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My Tenure war

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Newsletter of the

Committee on the Status of Women in the Economics Profession

Spring 2009

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Interview with Anne Carter

by Rachel McCulloch, Brandeis University



Anne Carter is the Fred C. Hecht Professor Emerita at Brandeis University and the 2008 recipient of the Carolyn Shaw Bell Award. She is an exceptional person

who managed to do all the "normal" things in a distinguished academic career in economics long before it became normal for women to do them. Here she recalls her early experiences.

You attended Queens College in New York during World War II. When did you begin to consider a career in economics?

Looking back on it, I can see that my father's fate in the early 1930s explains a lot, but the truth is that I blundered into economics. I entered college at 16. I loved everything I studied—it was all great—but I decided to become a doctor. When I announced myself to the

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TOP TEN TIPS ON HOW TO GET FUNDING

by Julia Lane, NSF Program Director

Dr. Lane has received numerous grants from NSF, Sloan, Sage, Rockefeller, World Bank as well as many national and international agencies. This article represents Dr. Lane's views not necessarily those of the NSF.

1. Make a cost/benefit decision. Decide whether you want to go after external funding. As Dan Hamermesh once told me, there are two units of academic currency: articles and grants. The opportunity cost of writing a competitive grant proposal is high, and you may be better suited to writing articles.

2. Make yourself valuable. Develop a set of demonstrable core competencies through your publications. Your cv is your portfolio of skill sets, and you will be judged on your continued on page 15

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'Tis the season for mentoring...almost! Applications are due by October 1 for the national CeMENT mentoring workshop to be held in Atlanta, GA just after the ASSA/AEA Meetings. See www.cswep.org under mentoring program for more information. A regional CeMENT mentoring workshop will be held in San Antonio, Texas, November 19 & 20, 2009, just prior the Southern Economic Association Conference (SEA). Hopefully you have already

applied, as applications for this workshop are no longer being accepted. If you missed or cannot make these opportunities, additional workshops will be held in 2010 and 2011. A session at the Atlanta meetings will feature a paper which estimates the impact of the national workshops on participants' careers. Stay tuned!

The Joan Haworth Mentoring Fund sponsors visits by senior women to economics departments. See www.cswep.org under mentoring fund for more information. This is an opportunity for junior female professors and students to connect to accomplished female academics in another way.

In Atlanta at the AEA/ASSA Meetings, we are trying something new. The CSWEP reception will be in the evening of the first full day of the meetings as usual, but the CSWEP business meeting will be held at lunch time on that same day. So many people have been torn between coming to the CSWEP business meeting or the Eli lecture in the evening that we are experimenting to avoid a direct conflict. A light lunch will be served. So please mark your calendars and plan to attend! In Atlanta there will be 3 gender-related sessions, two sessions on personnel economics, and a joint CSWEP/CSMGEP session on mentoring. Although it may seem like a long time away, start thinking about submitting an abstract to be part of a paper session at the Denver 2011 ASSA/AEA meetings. We are sponsoring three gender-related sessions and three session on real estate and housing. A call for papers is in this newsletter. The deadline for abstracts is February 26, 2010. Remember that if you are part of a CSWEP session, you also have an opportunity to be in the American Economic Review's Papers and Proceedings volume!

So that is it until the Fall. If you are an academic as I am, you are trying to survive the home-stretch until the Summer...and we are all trying to survive in this miserable economy!

-Barbara M. Fraumeni

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Barbara M. Fraumeni, Editor Fiona Scott-Morton, Co-Editor Martha L. Olney, Co-Editor Deb Arbique, Assistant Editor Debra Barbezat, Oversight Editor Leda Black, Graphic Designer

What is CSWEP?

CSWEP (the Committee on the Status of Women in the Economics Profession) is a standing committee of the AEA (American Economics Association). It was founded in 1971 to monitor the position of women in the economics profession and to undertake activities to improve that position. Our thrice yearly newsletters are one of those activities. See our website at www.cswep.org for more information on what we are doing.

Board Member Biography



Kaye Husbands Fealing

"The contempt of risk and the presumptuous hope of success are in no period of life more active than at which young people [choose] their profession."

-Adam Smith, The Wealth of Nations.

In the 1960s, my parents and I immigrated from the Caribbean to the U.S. with the purpose of pursuing advanced educational opportunities. Indeed, my father and my mother

both worked full-time jobs and they took classes at night in order to obtain their degrees. Eventually, my father earned his PhD in economics. My mother, on the other hand, not only completed her GED but she went on to finish all of the coursework for a Masters degree in nursing. Given the climate in which I was raised, the path to graduate school was all but predetermined for me; the only thing in question was the field of study that I would pursue.

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Board Member Biography

Ronald L. Oaxaca

My interest in economics came about through pure serendipity. I was an undergraduate at California State University—Fresno (CSUF) with plans to major in history. I had made

an appointment with the Chair of the History Department to discuss declaring History as my major. At the last minute, the appointment had to be cancelled because the Chair was out of town. I had not gotten around to rescheduling the appointment when a good friend recommended that I take the first of a two-course sequence in Principles of Economics from a particularly engaging professor, Clair Nelson. At that time I did not have the foggiest idea of what economics entailed. Since the course would satisfy a general education requirement, I decided to take my friend's advice. The rest is "history" as they say (actually, "economics" in my case).

Two things stand out about this first course in economics. First, Professor Nelson was truly engaging, even spell-binding. He held the rapt attention of a large class facing a fairly technical subject. Second, I was in awe of the integration of mathematics and scientific reasoning with social science. This combination fascinated me. I had never seen anything like it. After that first course I made the decision to major in economics.

What my future in economics would be, I had no idea. In fact at the time I had not thought of a future in economics. My B.A. degree in economics would be a terminal degree. I had planned to earn a commission as a Naval Officer after I graduated. In my case the role of a mentor cannot be over-emphasized. (Paul) Dale Bush was a young assistant professor of economics at CSUF. He took me under his wing and urged me to minor in mathematics and take an abundance of philosophy courses with a concentration in logic and the philosophy of science. Dale also convinced

me to apply to graduate school in economics. At that point I decided not to seek a commission and instead served as an enlistee in the Navy for two years following graduation. During my two years on active duty I read books on economic theory and econometrics in order to keep my knowledge of economics fresh. I met my wife Amy during my senior year in college. Being one of only two women econ majors, she was hard to miss. We married near the end of my military service.

I applied for graduate school and was accepted by Princeton University. When I entered Princeton's program, I thought that I might concentrate in the field of mathematical economics. Early on a graduate student who was a year ahead of me in the program enthusiastically recommended that I take Al Rees' course in labor economics. I followed that advice, and again I was led to a major turn in my career. Al Rees was a pioneer in modern empirical labor economics and had recently arrived at Princeton from the University of Chicago. I decided that I wanted to be a labor economist, and Al subsequently served as my major thesis advisor. I was interested in writing a thesis on gender wage differentials, a topic that was still an oddity in economics. It seemed to me that the early marginal returns would be significant. Al Rees was enthusiastic about the idea and paid meticulous attention to each and every draft I submitted to him for comments and feedback.

A particularly stimulating and animated member of my thesis committee at Princeton was Orley Ashenfelter. I had many conversations with Orley about a decomposition method I was working on that would identify through regression analysis what portion of the gender wage gap could be accounted for by gender differences in the regressors, and what portion remained unexplained and therefore

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Harassment, Discrimination, and Action



Introduction by Martha L. Olney, Department of Economics, University of California, Berkeley

omen economists of a certain age—and mine is 52—have tales to tell from their undergrad and grad school years. An uncomfortable closeness in the office. A hand on your knee under the table. A kiss. More. So many

tears shed in women's restrooms by those who didn't know what to do after Professor Snarfface had made himself a little too familiar. It was, in the 1960s and 1970s, the way things were. If you wanted to play in the boys' game, you had to figure out how to deal with it.

And as much as we may want to believe that this sort of behavior is firmly secured in the past, it's not. Certainly 2009 is a different world than 1979. Women students no longer nod knowingly when these experiences are recounted. I'm gratified when "ewwww" is their gut response. But as is recounted by our anonymously written article, "Would I Do It Again, Knowing What I Know Now," sexual harassment is still with us. It is less common, perhaps, and certainly less accepted. And while this is a good thing, it also means that its victims often feel isolated, alone, and ashamed.

The good news: the big difference between 1979 and 2009 is the law. As Joni Hersch explains in her article, "Sexual Harassment," in 1980 the Equal Employment Opportunity Commission (EEOC) made it clear that sexual harassment is a violation of federal law that prohibits workplace discrimination on the basis of sex (Title VII of the 1964 Civil Rights Act). No one can legally ask you for sexual

favors in exchange for a better grade, a better seminar schedule, a better referee report, a better teaching schedule, a better review, or anything else. No one can legally use sex to create for you a hostile work environment.

Not all discrimination takes the form of harassment. I remember my worry in 1978 as a married 21 year old: Would I get into grad school if I was truthful on my applications and revealed that I had a husband? It hadn't been that long since the Ivy League colleges had accepted their first female students. Many economics departments had no female faculty, some proudly so. I told the truth, got into Berkeley, and together we moved to the Bay Area. And I no sooner walked onto campus than someone pulled me aside to tell me I shouldn't say that I was interested in studying women's issues because if I did, no one would ever take me seriously.

Are things better now? Certainly the rules have changed. No longer can schools or employers legally ask your marital status. Yet every fall, female grad students on the job market ask me, "What do I say if they ask if I'm married?" Most know instinctively that replying with "You can't legally ask me that question" will likely end their prospects with that school. But still the question nags. Will they take me seriously if they know I am married?

Julie Nelson's experience, which she recounts in "My Tenure War," underscores that it was not just 1978 when a woman economist studying gender found herself taken less seriously. Julie makes an important point: you may well know others [who have settled discrimination cases], but you don't know that you know them. Universities and employers that settle discrimination cases often demand that the women never subsequently speak out publically.

What should you do if you believe you are a victim of discrimination? Dahlia Rudavsky, a labor attorney practicing in Boston, offers excellent advice for everyone on the tenure track. When the CSWEP Board began talking about this feature series, first one, and then another, and then another woman named her as their attorney. We are grateful to Dahlia for her article. It's advice worth filing away . . . or pinning on your wall.

The genesis of this series was an email I received from a woman I've never met. She wanted to share her experience of harassment and discrimination so that others could learn from it. In the end, she could not write because she had signed a confidentiality agreement. Many of our colleagues work in isolated settings with few or no other women economists. Know that you are not truly alone. You have rights. You have options. We hope this series is helpful to you.

www.cswep.org CSWEP Newsletter 5

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Would I Do It Again, Knowing What I Now Know?

Anonymous

In legalese I was for women who were sexually ha

In legalese I was called an advocate for women who claimed that they were sexually harassed.

I actually still do not like that I was called an advocate. It sounds as

if I had decided the accusations made by the women were all valid. Do I think in my heart of hearts they were valid? Yes. However, luckily I never acted on that gut reaction or asked the female students for (perhaps) intimate details of what happened.

At first, I naively assumed that the alleged victims should use the established process for reporting sexual harassment. I could not have been more wrong. I became involved because of my particular status in the department and because I was considered a student-friendly professor. Although a couple of males, including some students and some faculty, became involved, the preponderance of the heavy emotional toll fell on the women who were allegedly harassed and two female professors: one senior (myself) and one junior. I tried to take the brunt of it to protect the students and the several female assistant professors. Once the alleged sexual harassment was reported by the students, in the university's eyes I was the problem. I became a victim as well.

The job of the university's lawyer was to go after me and to protect the university, implicitly including the alleged harasser. Note that I am not a lawyer. My understanding is that if the university knew that sexual harassment was occurring or should have known, they were legally responsible. If this is true it was logical for them to go after me to try to intimidate me to shut me up. In many ways the focus unfortunately shifted from the alleged victims, who continued to come forward, to me. If I had in any way indicated that I thought their allegations were true, my sense was that all of our cases would be more difficult. I liken it to a prosecutor being accused of putting ideas into the head of an impressionable young child who was allegedly abused. Lawyers can be vicious. I guess

that is how they win cases. (I was present at someone else's complaint fact-finding meeting in which the university lawyer wanted to bring into the record medical information about why the woman never successfully conceived a child. It had nothing to do with her case, but it was incredibly chilling. Being at this event, at which the complainant's lawyer cannot directly respond, only the complainant can, did more to prepare me for my own fact-finding meeting than anything else.) I was proud that they never found anything of substance to use against me as they combed through my academic record and presumably personal history. But protecting myself was expensive and incredibly time-consuming.

It is my strong conviction that sexual harassment occurs not just because of the actions of the harasser, but also because of the environment. Some faculty thought the alleged actions of the harasser were just funny. They seemed to enjoy mobbing me, posting off-color or perhaps even obscene materials for myself and students to see, defacing pictures of me, and in general making the life of many students, a number of faculty, and myself very uncomfortable. It is also my strong conviction, although I am not trained to make such a judgment, that serious sexual harassers are similar to addicts who essentially cannot stop doing what they do without help.

The emblem of the emotional impact on me was that I could no longer cry no matter what they did to me. I'm not a crier, but I had become an automaton to deal with the pressure. I spent countless hours talking with the alleged victims who seemed to need to talk about what was happening as a coping mechanism. Talking to other women who had similar experiences was invaluable to me. I drank vats of chamomile tea before bed time, afraid that if I started drinking to deal with the pressure and the headaches I would become an alcoholic. Although I was nervous about it being discovered by the university lawyers, I saw an individual for help in coping. She had lived through

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Sexual Harassment¹



Joni Hersch, Professor of Law and Economics, Vanderbilt University Law School

Suppose your supervisor repeatedly asks you for a date, routinely describes in detail pornographic movies he has seen, informs you that his penis is larger than normal and of the

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pleasures he had given to women with oral sex, and asks you who put a pubic hair on his Coke can.² Is this sexual harassment? Can you do anything about it?

Sexual harassment is covered under employment discrimination laws. Federal laws prohibit discrimination in the workplace on the basis of race, sex, national origin, color, religion (under Title VII of the Civil Rights Act of 1964), age (under the Age Discrimination in Employment Act of 1967), and disability status (under the Americans with Disabilities Act of 1990). Workplace harassment is a form of discrimination because it alters the "terms, conditions, or privileges of employment" and interferes unreasonably with the ability of those in the protected classes to perform their jobs. Workplace harassment does not have to cause a tangible or economic loss to violate antidiscrimination laws. Universities are bound by the same federal antidiscrimination laws as are any other private or government employer.

The discussion here describes sexual harassment discrimination. Sexual harassment is a violation of Title VII. The critical issue under Title VII is whether, because of sex, members of one sex are treated worse in the terms and conditions of employment than are members of the other sex. So, for instance, bullying alone is not discriminatory harassment if the bully mistreats everyone or if the treatment is out of personal animosity rather than because of sex. Same-sex harassment is a violation of Title VII, although sexual orientation is not separately protected. Courts are now grappling with whether discrimination on the basis of sexual orientation is a form of sex discrimination and therefore covered under Title VII. Some states and many employers (including universities) have policies prohibiting harassment on the basis of sexual orientation. Some do not.

What is sexual harassment?

Initially, sexual harassment was not defined or specifically covered under Title VII. In 1980 the Equal Employment Opportunity Commission (EEOC) issued "Guidelines on Discrimination Because of Sex," which designated sexual harassment as a violation of Title VII and defined the two categories of sexual harassment, quid pro quo and hostile work environment, that are violations of Title VII. The specific language is as follows:

Harassment on the basis of sex is a violation of Sec. 703 of Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or impliedly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment.

Quid pro quo harassment occurs when a supervisor engages in activities that fall into the first two categories. Note the requirement that the harassment is linked to a tangible employment action, such as hiring, firing, compensation, and failing to promote. Only supervisors can be liable for quid pro quo harassment. An example would be a department chair whose support for an assistant professor's tenure case is made contingent on a sexual relationship.

Hostile work environment harassment by coworkers and supervisors that does not involve tangible employment actions falls into the third category. Examples include coworkers who tell obscene jokes, make sexual suggestions or requests for sex, or routinely make demeaning comments about women's

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ability to perform jobs because of their sex. If a supervisor threatens to make tangible employment actions based on sexual favors but does not fulfill the threat, the harassment also falls into the third category.

Not all unpleasant work conduct based on sex will reach the standard to be considered harassment. The behavior must be severe or pervasive as well as unwelcome. One instance may be enough if it is severe (e.g., rape) but otherwise even several instances may not be enough to support a claim of discrimination. Simple teasing, offhand remarks, and isolated incidents are generally not sufficient to support a discrimination claim. But the harassing behavior does not have to reach the level to cause the victim to suffer psychological harm. The Supreme Court recognizes the inherent lack of precision in identifying whether abusive conduct meets the threshold to violate Title VII, noting that this can be determined only by looking at all the circumstances.

Employers' liability

The major distinction in whether the employer is definitely liable for the harassment is which category the case falls into. If the supervisor engages in quid pro quo discrimination, the employer is strictly liable. The employer cannot escape liability even by claiming that the victim voluntarily engaged in a sexual relationship—the key is whether the sexual activity was unwelcome. (However, courts may take into account the victim's dress or speech in determining whether the advances were welcome.)

Under certain conditions, the employer has a possible defense against liability for hostile work environment harassment. The defense has two parts. First, the employer took reasonable care to prevent harassment (such as disseminating a policy against harassment and establishing reporting procedures) and promptly corrects any sexually harassing behavior. Second, the employer's preventive or corrective opportunities. That is, if the employer does an investigation and takes steps to stop the harassment, then the employer may be able to avoid liability. The employee is only entitled to relief if she takes advantage of the employer's procedures and remedies. This is a policy derived from the duty to avoid or mitigate harm in the theory of damages.

Legal options

Hostile work environment discrimination is where the majority of the litigation takes place. Since most employers (and most or all universities) have clear policies, the current litigation arises over the effectiveness of employers' policies to eliminate harassment. Generally, employers will bring in an outside investigator. A frequent outcome is that the outside investigator will find that the employer did make appropriate and effective efforts.

You must exhaust all internal procedures before going further. But if you still consider the harassment to exist, before you can file a lawsuit you must first file a charge with the EEOC or with the corresponding state or local Fair Employment Practices Agency. At this stage you need to be aware of the time limits on filing. If the harassment is a discrete act so that a single date can be identified, then the clock starts on that date and you have either 180 days or 300 days to file a claim with the EEOC. (The longer time holds if the state has a law prohibiting the type of discrimination.) Quid pro quo discrimination will typically have a discrete date. Because hostile work environment claims are based on a series of separate acts that in combination are considered to be a single unlawful employment practice, the clock for filing starts with any of the acts that are part of the claim. In litigation, there will be questions of whether the charge was filed within the proper time frame in addition to questions of whether the harassment was severe and pervasive.

After the charge is filed, the EEOC will investigate and attempt to resolve the claim without litigation. If the EEOC is not able to successfully resolve the case, the agency may bring suit in federal court. In most cases, the EEOC will not sue and will issue a 'right to sue' notice. You will then have 90 days to file a private lawsuit.

There are several remedies available in cases of employment discrimination, whether the case is resolved by mediation, by settlement, or by litigation. Employers can be ordered to put in place more effective policies. Other remedies include back pay, reinstatement in the job, promotion, and front pay. You can also receive compensation for medical expenses (such as psychiatric treatment) and for noneconomic damages (pain and suffering). If your claim is a Title VII claim, you can receive punitive damages up to a maximum of \$300,000 if your

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My Tenure War



Julie A. Nelson, University of Massachusetts Boston

It would be lovely if discrimination were a thing of the past. But this is not yet the case within the economics profession, as I know personally.

In 1995, I left a tenured Associate Professor position in the Department of Economics at the University of California, Davis, to take an untenured but short-clock, tenure-track Associate Professor position in economics at Brandeis University in Waltham, Massachusetts. While I knew I was taking some risk in leaving tenure, it was a calculated risk. My research record was strong, already having proved sufficient for tenure in a department known for its research, and which has a graduate program ranked among the top 30 in the nation. The Brandeis department was not known for its research and, at the time I joined it, had only a fledging PhD program. I was also asked to teach a course in gender and economics by the Brandeis department. This led me to believe that, along with my more traditional empirical work on household consumption, my work in feminist economics would be valued.

After two years, when the time arrived for me to go up for tenure, I was shocked to discover that the Brandeis department had decided to terminate my employment without even conducting a review. The reason, they said, was because my fields did not fit the department's needs. Not only did their decision not square with what I had been promised in my letter of appointment (and other documents), their explanation did not square with their simultaneously advertising for someone in the fields I had taught at UC Davis.

I appealed the department's decision internally and also, in 1998 (before the statute of limitations ran out), filed a complaint with the Massachusetts Commission Against Discrimination (MCAD), which is also a filing with the federal Equal Employment Opportunity Commission (EEOC). In my complaint, I alleged discrimination against me on the basis of my sex and

the feminist nature of some of my work. Eventually the university was persuaded to do a review. This, unfortunately, resulted only in a second reality-twisting rationale: They denied me tenure based on supposed inadequacies in my research. I had, at that time of this decision, published five times in the top twenty journals in the economics profession—including *Econometrica*, the *AER*, the *JPE*, and the *JEP*—as well as many times in other respected journals. Meanwhile, a male departmental colleague whose top-ranked publication had appeared in World Development (ranked 104th among economics journals in a 1994 *JEL* article) had been granted tenure.

After two years—and many pages of documents, thousands of dollars in legal fees, and much mental distress—the state commission made a favorable ruling on my case. In saying that my case had "probable cause," MCAD declared that my allegation of sex discrimination was credible enough to merit a public hearing. Continuing formal legal procedures from that point would, however, have involved not only the public hearing but also, if that decision were appealed, a trial in federal court. My lawyer estimated that getting to a final legal judgment could take ten years and cost \$100,000. MCAD encourages parties to engage, instead, in conciliation conferences. After months of these conferences, my case was finally "resolved...to the satisfaction of all concerned" in early 2001.

This was a very difficult time in my life. I had moved from California to Boston in 1995 for family reasons, yet in 1997 I found myself without tenure and in the midst of a divorce. A joint custody situation for my two young children prevented me from going on the national job market. Yet this experience did not destroy my life. I was buoyed by strong support from friends, from some non-economics faculty at Brandeis, and from colleagues, both male and female, at other universities—although, sadly, not from the senior women in my own department. Meditation and exercise were also invaluable in dealing with stress. I

continues on next page

moved on from Brandeis to a visiting position at U Mass Boston, a fellowship at Harvard, a named visiting position at Bates, and a research position at Tufts. Finally, this last fall, I returned to tenure in a permanent faculty position at U Mass Boston, where I enjoy the company of wonderful colleagues.

Since most employers ... have clear policies, the current litigation arises over the effectiveness of employers' policies to eliminate harassment.

During my fight against discrimination, I discovered that—with any sort of eventual recompense for myself being very uncertain—my major motivation was to create enough of a stir that Brandeis would think twice before treating the next woman this way. Yet discrimination still goes on. Right now I know of two women economists at other institutions who are fighting for well-deserved appointments and promotions, and who, like me, have encountered the belief that only the economic study of men and men's concerns counts as "economics" and is of general interest. Their research, to the extent it focuses on the economic study of women (half the human race!) and women's concerns, is being dismissed, just as my gender-related work was, as being "women's studies" and pertaining to, at best, a narrow sub-specialty of economics. Of course, one does not have to do research explicitly related to gender to experience discrimination. Some economists still believe that women are constitutionally uninterested in, and unfit for, high-quality technical work. Even if not expressed explicitly, such prejudice leads to biased judgments about the quality of women's work.

These stories about me and my friends are, unfortunately, the tip of the iceberg. Many factors conspire to keep discrimination and harassment quiet within our profession:

 First, few individuals have the resources to pursue a complaint all the way to a legal judgment. Yet the media rarely pick up on stories that don't involve large court-awarded financial penalties.

- Second, employers often demand that a clause forbidding the plaintiff from publically discussing her case be included in any settlement agreement. I was my Boston labor lawyer's third female academic economist: You may well know the others, even if you don't know that you know them.
- Third, incidents of discrimination and harassment can be obscured by misinformation. For example, not long ago, a friend of mine reported to me that she asked someone at Brandeis about my case. She says she was told that I had been hired as a visitor, and that the university went out of its way to do me a special favor in reviewing me for tenure at all. These stories get around, even when—as in this case—they are manufactured out of thin air.
- Fourth, discrimination or harassment can destroy a woman's confidence to the point that she feels unable to speak up or be heard. When I reflect on what my case means for the situation of other women facing discrimination or harassment, I realize that I had a major advantage: with my publication record, I never had to suffer self-doubt concerning my abilities as an economist. I can only imagine how devastating unfairly harsh critique—no matter how undeserved—must be to junior women still trying to make a place for themselves in the field.
- Fifth, discrimination and harassment can drive people out of economics, making them thereafter invisible to the profession. If you only talk to people still in the profession, your sample is biased.

This is not to say that discrimination and harassment run rampant everywhere—some departments, universities, and other employers are more fair than others—but it does mean that everyone needs to be alert.

Keep everything about your own appointment, evaluations, and so on well-documented. Know your rights. Know what is available in your university and your state in terms of complaints and appeals. If you do end up settling a case, don't give up your right to speak about it. And, please, if you are a senior economist, keep an eye out for junior colleagues who might be in trouble. Listen to their stories. Investigate the facts of the case and, when merited, offer support. We lose too much good talent, and destroy too many lives, if we sit on our hands while good people face unfair or abusive treatment.

Dispatches From the Tenure Wars¹



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American academia has largely, though not universally, adopted the institution of tenure. Since tenure amounts to lifetime employment, decisions not to grant tenure give rise

to some of the most hard-fought cases of employment discrimination, with far-reaching consequences and subtle, difficult problems of proof.

I have been practicing employment law for nearly thirty years, and though many aspects of the law have changed, the persistence of inequitable application of tenure standards to women at many academic institutions has not. In this article I will suggest ways that female faculty first entering an institution can prepare for their tenure reviews in ways that will increase the likelihood of favorable outcomes. I will also share some strategies that I have found helpful in challenging tenure denials that all too often derail deserving candidates.

Advice for New Faculty

One of the most appalling aspects of the American tenure system is how few institutions adequately orient their new faculty to the tenure review they will face in their fifth or sixth year. I continue to be amazed when new clients tell me that their institution publishes no guidelines for tenure candidates, provides no mentoring process, or at most, tells junior faculty nearing the tenure decision that they must demonstrate "excellence" in teaching, scholarship and service. (Since the definition of "excellence" in scholarship can range from having published two books of international renown, to being invited to speak in a colleague's class, such vague pronouncements are next to useless.)

What should a new faculty member do? She should plan for the tenure review from her very first semester on campus, making a conscious effort to learn the ways of her new institution, and to meet the standards prevailing at the time. A few simple suggestions follow.

First, gather information. Be sure to read carefully the faculty handbook and any tenure guidelines that may exist. Speak with recent successful tenure candidates in your own and cognate departments about their accomplishments. Check out colleagues' c.v.s to see what they had published before tenure, how many committees they had served on, and whether they had lectured at other institutions or conferences. Ask colleagues about their teaching loads and how teaching is evaluated.

Second, find a mentor. This person may or may not be the department chair, though it is important to secure the chair as an ally. Your mentor also may or may not be another woman. (Beware the occasional senior woman who exhibits "queen bee" syndrome, and prefers to remain the only woman to have succeeded in a man's world.) Your mentor should be a senior person who has shepherded other candidates to tenure.

Early in your probationary period, your mentor should explain the unwritten rules of your institution: for example, at College A, only faculty who get unanimous votes at the department level can expect to earn tenure; in Department X at University B, though publication expectations are vague, only a candidate with a minimum of a book based on her dissertation and a second book completed in manuscript form will succeed; at small college Y, although the written guidelines proclaim that teaching is key, candidates with three or more articles in peer-reviewed journals have a good chance at tenure, even if their teaching is mediocre, while excellent teachers with fewer publications tend to be turned down.

Your mentor should also help you understand how you will be judged as a teacher. Will your peers visit your classes? Will you get useful feedback? How does the institution use student evaluations? Women faculty must guard against being assigned heavier teaching loads, with more new preparations, than their male colleagues, which, of course, cuts into the time available for scholarship and committee work.

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Third, make a plan. In view of all the demands that will be made of you, you will have to set goals for your-self and stick to them, and review your progress at regular intervals with your mentor and other senior colleagues. The reality is harsh. Even at a research university, you will be expected to be at least as good a teacher as the average of the senior faculty members in the depart-

But assessments of quality are permeated by subjective judgment; the challenge to the plaintiff is to show that the subjectivity was actually bias rather than a simple difference of opinion.

ment. Even at a small college where teaching is key, you will be expected to publish as much or more, in as prestigious venues, as recent successful tenure candidates. You should not curtail your office hours or otherwise appear unavailable to students, nor should you decline (reasonable) invitations to serve on committees.

To make matters worse, many women find that the biological clock and the tenure clock run along parallel courses. What to do about parenthood? Here, too, the above three steps can help. Gather information about your institution's policies. Many colleges and universities have adopted policies in recent years to allow for a year off-the-tenure-clock for new parents. Make sure your institution understands that "off-the-clock" really means what it says. All too often, faculty colleagues complain that their junior colleague failed to finish her book during the year of her maternity leave. Get your mentor and your chair to help get you the leave you need. And plan how you will accomplish all that you need to do, along with responding to the new demands of parenthood.

Strategies for Faculty Denied Tenure

For those who have stood for tenure, and been rejected, what challenges to the institution's decision might work? A woman denied tenure may well be the victim

of discrimination. She can seek to prove discrimination by showing that the institution held her to a higher standard than comparable men, or that it applied its standards in a stricter manner to her.²

Whether the tenure candidate brings her challenge through a grievance procedure, a state or federal agency process, or a lawsuit, the process of proof is similar. Of course, it is important to consult a lawyer to determine the best forum for resolution of a discrimination complaint.

Whatever the forum, the institution's response is likely to be the same: the typical academic employer will deny that it discriminated, and will claim that it was merely exercising institutional academic freedom-which, the institution will doubtless remind the arbitrator, hearing officer, or court, includes the right to "determine for itself, on academic grounds, who may teach³"—and that for reasons best known to itself, the tenure candidate simply did not measure up. Variations on this theme include the refrain that although the tenure candidate had strong peer support, "reasonable minds can differ" about such intangibles as academic quality, promise or creativity; or, conversely, that since the candidate's peers did not support the candidate, her work is deficient in quality; or that standards are rising and the institution has a right to improve itself; or that while the candidate's teaching was excellent, her scholarship was no more than average (or the reverse); or that the institution could not have discriminated since it employs so many other women (at least in junior positions). In making this sort of argument, the institution will seek to elicit a deferential attitude from the forum that will defeat all claims not supported with "smoking gun" evidence4. To counter the factfinder's anticipated deference, the faculty plaintiff must show the institution's position to be implausible, by all available means.

No matter what the strengths and weaknesses of the case, the plaintiff will invariably have to make the point that the issue is not whether she has faults, or could have done more, measured against an abstract Olympian concept of excellence, since everyone has faults and falls short of an absolute standard. Rather, the issue is whether or she met the standards for the award of tenure at the defendant institution.⁵

As discussed above, very few institutions utilize objectively measurable standards for tenure (e.g., a strict

count of publications or of students or courses taught), nor would such a system be desirable, since obviously quality as well as quantity of effort should be considered. But assessments of quality are permeated by subjective judgment; the challenge to the plaintiff is to show that the subjectivity was actually bias rather than a simple difference of opinion.

Where the institution asserts that the candidate's scholarship lacks creativity, says nothing new, or the like, the plaintiff should see how other individuals with similar records fared. Now that a litigant's right to confidential peer materials is firmly established, the plaintiff in any agency or court action should seek such materials in discovery, including both her own and other tenure candidates' cases.7 To prevail, the plaintiff must discover in the files of reasonably contemporary successful male tenure candidates, comments at least as critical or praise no stronger than is found in her own file. Or the plaintiff can show her file to be stronger overall than those of successful male candidates, giving rise to an inference of discrimination. To this end, the plaintiff should scrutinize all departmental and other evaluations regarding her record from inside the institution and compare them with those of previous successful male tenure candidates from the same or similar departments.

Letters from outside experts often provide useful ammunition. The plaintiff may find that the negative decision in her case rests on a quotation out of context or a lone negative remark in one of a dozen letters, whereas the fair-haired boy of a year previous may have received scathing and repeated criticism that the same university decision-makers chose to overlook. The plaintiff might find something as simple as a requirement that she produce a larger quantity of publications than was required of other candidates, or that her total number of publications exceeded in number and prestige of publication venue those of previous candidates.⁸

In reading letters of evaluation, one should be aware that those who write them utilize what amounts almost to a code. Overt criticism can usually be taken at face value, but words of praise fall into distinct categories. At some institutions it is sufficient to be "hard-working," "thorough," "interesting" or "competent" to earn tenure; at others, "insightful and creative" may not even suffice, and "brilliant," "dazzling" and "the best of her generation" may be required. A faculty interpreter serving as an expert witness may be necessary.

In institutions where tenure candidates' published work is typically reviewed in the professional literature, it may be helpful to compare published reviews of the plaintiff's work, or numbers of citations, with those of successful tenure candidates. An expert can assist here to translate technical jargon and to assess the professional stature of reviewers or journals.

In an institution that does not use outside evaluations, but which nonetheless considers scholarship in the tenure decision, the plaintiff will do well to solicit comparative outside reviews of her work and that of her successful peers, again through an expert. The expert can help show that the institution judged the plaintiff by a higher standard.

If the institution denied tenure on the grounds of insufficiently excellent teaching, the same sort of comparative data described above in the context of scholarship should be examined. Where the plaintiff scored lower on numerical student evaluations, the legitimacy of those evaluations as a measure of teaching quality should be investigated. A large body of literature has long suggested that such numerical evaluation devices reflect societal prejudices, especially with regard to women.⁹ Unfortunately, peer visits are also suspect.¹⁰

Other women at the plaintiff's institution should be surveyed for anecdotes of prejudiced actions or remarks. Such evidence underscores that a discriminatory environment exists, and bolsters the inference of discrimination. Finally, if the plaintiff works in a field such as women's studies, and the plaintiff's field of expertise is itself the subject of criticism or contemptuous remarks by those making a negative recommendation or decision, these too may constitute evidence of discrimination.

Although tenure battles are tough, they are not unwinnable. But here is one last piece of advice: while you are fighting, recall that the best course may be to nurture your career in whatever ways remain open to you. Good luck!

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¹This article is based on and reproduces in part the author's chapter "Tenure Denial as a Form of Discharge," in *Employment Discrimination: Law and Litigation*, Merrick T. Rossein (Thomson Renters). Excerpts reprinted with permission.

²This formulation is articulated in *Brown v. Trustees of Boston University*, 891 F.2d 337, 346 (1st Cir. 1989) *cert. denied*, 110 S.Ct. 3217 (1990).

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My undergraduate life at the University of Pennsylvania was both a challenge and a joy. I found my greatest academic successes in both Economics and Mathematics. The most difficult choice was not in deciding to major in both subjects—which I did—but rather in choosing one subject in which to devote my time and my studies. With subtle influences and encouragement from my father, I decided to focus on the field that he so greatly loved while at the same time uniting my two passions. I was able to do this by writing my senior thesis about the mathematical properties of six different measures of income inequality. My senior year brought lots of additional changes. As the breadth of my knowledge of the economics field expanded I began to become fascinated with issues of economic development. No doubt this interest was an artifact of my heritage.

After graduating from U. Penn, I understood the "presumptuous hope of success" that Adam Smith described as I chose to pursue a PhD program in Economics at Harvard University. While there, I continued to learn about development economics and I began to better understand the vast scope of this field. However, a turning point in my graduate career came when I chatted with Sir Arthur Lewis, who suggested that I take my field exams in other areas. This was surprising advice, but the premise was sound: he thought that I should utilize the emerging theories, models and empirical techniques used in other fields to develop new insights that could be applied in the developing-country context. Eventually I had the opportunity to do just that, but not without a detour. My dissertation was on the impact that voluntary export restraints on automobiles from Japan would have on pricing strategies and profitability of U.S. and Japanese automobile manufacturers, as well as domestic dealerships. More generally, I became interested in how firms made decisions under different and changing international trade regimes.

My first position out of graduate school was as an assistant professor of economics at Williams College. Like many fine small liberal arts institutions, Williams epitomized the notion of the student and the teacher sitting down together to discover the truth associated with the physical and social studies. At Williams, I developed a passion for teaching. Since Williams is home to the Center for Development Economics, it was a fertile environment for my research on the automotive industry to transform into work on bottom-up technological innovation. As technology has changed and as our knowledge of technological innovation in an increasingly interconnected global economy has become more obvious, my research has also had to adapt. Where once my research was more linear, I have now found that to comprehend fully the transformational events my research

agenda has had to expand. Now I focus on the study of scientific methods that can be used to understand the science, technology and innovation ecosystem and how they relate to public policies.

During the first half of my most recent sabbatical from Williams, I worked for the National Science Foundation. At NSF, I was able to develop a new program which funds research on the Science of Science and Innovation Policy. Currently, I am a Visiting Professor at the Hubert H. Humphrey Institute of Public Affairs in their Science, Technology and Environment Policy program. I continue to maintain a full professorship and named chair at Williams College. The areas that I have been able to focus on during my sabbatical are a natural segue into more personal things about my life.

In graduate school, I had the great honor of discussing career and life's plans with Ann Friedlander and Phyllis Wallace, both professors of economics at MIT. Independently, they advised me to strive for excellence and balance in life.

During my early years at Williams, I met and married my husband. I also gave birth to our daughter who is now eleven years old. Our life has and continues to move at a breakneck pace. Several corporate relocations have permitted us to move from Massachusetts to Virginia and then to Minnesota. Each move provides me with the ability to pursue significant career opportunities and for my research agenda to evolve.

Although I cannot credit the decisions that I have made to one formal mentor, I am thankful for the timely cautions and salient advice that I have received throughout my academic career. As I look back on my career so far, I know that I have benefitted from counsel that has allowed me to pursue a research agenda that rests at the intersection of several core disciplines. When I began teaching, I looked for opportunities to grow and diversify my research agenda. In graduate school, I went beyond current trends in research in order to write my dissertation on a topic that I really enjoyed thinking about and developing. As an undergraduate, I was able to choose an area that bridged the best elements from column A and B-I did not have to pursue only one path. In my formative years, I was shown that the academy is a great gift and that success is something that some of us risk to attain but that we all hope to achieve.

Ronald L. Oaxaca

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a possible measure of labor market discrimination. Orley pointed out that this measure could be interpreted as an estimate of the Becker discrimination coefficient.

My first teaching position was at the University of Western Ontario (UWO) in Canada. The department at UWO was very supportive of research, and I benefited from the two years I spent there. During this time our first daughter Alison was born. While I was at UWO, at the urging of Ron Ehrenberg, the University of Massachusetts at Amherst began trying to attract me. I had met Ron at a U.S. Department of Labor conference when we were both graduate students (Ron was at Northwestern). After two years I succumbed to the overtures of UMass and the opportunity to

work with Ron. I spent three years there. Our second daughter Candace was born while I was on the faculty at UMass. During this time Ron Ehrenberg moved on to Cornell, and I was recruited to the University of Arizona.

At Arizona I acquired an interest in experimental economics as Vernon Smith, a pioneer in the field, was on the faculty. I am currently a McClelland Professor of Economics and Affiliated Faculty Member, Economics Science Laboratory. My research spans the areas of labor market discrimination, experimental economics, and applied econometrics and includes such topics as decomposition methodology, laboratory tests of job search models, and laboratory experiments on statistical discrimination.

How To Get Funding continued from page 1

ability to deliver. Don't submit a proposal before you have a few publications under your belt in the relevant area.

- 3. Get to know the funding sources. Different funding sources have different missions and different criteria. Your sponsored research office (SRO) should be able to help you get this information, and you should also peruse the foundation websites. NSF, for example, funds basic research, so intellectual merit and broader impact, are the key criteria. Foundations have specific goals in terms of advancing a particular agenda. Government agencies have specific missions. Don't forget about doing consulting work, particularly if you can turn the information gleaned from the work into an insightful publication. Identify the funding source which has the greatest overlap with your research interest and invest heavily in getting to know more about their interests.
- **4. Get to know the key people.** If you are going after grants, get in touch with the cognizant program officer. It is their job to know about their foundation, and they will often know about upcoming opportunities at both their foundation and others. But don't waste their time. A courteous email which provides a concise outline of your research idea, and connects it to their mission is a much better introduction than a phone call out of the blue.
- **5. Get to know the community by presenting at their conferences.** This helps in several ways. First, a good presentation helps establish you as competent and explains your research agenda beyond your proposal. Second, the networking with others who have been successful at getting grants helps you get a better sense of the funding source's portfolio, and the style of research they support. Third, members of the community will typically be asked to review any grant proposal you submit.

- **6. Submit your first few grants with senior colleagues** who have been successful in getting grants. Grant writing is a skill that is not typically taught in graduate schools, and on the job training is the best way to learn how to acquire that skill.
- 7. Write well and have a focus. In your opening paragraph, state your focus. Every sentence that you write in the grant should develop your key idea. Write clear prose that assumes the reader is an expert, but not necessarily deeply embedded in your project. You should have a clear and logical beginning, a middle, and an end to your proposal. Write multiple drafts and eliminate verbosity, jargon and extraneous sentences. Cite other research that relates to your idea, but make it clear how your work fills an important gap in that research.
- **8. Ask for feedback.** It's very important to get others to read your proposal and make critical suggestions so that you submit the strongest possible proposal to the funder. There are reputation consequences to submitting poor proposals.
- **9. Resubmit.** If you get good, constructive, reviews, consider resubmitting the proposal. Consult with the program officer before doing so, and spend a lot of time making sure you address each point carefully.
- 10. Deliver. Most foundations are interested in developing an academic community that studies a set of problems related to their mission. Once you get that first grant, make sure you deliver on what you promised. Let the program officer know about your publications, presentations, and other visible consequences of their investment in you. The more valuable that your research is, and the more active you are in the professional community, the more likely it is that the funding agency will continue to support you throughout your career.

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premed people, they said, "You do have good grades, but you are Jewish and a woman. No medical school is going to want you. We advise you to transfer to a school that has better luck with getting people into medical school. Queens College has gotten only one woman into medical school, and she is the daughter of a professor at a medical school." But I didn't have the money to go to a school you had to pay for.

I had loved my physics course. But when I told my physics professor that I was interested in majoring in physics, he

The faith that anything the free market does is good didn't sit right with me.

said "Girls don't major in physics. I really don't advise it. You do fine on exams, but I'm sure you're all thumbs in the lab." It was true—I was all thumbs in the lab—and I didn't have enough backbone to say, "I *like* this stuff and I'm going to do it." I made appointments with the heads of the psychology and economics departments. The psychology department man didn't show up. The economist said, "We'd love to have you," and I went to economics.

How did you decide to go to graduate school?

I was just 19. I was really pro-labor and had arranged to get a job as a research worker for a union in Chicago. But my father said, "You are not going to Chicago. We don't know anyone in Chicago." I felt a lot of pressure. I had a boy-friend who was at Harvard. "Why don't you go to Harvard with that nice boy?" I was too wishy-washy to say no, so I went to Harvard. It's really a terrible story—kids shouldn't hear this.

I graduated in February 1945 and went up in the middle of the academic year. H. H. Burbank, the chairman of the economics department, looked over my transcript and said, "We get a lot of little girls who come here with good grades, but they don't last." It was bad. He apologized two years later—but that was bad.

But you didn't let it discourage you.

Well, I won't say I didn't let it discourage me, but I didn't go away—I still did it. What would you have done? I began taking the second half of courses that everybody else had taken the first half of. I got to know Wassily Leontief through his micro course. The following year, I completed my generals. I married the boyfriend I was supposed to marry, and we went off to Bates College in Maine, where

Bob had a job and I was going to write my PhD thesis. I was writing with Joseph Schumpeter, and he though I should write on time in economics—big-think stuff for a little girl. I started, but it really wasn't my cup of tea.

My father was a tool and die maker and had been an inventor of automobile accessories, and I was really into technology—what the factory was like. When I was a child, we would get in the car and go visit a factory, which was what interested him, and interested me too. So I decided to write a thesis on something more applied, and got involved in basic open-hearth steel making. I don't remember the thesis very well. On the committee were Leontief, Schumpeter, and Edward Mason. Schumpeter had been my thesis advisor, and I had chucked his thesis. But he was a gentleman, and I got my "excellent" at the thesis defense.

So you defended your thesis and got your "excellent." What next?

By then we had moved to New York. Bob got a job at Rutgers, and I got a job at Brooklyn College. Here is something else that women today should realize and be happy about. Nobody would help me get a job. Schumpeter and Mason and Leontief went to the AEA meetings every year and took their men candidates and found the chairs of the various departments and negotiated jobs for them. They didn't take me, and I had to get my own job. I resented it, but I didn't make as much fuss about it as I would today. It just didn't occur to me, but of course it was really bad.

In those days no one knew about Keynes. When I got to Brooklyn, they said "You're fresh out of school—you know about Keynes!" So, I taught money and banking. I also taught econometrics. My students were mostly veterans on the G.I. bill. They were older than I was, some already fathers, and teaching them econometrics was sort of a role reversal. I remember a crisis in the lab where the students did problems together and I went around the room to make sure they were on the right track. One of the big Friedan electromechanical calculators we were using went berserk-it made a loud rat-a-tat-tat-tat and wouldn't stop. Here were all these men, and their teacher five years younger than they and a woman. What is she going to do about this runaway machine? I gave the machine a big whack, and it stopped. From then on I was the teacher. You get your authority from somewhere, and I became authoritative at that point.

When did you begin working with Leontief?

While I was at Brooklyn College, I was asked to do some research for Leontief's project [the Harvard Economic Research Project]. They wanted to know something about the textile industry, and I was sort of a techie. I interviewed

people at textile mills to find out the vintage of their machines. I remember going to Rhode Island and asking, "How many of your machines are over such and such an age?" But they didn't know these things we assumed in micro that every good manager would know.

Then I was renewed at Brooklyn, but Bob was not renewed at Rutgers. Wassily asked me, "Why don't you come up here? I would like you to work for me full time." I said, "I am married, and Bob hasn't got a job at the moment. I go where he goes." Wassily said, "I'll hire him too." Two or three years later I found out he was paying Bob \$1,000 more a year than me. I asked, "Wassily, how is it that you did that? It was I that you wanted to hire, wasn't it?" He agreed. "So why did you do that?" He said, "I thought you'd like it." So those were the days. It blows your mind.

And then you began teaching at Smith College?

Bob and I were divorced in 1951. I couldn't live on just the salary I got from Leontief. I started teaching at Smith and commuting. With two jobs I could manage. At that time Smith paid so poorly that everybody had to moonlight. Your schedule was either Monday-Tuesday-Wednesday or Thursday-Friday-Saturday, so you could have another job. Isn't that fun? But I liked Smith. The students were willing to tackle stuff they didn't quite understand. They read the original work even if they couldn't get it all.

Then I married Frank [Dr. Franklin Carter]. I didn't want to commute, so I left Smith and began teaching at Wellesley.

You were a contemporary of Carolyn Shaw Bell and a longtime friend. Can you tell us about your relationship with her?

I met Carolyn at Wellesley in 1955. I was pregnant and left Wellesley after less than a year when my baby was born. But I got to know Carolyn and liked her and admired her. Carolyn was very innovative. She arranged that when Wellesley women graduated and got good jobs and then left them for even better jobs, they would bring the jobs right back to Wellesley for the next graduates to fill. Although Carolyn never said, "You haven't done your bit," I always felt a little guilty that I didn't work so hard to place women as opposed to anybody else. That's why I was so surprised and pleased to get the Carolyn Shaw Bell award. It's not that I didn't support my women students, but I just treated them as good students—or not good students. Some did feel supported, but I didn't support them just because they were women. I never said, "I support you, you're a woman and we ought to have more of them." I assume Carolyn felt that men get plenty of support when they are doing good work,

but women may not be getting the same kind of support. She did a wonderful job, and I admired that job. I was a fan, obviously, but I couldn't follow in her footsteps.

Another difference between us was that Carolyn *loved* economics. She thought it was all wonderful, while I've always had mixed feelings. The faith that anything the free market does is good didn't sit right with me. I'm a depression baby, and I saw that not everything the free market does is good. And so I didn't want to seduce people into feeling that way, and yet I wanted them to learn the discipline. I made my peace with it. So, I am much more of a cynic about economics than Carolyn was, and I'm grateful to CSWEP for acknowledging a kind of renegade with an award that honors her.

How did starting a family affect your career?

When my first child was born, I found myself in love with my baby and with the daily routines of motherhood: no thinking, just nursing, walks in the sunshine, naps...even laundry seemed idyllic. I told Wassily that I was tempted to give up research and enjoy my true calling as a mother. We met for coffee and pastry. (Nursing mothers don't count calories.) Wassily warned me that I'd regret giving up research, but I had visions of resenting every minute spent in my old world. Rather than arguing further, he then made the offer I couldn't refuse: "Don't burn your bridges: work an hour a week, a few hours, whatever seems right for you...."

You moved to Brandeis in 1972 as a full professor after being turned down for tenure at Harvard.

Wassily claimed he left Harvard because Harvard didn't give me tenure, but I don't believe that. He was approaching 70 and would have had to retire from Harvard [this form of legal age discrimination ended in 1993]. New York University made him an offer, and his wife was eager to go. But was it heroics about my appointment? No. He did close the project, partly because he was leaving and partly because without me there was nobody to run it. I came to Brandeis with all the project stuff—great gobs of stuff. We worked together one last time on a study commissioned by the United Nations. Although Peter Petri [a former RA at the project, by then a faculty member at Brandeis] and I did almost all of the work, Wassily's name appeared first on the cover of the book. After that, Peter and I remained friends with Wassily, but we were no longer inclined to be his research collaborators.

I was the only woman on the economics faculty from 1972 until 1987, when you came to Brandeis. In 1981, I became dean of the faculty. That was funny, because my continues on next page

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male colleagues had simply assumed, without actually asking, that I didn't want to be considered as a candidate when we needed a new chair. They were so friendly and so nice—they didn't even realize what they were doing. But I was asked to be dean, and when I returned to the department after having been dean for five years, they said, "You ought to be chair." Now half the department members are women—isn't that wonderful?

At the reception in San Francisco, you told me that getting this award had given you new ideas and new confidence for future activities.

I have two initiatives that I think I would not have done were it not for that award. One is that I applied to go to the Middle East, where I have never been, to work with the faculty of Al-Quds University, and I learned that I've been accepted. [Brandeis is engaged in a partnership with Al-Quds University, a Palestinian university with its main campus on the West Bank.]

I don't know the outcome of the second initiative. The National Bureau is organizing an event to mark the anniversary of their volume, Rate and Direction of Innovative Activity [Nelson ed., NBER 1962]. I proposed a paper using an idea that has dominated my life because of my own history. In the early 1930s, my father lost his business when General Motors suddenly decided to sell its cars fully equipped. My idea—my obsession if you like—is that there is a negative externality involved in innovation. If you innovate and put somebody out of business, there is a cost of technological change that is not taken into account. There are pieces of evidence, like firm failures and retraining costs, and I can pull it all together by using a growth model to estimate how the equilibrium growth rate is reduced by these extra costs. So I submitted my proposal to the NBER, which I'd never otherwise have had the guts to do.

I haven't heard back yet, but it was a satisfying experience just to put the model together. I felt that whether they accepted it or not, it was a nice neat idea. I had used this idea once before in a paper I gave at the International Economic Association in the 1970s: "Can technology change too fast?" There were a bunch of Nobel Prize winners there, and Ken Arrow asked, "What's this thing you are talking about, Anne?" I said, "You know, this externality...." He said, "Oh that externality," and he walked away. But I said to myself, "It's my externality, and I can put it into an article." I think the lesson for women—or maybe they don't need this lesson any more?—is just because it's your idea doesn't mean it's no good. Isn't that true?

Dispatches From the Tenure Wars

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³From Justice Frankfurter's celebrated concurring opinion in *Sweezy v. New Hampshire*, 354 U.S. 234, 263 (1957).

⁴The conventional wisdom is that academic personnel are too sophisticated to make blatantly sexist or racist remarks. However, this view underestimates the insensitivity of at least some university teachers and administrators. See, e.g., *Jew v. University of Iowa*, 749 F. Supp. 946 (S.D. Iowa 1990) (promotion denial and sexual harassment case); *Brown v. Trustees of Boston University, supra* at 349–350 (sexist remarks by university president).

⁵To make out a prima facie case of discrimination in the tenure context, a plaintiff must show that she was a member of a protected class; that she was qualified for tenure in the sense that a decision awarding tenure would have been a reasonable exercise of discretion; that despite her qualifications she was rejected; and that tenure positions were being awarded at the institution at the time the plaintiff was denied. See Fields v. Clark University, 817 F.2d 931, 934 (1st Cir. 1987). Fields cites to and restates the formulation stated in Banerjee v. Board of Trustees of Smith College, 495 F. Supp. 1148, 1155-56 (D. Mass. 1980), aff'd, 648 F.2d 61, 62-63 (1st Cir.), cert denied, 454 U.S. 1098 (1981). There, the connection to the defendant institution's particular standards is explicit. The second prong of the prima facie case is stated as a requirement of a showing "that plaintiff was a candidate for tenure and was qualified under the particular college's standards, practices and customs." The court further explained that the plaintiff need show only that her qualifications "were at least sufficient to place [her] in the middle group of tenure candidates as to whom both a decision granting tenure and a decision denying tenure could be justified as a reasonable exercise of discretion by the tenure-decision making body.' See also discussion in Powell v. Syracuse University, 580 F.2d 1150, 1154-56 (2d Cir.), cert. denied, 439 U.S. 984 (1978).

⁶See University of Pennsylvania v. E.E.O.C., 493 U.S. 182 (1990).

'The American Association of University Professors has now endorsed a policy permitting broad access to relevant documents and files both generally and in the specific case of internal university review of discrimination complaints. See "On Processing Complaints of Discrimination and Access to Faculty Personnel Files", in *Academe*, July-August 1992, at pp. 19–23 and 24–28, respectively. These policies may be cited as a statement of developing norms in the profession for purposes of internal university appeals.

⁸Shifting criteria should arouse suspicion. See, e.g., *Bachman v. University of District of Columbia*, 777 F. Supp. 990 (D.D.C. 1991) (promotion case).

⁹See, e.g., Martin, Elaine, "Power and Authority in the Classroom: Sexist Stereotypes in Teaching Evaluations," *Signs*, pp. 482–492, Spring 1984; Basow, S.A. and Silberg, N.T., "Student Evaluations of College Professors: Are Female and Male Professors Rated Differently?," 79 *J. of Educational Psychology* 308–14 (1987); Bennett, S.K., "Student Perceptions of and Expectations for Male and Female Instructors: Evidence Relating to Questions of Gender Bias in Teaching Evaluations," 74 *J. of Educational Psychology* 170-79 (1982).

¹⁰See Lewis, Lionel, *Scaling the Ivory Tower: Merit and Its Limits in Academic Careers*, John Hopkins University Press, 1975.

¹¹See, e.g., Brown v. Trustees of Boston University, supra (district court did not abuse discretion by allowing introduction of later sexist remarks by university president to another woman in plaintiff's department); see generally (non-tenure cases): United States Postal Service Board of Governors v. Aikens, 460 U.S. 711, 714 n.3, 715 (1983) (successful showing of discriminatory intent does not require direct evidence); Knieger v. Gold Bond Bldg. Products, 863 F.2d 1091, 1096-97 (2d Cir. 1988) ("discriminatory intent ... may be proven through evidence of past conduct or incidents"); Conway v. Electro Switch Corp., 825 F.2d 593, 597 (1st Cir. 1987) (circumstantial evidence of discriminatory atmosphere relevant to question of motive in individual case); Hunter v. Allis-Chalmers Corp., Engine Div., 797 F.2d 1417, 1423 (7th Cir. 1986) ("[g]iven the difficulty of proving employment discrimination ... a flat rule that evidence of other discriminatory acts by or attributable to the employer can never be admitted ... would be unjustified"); Morris v. Washington Metropolitan Area Transit, 702 F.2d 1037, 1045 (D.C. Cir. 1983) ("[t]he question of the legitimacy of the employer's motivation in firing the employee ... is one upon which the past acts of the employer have some bearing").

¹²See, e.g. Lynn v. Regents of the University of California, 656 F.2d 1337, 1343, n.5 (9th Cir. 1981), cert. denied, 459 U.S. 823 (1982) ("A disdain for women's issues, and a diminished opinion of those who concentrate on those issues, is evidence of a discriminatory attitude towards women"). But see also the disapproval of such evidence in Brown, 891 F.2d at 351 (regarding Women's Studies department funding), and in Langland v. Vanderbilt University, 589 F. Supp. 995, 1006 (M.D. Tenn. 1984), aff'd without op., 772 F.2d 907 (6th Cir. 1985) (same).

employer has 500 or more employees. Title VII also provides for the losing party to pay attorneys' fees.

In terms of what documentation you would need if your case goes to trial, it helps to take into consideration the type of questions you will be asked in an investigation. These include questions about the incidents such as the following:

Who are you complaining about, does he or she have a supervisory role over your work, what are the specific acts, when and where did they take place, what happened just before the incident, how did you react, how did the incident end, how did you feel about the incident, do you have any tangible evidence, are there any witnesses, did you tell anyone about the incident, do you know anyone else who has had similar experiences, do you know of any motive for the alleged acts? If there was a delay in reporting the incident, you may be asked to explain why you waited.

Witnesses will be asked similar questions as well as whether they have observed any inappropriate sex-based behavior in the workplace and whether they have observed any conflict between the parties. A Supreme Court decision reached in 2009 bars retaliation against witnesses who answer questions during the employer's investigation.

If you retain an attorney, the attorney will ask you to provide the written complaint to your employer and any other correspondence, as well as any other documents related to the alleged harassment (e.g., correspondence to and from the harasser). Although your employer will have a report of their investigation into your complaint, courts have not resolved whether the employer is obligated to allow claimants to see the report.

Sexual harassment in universities

Nearly 14,000 charges of sexual harassment were filed with the EEOC in 2008. How many of these charges involve universities is not known. Most sexual harassment claims involve a small number of victims and are resolved confidentially by universities. However, some sexual harassment charges do become publicly reported, as in the following cases.

In 2007, the University of Missouri at Kansas City settled for \$1.1 million a sexual harassment lawsuit brought in 2006 by two female employees, a graduate student and an associate professor of psychology. The women claimed that the directors of their lab created a hostile work environment by such behavior as describing their sexual fantasies involving women who worked in the lab and making sex jokes involving hot dogs, bananas, and Atomic Fire Ball candies. Surprisingly, UMKC did not have in place a formal policy concerning sexual harassment or training procedures prior to the lawsuit. After the settlement, the university

undertook an investigation, and although the investigation was deemed by the university to be inconclusive about whether there was a hostile work environment at the lab, the two directors of the lab agreed to resign their tenured positions.

Also in 2007, Eastern Oregon University settled a claim for \$150,000 brought by a staff employee who claimed to be raped by an administrator during a business trip. A professor filed a lawsuit claiming she also was raped by the same administrator during the same business trip.

Concluding thoughts

While we hope that sexual harassment is a thing of the past, there is ample evidence that it still exists. Pay and promotion disparities on the basis of sex are far easier to quantify and have commanded systematic scrutiny within universities. But a hostile work environment can reinforce pay and promotion disparities by affecting your actual productivity and your colleagues' perceptions of your productivity. For your benefit and for the benefit of society, if you are the victim of sexual harassment, report the treatment to your employer.

¹Many thanks to my colleague Professor Robert Belton.

²Professor Anita Hill during Clarence Thomas's 1991 confirmation hearings on his appointment to the Supreme Court describing Justice Thomas's treatment of her as her supervisor at the Department of Education and the Equal Employment Opportunity Commission in 1981–82.

Would I Do It Again?

continued from page 6

extensive sexual harassment as a physician. As the years passed by, taking a leave and finding another job became the obvious choice for me.

The academic endeavor was affected. Graduate students became afraid to be seen talking with me. I discontinued directing dissertations because of the actual or feared retribution the students might face. Some alleged victims and faculty left the university considerably damaged by the experience.

My disappointment is that it is not obvious that my advocacy made conditions substantially better for students. Sure, there were changes around the edges, but that is not enough.

I have absolutely no regrets about becoming an advocate. Would I do it a second time? I am not sure.

Mark your calendars

The Committee on the Status of Women in the Economics Profession will be holding a National workshop aimed at **mentoring junior faculty** at institutions where tenure is primarily based on research output in conjunction with the ASSA meetings in Atlanta in January 2010. Application and registration material will be available at http://www.cswep.org/mentoring/register.htm in August 2009. The deadline for applications is October 1, 2009. Please share this announcement with junior faculty who you think might be interested in or benefit from these workshops.

NOMINATIONS SOUGHT for the 2009

Carolyn Shaw Bell Award

The Carolyn Shaw Bell Award was created in January 1998 as part of the 25th Anniversary celebration of the founding of CSWEP. Carolyn Shaw Bell, the Katharine Coman Chair Professor Emerita of Wellesley College, was the first Chair of CSWEP. The Carolyn Shaw Bell Award ("Bell Award") is given annually to an individual who has furthered the status of women in the economics profession, through example, achievements, increasing our understanding of how women can advance in the economics profession, or mentoring others. All nominations should include a nomination letter, updated CV and two or more supporting letters, preferably at least one from a mentee.

Inquiries, nominations and donations may be sent to:

Barbara Fraumeni, CSWEP Chair Muskie School of Public Service University of Southern Maine P.O. Box 9300 Wishcamper Center Portland, ME 04104-9300 cswep@usm.maine.edu

Closing date for nominations for the 2009 prize is September 15, 2009.

Annual and Regional Meetings

CSWEP Sessions at the Eastern Economics Association Meetings

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February 27-March 1, 2009

visit the CSWEP website for a description of these sessions on the "Session Summaries" page at: http://cswep.org/session_summaries.htm

Financial and Labor Market Cyclicality

Chair: Linda Bell (Haverford College)

Discussants: Randy Filer (Hunter College), Andra Ghent (Baruch College), Perry Mehrling (Columbia University), Meta Brown (Federal Reserve Bank of New York)

Applied Topics in Health and Experimental Labor Economics

Chair: Erica Groshen (Federal Reserve Bank of New York)

Discussants: Basit Zafar (Federal Reserve Bank of New York), Sandy Korenman (Baruch College), Linda Bell (Haverford College)

CSWEP Sessions at the 2009 Midwest Economics Association Meetings

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March 20, 2009

visit the CSWEP website for a description of these sessions on the "Session Summaries" page at: http://cswep.org/session_summaries.htm

Topics in Finance

Chair: Urvi Neelakantan (University of Illinois at Urbana–Champaign)

Discussants: Jerry Marshke (Harvard University), Silvia Prina (Case Western Reserve University),

Shreemoy Mishra (Oberlin College)

Education and Labor Markets

Chair: Mary Hamman (Michigan State University)
Discussants: Yee Fee Chia (Cleveland State University), Ye
Zhang (Indiana University-Purdue University Indianapolis),
Kaye Husbands Feeling (Humphrey Institute of Public
Affairs, University of Minnesota)

Upcoming CSWEP Sessions at the 2009 Western Economic

Association 84th International Annual Conference

June 29–July 3, 2009
Sheraton Vancouver Wall Centre

Marriage, Divorce, and Mortality

Chair: Martha Olney (University of California, Berkeley)

'Til Laws Do Us Part? The Impact of Changing Divorce Laws on Divorce Rates in Mexico presented by Nellie Lew (University of California, Santa Barbara) and Trinidad Beleche (University of California, Riverside)

Discussant: Yu Zhou (University of Michigan)

Estimating the Gains From Marriage: Evidence From A Natural Experiment In China presented by Yu Zhou (University of Michigan)

Discussant: Trinidad Beleche (University of California, Riverside)

Life Expectancy: Are Men Catching Up or Women Falling Behind presented by Comfort F. Ricketts (Mississippi State University), Randall C. Campbell (Mississippi State University), Jon P. Rezek (Mississippi State University)

Discussant: Amy Ickowitz (Clark University)

Geography and Mortality: Comparing Infant and Child Mortality Across Borders In West Africa presented by Amy Ickowitz (Clark University)

Discussant: Comfort F. Ricketts (Mississippi State University)

Women's Wages, Health, and Contributions to Development

Chair: Martha Olney (University of California, Berkeley)

Economic Development and the HIV Epidemic in Botswana presented by Eileen Stillwaggon (Gettysburg College) and Larry Sawers (American University)

Discussant: Morris Muhindo (Makerere University

Support of Women Key for African Development present-

ed by Morris Muhindo (Makerere University)

Discussant: Eileen Stillwaggon (Gettysburg College)

A Study of Earnings and Wage Gaps across Gender in the U. S. presented by Kusum Mundra (Rutgers University)

University)

Discussant: Jing Liu (University of Texas at Austin)

Job Search, Unemployment and Intrahousehold
Bargaining presented by Jing Liu (University of Texas at
Austin)

Discussant: Kusum Mundra (Rutgers University)

Calls for Papers and Abstracts

January 2011 American Economic Association Meetings

CSWEP will sponsor sessions at the January 2011 American Economic Association meetings in Denver. We will be organizing three sessions on gender-related topics and three sessions on housing and real estate topics. Accepted papers will be considered for publication in the Papers and Proceedings issue of the American Economic Review. Abstracts of individual papers and complete session proposals will be considered. E-mail a cover letter (specifying to which set of sessions the paper is being submitted) and a copy of a one- to two-page abstract (250–1000 words), clearly labeled with the paper title, authors' names, and contact information for all the authors by February 26, 2010 to cswep@usm.maine.edu.

February 2010 Eastern Economics Association Meetings

CSWEP will be sponsoring sessions at the Eastern Economics Association meetings. The meetings will be held in Philadelphia at the Loews Philadelphia Hotel on February 26–February 28, 2010. In addition to a session on gender differences, CSWEP

session topics are open and all abstracts are welcome. One-page abstracts should include your name, affiliation, mail and e-mail address, and phone and fax numbers. Abstracts can be sent via mail or e-mail.

Abstracts should be submitted by November 16, 2009 to

Linda Bell lbell@haverford.edu
Haverford College Phone: 610-896-1014

370 Lancaster Avenue Haverford, PA 19041

Please note that your CSWEP abstract submission is distinct from submissions in response to the EEA general call for papers. Any abstract not accepted for a CSWEP sponsored session will be passed on to the EEA. Further information on the EEA meetings is available at http://www.iona.edu/eea/

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March 2010 Midwest Economic Association Meetings

CSWEP will sponsor up to two paper sessions and one panel session at the 2010 Midwest Economics Association meeting to be held in Chicago, IL, March 19–21, 2010, at the Hotel Orrington (on Chicago's North Shore, across from Northwestern University). The deadline for submission of abstracts or session proposals is October 2, 2009.

One or two sessions are available for persons submitting an entire session (3 or 4 papers) or a complete panel on a specific topic in any area of economics. The organizer should prepare a proposal for a panel (including chair and participants) or session (including chair, abstracts and discussants) and submit by email by October 2, 2009.

One or two additional sessions will be organized by the Midwest Representative. Abstracts for papers in any area of economics will be accepted by email until October 2, 2009.

Please email complete session proposals, panel discussion proposals, or abstracts of 1–2 pages (including names of authors with affiliations, addresses and paper title) by October 2, 2009 to:

Kaye Husbands Fealing CSWEP Midwest Representative Humphrey Institute of Public Affairs University of Minnesota 301 19th Avenue South, Suite 164 Minneapolis, MN 55455

E-mail: khf@umn.edu Phone: 612-624-6449

BRAG BOX

"We need every day to herald some woman's achievements... go ahead and boast!" —Carolyn Shaw Bell

Congratulations to Professors **Erica Field** (Harvard University) and **Michele Tertilt** (Stanford University). Both have won Sloan Fellowships in economics.

Professor **Donna Ginther** (Director of the Center for Economic and Business Analysis at the University of Kansas) was recently promoted to full professor effective August 2009. According to CSWEP records, Professor Ginther becomes the 127th female full professor of economics at PhD granting institutions in the U.S.

Professor **Karen Polenske**, Department of Urban Studies and Planning at MIT, received much-deserved recognition recently when a group of her colleagues and former students created the Karen R. Polenske Best Student Paper Award in honor of her leading work as a scholar of China's sustainable development. The \$1K award for best student paper will be presented annually to a student member of the International Association for China Planning. Congratulations to Karen for her hard work and also for inspiring such appreciation from her students.

The WEAI has asked **Ellis Tallman** of Oberlin and CSWEP board member **Ron Oaxaca** to run its inaugural Graduate Student Dissertation Workshop at the summer meetings in Vancouver. The selected graduate student applicants will participate in a one-day intensive workshop aimed at developing their dissertation presentation skills in preparation for the job market.

Do you want to continue to receive your Newsletter by snail mail? Please note that the requested donation amount has increased to \$35!

Already a CSWEP Associate? Consider joining the American Economic Association. CSWEP is a subcommittee of the AEA, which subsidizes many of our activities. In addition to all the perks associated with AEA membership, part of your dues will help to support CSWEP-sponsored programs, like the mentoring program. To join, go to http://www.vanderbilt.edu/AEA.

TAKE NOTE

The CSWEP Business Meeting at the AEA Annual Meeting January 2010 will be a light lunch meeting on the first day—January 3, from 12:30-2:15 p.m.; our reception will remain scheduled in the evening at 6:00 p.m.



Committee on the Status of Women in the Economics Profession

HOW TO RENEW/BECOME A CSWEP ASSOCIATE

CSWEP is a subcommittee of the AEA, charged with addressing the status of women in the economics profession. It publishes a three-times-a-year newsletter that examines issues such as how to get papers published, how to get on the AEA program, how to network, working with graduate students, and family leave policies. CSWEP also organizes sessions at the annual meetings of the AEA and the regional economics associations, runs mentoring workshops, and publishes an annual report on the status of women in the economics profession.

CSWEP depends on the generosity of its associates to continue its activities. If you are already a CSWEP associate and have not sent in your donation for the current year (January 1, 2009–December 31, 2009) we urge you to renew your status. All donations are tax-deductible. If CSWEP is new to you, please explore our website, www.cswep.org to learn more about us.

Students receive free complimentary CSWEP associate status. Just indicate your student status below.

Thank you!

If you wish to renew/become an associate of CSWEP you have two options:

OPTION 1: ONLINE PAYMENT

Use this link: http://cswep.org/OnlineDonation.htm It's quick, convenient and secure. We accept Mastercard, Visa and American Express. (This site only works in Internet Explorer—Mozilla Firefox and Netscape have problems with the code.)

OPTION 2: MAIL

If paying by check or if you are a student, please send your donation to:

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(Please make check payable to CSWEP Membership)

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Please supply your email address which will enable us to deliver your CSWEP Newsletter electronically. Doing so saves CSWEP postage costs and is another way to support our activities.
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Please visit our website http://www.cswep.org/

To no longer receive mail from CSWEP, please email cswepmembers@ersgroup.com or write to the address provided above.

Don't forget to apply for the National Mentoring Workshop! See page 20

January 2010 AEA/ASSA Annual Meeting

http://www.vanderbilt.edu/AEA/Annual_Meeting/
index.htm

January 3-5, 2010, Atlanta Georgia

Watch CSWEP's website for CSWEP Session titles & authors!

TAKE NOTE:

The CSWEP Business Meeting at the AEA Annual Meeting January 2010 will be a light lunch meeting on the first day—January 3, from 12:30–2:15 p.m.; our reception will remain scheduled in the evening at 6:00 p.m.

CSWEP Activities

As a standing Committee of the American Economic Association since 1971, CSWEP undertakes activities to monitor and improve the position of women in the economics profession through the Annual CSWEP Questionnaire (results of which are reported in the CSWEP Annual Report), internships with the Summer Fellows, mentoring opportunities through CeMENT and the Joan Haworth Mentoring Fund, recognition of women in the field with the Carolyn Shaw Bell Award and Elaine Bennett Research Prize, support of regional and annual meetings, organizing paper sessions and networking opportunities.

Upcoming Regional Meetings:

Western Economic Association

http://www.weainternational.org/ 2009 Annual Meeting June 29-July 3, 2009 Vancouver, British Columbia: Sheraton Wall Centre

Southern Economic Association

http://www.etnetpubs.com/conferenceprograms/sea/2009 Annual Meeting November 21–23, 2009

San Antonio: Marriott San Antonio Rivercenter

SEA deadline: April 1, 2009 CSWEP deadline: April 1, 2009

Eastern Economic Association

http://www.iona.edu/eea/

2010 Annual Meeting: Feb 26-28, 2010

Philadelphia: Loew's Philadelphia CSWEP deadline: Nov 16, 2009

EEA deadline: TBA

Midwest Economic Association

http://web.grinnell.edu/mea

2010 Annual Meeting: March 19-21, 2010

Evanston: Hotel Orrington (Chicago's North Shore)

CSWEP deadline: October 2, 2009

MEA deadline: TBA



American Economic Association CSWEP c/o Barbara Fraumeni 770 Middle Road Dresden, ME 04342 NONPROFIT ORG US POSTAGE PAID PORTLAND, ME PERMIT #6