over 25 years of age who are pursuing undergraduate degrees. Women's share of graduate enrollment continues to climb and is currently 60% with great "variation by race/ethnic group, degree program and field of study." On the other hand, men and women earn professional and doctoral degrees at the same rate. The gender gap for Hispanic or Latino students enrolled in undergraduate degree programs who are 24 years old or younger widened between academic year 1999-2000 and academic year 2007-2008 from 45% to 42%. The graduation rate for Hispanic or Latino men was 10%—the lowest of all groups. The study's authors indicate that immigration may have a significant impact on these results. According to the study "only 51 percent of Hispanic young adults outside the United States have completed high school, compared with 81 percent of U.S.-born Hispanics." The study indicates that 18% of Hispanic or Latino women have earned bachelor's degrees—the same rate as African American women. The study reported that 32% of white men hold baccalaureate degrees as compared to 40% of white women. The report also noted that, across all races and ethnic groups, the gender gap disappears as family income rises.

Gender Equity in Higher Education: 2010 is available to download as a PDF on the American Council of Education’s website www.acenet.edu/genderequity2010 for $20.00.

Support and Empowerment Group for Survivors of Sexual Abuse

University policy states that "acquaintance rape/sexual violence is defined as any act in which a member of the university community forces another with whom he or she is acquainted to engage in sexual activity against her or his will or without her or his consent. Assent shall not constitute consent if it is given by a person who because of youth, mental disability or intoxication is unable to make a reasonable judgment concerning the nature of or harmfulness of the activity." One of the most common forms of sexual violence on a college campus is acquaintance rape, or date rape.

On Thursday, February 11th, the Penn Women's Center launched an educational and support group for survivors of sexual abuse. Each week the group session will focus on a different topic related to the healing process such as: assertiveness, self esteem, healthy versus unhealthy relationships, debunking rape myths, reducing self blame, and coping skills. Group members will help decide which topics will be focused upon and will also have the opportunity to establish group guidelines. The group will run from 6-8 weeks and all members were asked to commit to attending all sessions. Group work is confidential and the group is open to female Penn undergraduate and graduate students who have been victims of sexual assault during their teen/adult lives. For more information, visit http://www.vpul.upenn.edu/pwc/supportgroup.php, or contact Jessica Mertz at (215) 898-6500.

Please Remember....

Please remember to ensure that all of your school and center websites and brochures include the University’s current nondiscrimination statement. The most current version of the statement is available on the Office of Affirmative Action and Equal Opportunity Programs’ website http://www.upenn.edu/affirm-action/. Compliance is an important part of everyone’s responsibility and we appreciate your help and support....
Equal Opportunity Employment Commission (EEOC)
The EEOC has hired more investigators and received additional funding under the Obama administration. As a result, it has ramped up its enforcement efforts. During fiscal year 2009, the EEOC received 93,277 charges alleging unlawful discrimination in the workplace across the country—the second number ever filed. The agency reported that it recovered more than $376 million on behalf of claimants. The number of charges alleging discrimination based on disability (23%), religion (3.6%) and or national origin (11.9%) reached record highs. Complainants may file charges that allege multiple forms of discrimination. Charges that allege race discrimination (36%), retaliation (36%), or sex discrimination (30%) continue to be the most frequently filed by complainants.

Litigation Hold Memos
Once the Office of General Counsel becomes aware that a federal claim or lawsuit is pending, a formal litigation hold memo will be issued directing the relevant faculty or staff members to preserve related materials and evidence—both electronic and paper versions (e.g. e-mails, notes from meetings, notations on calendars). Failure to comply with these requirements regarding the preservation of evidence can result in legal sanctions being imposed on the University.

Department of Labor
The Department of Labor has placed a renewed focus on wage and hour issues and ensuring that employees are properly classified as exempt (salaried) or non-exempt (hourly). Managers and supervisors should contact the Division of Human Resources or the Office of General Counsel with any questions regarding this issue.

Genetic Information Nondiscrimination Act of 2008 (GINA)
GINA, which was signed into law by President George W. Bush, prohibits discrimination against applicants and employees based on genetic information. The law also restricts the circumstances under which employers may seek genetic information and family medical histories from applicants and employees.

Criminal Background Checks
The EEOC and the Pennsylvania Human Relations Commission have expressed concern about the potential adverse impact on candidates of color that could result from the use of criminal background checks. The Division of Human Resources has been fully briefed on the appropriate use of background checks and question or concerns should be directed to the recruitment and staffing team in the Division of Human Resources or to the Office of General Counsel.

Comprehensive Omnibus Budget Reconciliation Act (COBRA)
Under certain circumstances, COBRA legislation allows eligible former employees to extend health insurance coverage for themselves and qualifying family members for up to 18 months by paying group coverage rates. The American Recovery and Reinvestment Act of 2009 provided that qualifying employees who were involuntarily terminated could receive a 65% subsidy of those costs for a period of up to 15 months through February 28, 2010. The law requires that the University notify employees who terminate their employment of this expanded coverage and the circumstances under which they can avail themselves of this option.
Women of Color Luncheon

On March 5, 2010, Ms. Raquel-Ann McNabb presided over the 23rd Annual Awards Luncheon hosted by Women of Color at Penn. Denise Brown, Executive Director of the Leeway Foundation, was the keynote speaker at the luncheon, which seeks to illuminate the contributions of women of color to our campus and surrounding community. We wish to congratulate the undergraduate honorees Gabriele Banks and Wendy De La Rosa, the staff honoree Valarie Johnson, and the community honoree Jettie Newkirk. Colleen Winn served a chair of the Women of Color at Penn Planning Committee for 2009-2010 which included an array of workshops and educational programs.

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Penn Students Awarded Scholarships

Joshua Bennett (COL ’10) was awarded a Marshall Scholarship for graduate study in the United Kingdom next year. Joshua, an English & Africana Studies major, plans to attend the University of Warwick, to pursue an MA in Theatre and Performance Studies.

Joshua is also an award-winning spoken word artist who has performed at the White House. He is the co-founder and former political action chair of the Penn NAACP chapter, co-founder and chair of the advocacy group Black Men United, and co-founder and co-editor of the first undergraduate research journal of Africana Studies in the United States (The ESU Review), among many other leadership roles.

Sarah-Jane Littleford (COL ’09) was awarded a Rhodes Scholarship. Sarah-Jane, a native of Zimbabwe, currently works for the University of Pennsylvania Office of Sustainability, assisting in the completion of Penn’s Climate Action Plan. She will be attending Oxford next year, where she intends to study for an MPhil in Geography and the Environment.

The following three Penn students are receiving the Gates Cambridge Scholarship this year:

Donielle Johnson (COL’10), from Alexandria, VA, is studying Psychology and the Biological Basis of Behavior and plans to pursue an MPhil in Medical Sciences (Psychiatry) at Cambridge next year.

Jill Portnoy (COL’10), from Pittsburgh, PA, is studying Criminology and Hispanic Studies and plans to pursue an MPhil in Criminological Research at Cambridge next year.

Amanda Marzullo (LAW/GAS ’08), from Austin, TX, received a juris doctor from the Law School and a Masters degree in Criminology from the Graduate School of Arts and Sciences. Next year at Cambridge, she will be pursuing a LLM in Law.

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Dedication of the Dr. Bernett L. Johnson, Jr. Sayre Health Center

On March 30, 2010, members of the Penn community gathered for the dedication of the Dr. Bernett L. Johnson, Jr. Sayre Health Center. Dr. Johnson, who died in April 2009, was instrumental in the founding of this primary care center located at Sayre High School (58th and Walnut Streets). The Center links much needed medical care, support and referral services with educational opportunities for students at Sayre High School. More than 300 patients per month in the West Philadelphia community surrounding the Center benefit from its services. At the time of his death, Dr. Johnson was the Senior Associate Dean for Diversity and Community Outreach at the School of Medicine, senior medical officer for the Hospital of the University of Pennsylvania, and a senior faculty member in the Dermatology Department. Dr. Johnson was also an accomplished artist whose portraits of Dr. Helen O. Dickens and Dr. Edward Cooper are on display in the School of Medicine.

Coming Soon....

The Office of Affirmative Action and Equal Opportunity Programs’ website will have a new look. The site will contain more information and will be more user friendly.

Compliance is an important part of everyone’s responsibility and we appreciate your help and support....
OCTOBER

Diversity Awareness and Disability Employment Awareness Month

October 11: Columbus Day (2nd Monday in Oct): Columbus Day was first celebrated on October 12, 1792 to honor the day Christopher Columbus landed in the Americas in 1492.

Thanksgiving (Canada) (2nd Monday in October): A day to give thanks for the things one has at the close of the harvest season. Coincides with American Columbus Day.

NOVEMBER

Native American Heritage Month

November 1: All Saints’ Day: A Roman Catholic and Anglican holiday celebrating all saints known and unknown.

November 5: Diwali (Hindu): One of the most celebrated festivals in India. Diwali is a major Indian and Nepalese festival celebrated as the ‘Festival of Lights.’

November 11: Veterans' Day (Nov. 11 every year): A federal and state holiday honoring military veterans. It is also celebrated as Armistice Day or Remembrance Day in other parts of the world and is the anniversary of the signing of the Armistice that ended World War I.

November 25: Thanksgiving Day (4th Thursday in November): A holiday to celebrate the fruits of the harvest.

DECEMBER

December 1: World AIDS Day: World AIDS Day is a day when people from around the world come together within a single effort to raise awareness about HIV and to express global solidarity with people living with HIV.

December 1-9: Chanukah/Hanukkah: Hanukkah, which means “dedication” and is also referred to as “The Festival of Lights,” is a Jewish festival which begins on the Hebrew date of the 25th of Kislev and lasts eight days, through the 2nd of Tevet.

December 25: Christmas: The day Christians celebrate the birth of Jesus.

December 26 – January 1: Kwanzaa This secular seven-day holiday was created by Black Studies professor Dr. Maulana Karenga in 1966 in the U.S., to reaffirm African values and serve as a communal celebration among African peoples in the diaspora. Modeled on first-fruits celebrations, it reflects seven principles, the Nguzo Saba: unity, self-determination, collective work and responsibility, cooperative economics, purpose, creativity, and faith.

December 26: Boxing Day: Celebrated in the United Kingdom, Canada, New Zealand and Australia. Historically it was a day for giving gifts to those who are less fortunate.

December 31: New Year’s Eve
UPCOMING EVENTS

October 1, 2010: Penn Women's Center Annual Open House: 3643 Locust Walk. For more information please visit http://www.vpul.upenn.edu/pwc/main2.html

October 1-3, 2010: Penn Spectrum: This fall, the University of Pennsylvania will host Penn Spectrum, the University's first-ever weekend-long alumni conference devoted entirely to diversity and community. Through this conference, sponsored by the Office of the President and Penn Alumni Relations, Penn seeks to engage diverse undergraduate and graduate alumni from all walks of life, and to provide a new opportunity for them to reconnect with one another and their alma mater in a meaningful way. For more information, please visit http://www.alumni.upenn.edu/multicultural/pennspectrum/

October 4-8, 2010: Minority Enterprise Development Week: As part of the national Minority Business Development Agency, the purpose of this conference is to provide critical information to foster the growth and competitiveness of the minority business community. The conference features various of workshops presented by the some of the city's top corporations, universities, organizations and city departments to help minority businesses succeed. For more information about please visit http://www.phillymedweek.com

October 7, 2010: “Providing Business Opportunities for Local Community-based & Diversity Suppliers” This workshop is sponsored by Office of Affirmative Action and Equal Opportunity Programs and Penn’s Purchasing Services as part of Philadelphia’s Minority Enterprise Development Week. It will focus on understanding how suppliers can develop a more strategic relationship with Penn. Pennsylvania’s Convention Center, 11th & Market Streets. Please RSVP to Monica Jones at 215-898-6993 or monicajo@pobox.upenn.edu

October 25-26, 2010: Women’s Studies Program & Alice Paul Center present their 35th Anniversary Conference. All day. Location TBA. For more information, call 215.898.8740.

December 9, 2010: Kwanzaa Karamu: Commemoration of Kwanza with a ceremony of reflection and the serving of food, sponsored by Makku. 6:00 p.m. Bodek Lounge.

UPCOMING LECTURES AND SEMINARS

November 5-6, 2009: Symposium: “Re-imagining America: Dialogues on Change” Presented by the Greenfield Cultural Center, this dialogue is intended to bring together community activists, scholars, students and faculty for a meaningful exploration of issues. It has been projected that by year 2020, the majority of Americans will identify as non-white citizens. In this rapidly changing American landscape, where diverse cultures and ethnicities are increasingly visible and central to discussions of American identity and politics, what impact can we expect this trend to have on the direction and outcomes of our national dialogue and international relations? For more information, contact Howard at choward@pobox.upenn.edu or Sean Vereen at seanv@admissions.upenn.edu

Race in the Academy Series: PennGSE

October 21, 2009: “Immigration, Race and the Academy” Marcelo M. Suárez-Orozco, the Courtney Sale Ross University Professor at NYU, will present this lecture. Claudia Cohen Hall, Terrace Room. For more information about this program or others that are part of this series, please visit GSE’s website at http://www.gse.upenn.edu/node/939

Visiting Faculty Scholars of Color Series: PennGSE

October 6, 2009: Dr. Ronald Ferguson, lecturer in education and public policy at Harvard University, will speak. Location TBA. For more information about this program or other events that are part of this series, please visit GSE’s website at http://www.gse.upenn.edu/node/932
To register to receive our publication electronically, please send an email with your name, department and email address to: monicajo@upenn.edu

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“Supporting Diversity through Education, Training and Active partnership”

University of Pennsylvania’s Nondiscrimination Statement

The University of Pennsylvania values diversity and seeks talented students, faculty and staff from diverse backgrounds. The University of Pennsylvania does not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, creed, national or ethnic origin, citizenship status, age, disability, veteran status or any other legally protected class status in the administration of its admissions, financial aid, educational or athletic programs, or other University-administered programs or in its employment practices. Questions or complaints regarding this policy should be directed to the Executive Director of the Office of Affirmative Action and Equal Opportunity Programs, Sansom Place East, 3600 Chestnut Street, Suite 228, Philadelphia, PA 19104-6106; or (215) 898-6993 (Voice).