

## **Asian Pacific American Women and Racialized Sexual Harassment**

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I'll get right to the point, since the objective is to give you, in writing, a clear description of what I desire... Shave between your legs, with an electric razor, and then a hand razor to ensure it is very smooth...

I want to take you out to an underground nightclub... like this, to enjoy your presence, envious eyes, to touch you in public... You will obey me and refuse me nothing...

I believe these games are dangerous because they bring us closer together, yet at the same time I am going to be more honest about the past and present relationships I have. I don't want you to get any idea that I am devoting myself only to you – I want my freedom here... The only positive thing I can say about this is I was dreaming of your possible Tokyo persona since I met you. I hope I can experience it now, the beauty and eroticism.

The above passage comes from a letter written by a white male professor to a Japanese female student at a major university. The more unsavory details referring to physical specifications and particularly demeaning and sadistic demands by the professor have been edited. In her complaint against him, the student stated that the faculty member “sought out Japanese women in particular” and “uses his position as a university professor to impress and seduce Japanese women.” The professor had a history of targeting Japanese women because “he believes they are submissive and will obey any parameters he sets for the relationship,” according to the students' complaint. “He said that he wants sex slaves, that he considers and treats women as disposable... He rarely takes precautions in a sexual relationship.”

Another Japanese female student and former officer of a campus Japanese student organization recalled that the same professor had approached her outside of a 7-11 store near the campus and asked for her phone number, stating that he was interested in meeting Japanese females. “I gave him my number because I was the vice-president [of the Japanese student organization] and felt I should be gracious.” Through the course of their conversations, the professor told the woman that he “hangs around campus looking for Japanese girls” and asked “where [he] could meet them.” By his own admission, “[he] stated that he was not popular in high school and college.” However, “when he went to Japan he found out that he was popular” and was now “making up for lost time.” The professor told the student that “[he] liked Japanese females because they were easy to have sex with and because they are submissive.”

I have long been haunted by the unsuccessful resolution to this case due to the effective intimidation of the courageous students and those who sought redress. Victims of sexual harassment often fear coming forward because of precisely the type of administrative, legal, and community discouragement or intimidation that constituted the “secondary injury” in this case. Here, the secondary injury was inflicted by the university's affirmative action office, which claimed to find no evidence of an actionable claim worth investigating, the self-proclaimed “feminist law firm” in town that defended the predator-

professor, and the university counsel that bolstered the intimidatory tactics of the professor's lawyer.

What I hope to reveal in this article is how converging racial and gender stereotypes of Asian Pacific American women help constitute what I will refer to as “racialized sexual harassment.” Racialized sexual harassment denotes a particular set of injuries resulting from the unique complex of power relations facing Asian Pacific American women and other women of color in the workplace. More specifically, this article explores how race and gender combine to alter conceptions of both the “primary injury” (the offending conduct legally recognized as sexual harassment) and the “secondary injury” (the actions of employers and institutions that ally with the harasser). In two cases that I discuss, stereotypes of Asian Pacific American female plaintiffs and the racial and gender politics of the plaintiffs' work environment are determining factors in the harms suffered and systemic responses thereto. The law's refusal to recognize and address the compoundedness of racialized sexual harassment lets flourish converging stereotypes and the oppressive structures that give rise to such injuries.

### **Converging Stereotypes: The Model Minority Meets Suzie Wong**

Asian Pacific American women are at particular risk of being racially and sexually harassed because of the synergism that results when sexualized racial stereotypes combine with racialized gender stereotypes. The “model minority myth,” a much-criticized racial stereotype of Asian Pacific Americans, has been shown to paint a misleading portrait of groupwide economic, educational, and professional super-success. In addition, the mythical model minority is further overdetermined by associated images of political passivity and submissiveness to authority. But despite the many critical articles written by Asian Pacific Americans on the model minority stereotype, few have theorized specifically how it relates to Asian Pacific American women. Model minority traits of passivity and submissiveness are intensified and gendered through the stock portrayal of obedient and servile Asian Pacific women in popular culture. The repeated projection of a compliant and catering Asian feminine nature feeds harassers' belief that Asian Pacific American women will be receptive objects of their advances, make good victims, and will not fight back.

Similarly, the process of objectification that affects women in general takes on a particular virulence with the overlay of race upon gender stereotypes. Generally, objectification diminishes the contributions of women, reducing their worth to male perceptions of female sexuality. In the workplace, objectification comes to mean that the material valuation of women's contributions will be based not on their professional accomplishments or work performance but on men's perceptions of their potential to be harassed. Asian Pacific women suffer greater harassment due to racialized ascriptions (exotic, hyper-erotic, masochistic, desirous of sexual domination) that set them up as ideal-typical gratifiers of Western neocolonial libidinal formations. In a 1990 *Gentleman's Quarterly* article entitled, “Oriental Girls,” Tony Rivers rehearsed the racialized particulars of the “great Western male fantasy:”

Her face – round like a child's... eyes almond-shaped for mystery, black for suffering, wide-spaced for innocence, high cheekbones swelling like bruises, cherry lips...

When you come home from another hard day on the planet, she comes into existence, removes your clothes, bathes you and walk naked on your back to relax you... She's fun you see, and so uncomplicated. She doesn't go to assertiveness-training classes, insist on being treated like a person, fret about career moves, wield her orgasm as a non-negotiable demand...

She's there when you needs shore leave form those angry feminist seas. She's a handy victim of love or a symbol of the rape of third world nations, a real trouper.

As the passage reveals, colonial and military domination are interwoven with sexual domination to provide the “ultimate Western male fantasy.” Asian Pacific women are particularly valued in a sexist society because they provide the antidote to visions of liberated career women who challenge the objectification of women. In this sense, the objectified gender stereotype also assumes a model minority function as Asian Pacific women are deployed to “discipline” white women, just as Asian Pacific Americans in general are used against their “nonmodel” counterparts, African Americans.

The “ultimate Western male fantasy,” part of colonial sexual mythology based on Western perceptions of women in Asia, is applied to Asian Pacific American women in an international transfer of stereotypes through mass media and popular culture. Military involvement in Asia, colonial and neocolonial history, and the derivative Asian Pacific sex tourism industry established power relations between Asian and the West which in turn shape stereotypes of Asian Pacific women that apply to those in and outside of Asia. As his article continues, Rivers suggests that the celluloid prototype of the “Hong Kong hooker with a heart of gold” (from the 1960 film, *The World of Suzie Wong*) may be available in one's own hometown: “Suzie Wong was the originator of the modern fantasy. Perhaps even now, ... on the edge of a small town, Suzie awaits a call.”

Given this cultural backdrop of converging racial and gender stereotypes in which the model minority meets Suzie Wong, so to speak, Asian Pacific American women are especially susceptible to racialized sexual harassment. The university, despite its well-cultivated image as an enlightened, genteel environment of egalitarianism, unfortunately does not distinguish itself from other hostile work environments for Asian Pacific American women. I now turn to two cases in which Asian Pacific American women faculty were subjected to quid pro quo and hostile environment forms of harassment. Although racialized sexual harassment experienced by professionals should not be assumed to be identical to that facing women of color employed in blue- and pink-collar jobs, there is commonality in the social construction of the victims.

### **Quid Pro Quo: The Rosalie Tung Case**

Rosalie Tung joined the University of Pennsylvania Wharton School of Business (hereinafter, “Business School”) in 1981 as an associate professor of management. In her

early years at the Business School, she garnered praise for her performance. In the summer of 1983 a change in leadership brought a new dean and new department chair to the school. According to Tung, “shortly after taking office, the chairman of the management department began to make sexual advances toward me.” In June 1984 the chair awarded Professor Tung a 20 percent increase in salary and high praise for her achievements in research, teaching, and community service.

However, when Tung came up for tenure review in the fall of 1984, her chair's evaluation of her performance changed dramatically. “After I made it clear to the chairman that I wanted our relationship kept on a professional basis,” she stated in her charge, “he embarked on a ferocious campaign to destroy and defame me. He solicited more than 30 letters of recommendation from external and internal reviewers when the usual practice was for five or six letters.” Although a majority of her department faculty recommended tenure, the personnel committee denied Professor Tung's promotion. Tung later learned through a respected and well-placed member of the faculty that the justification given by the decision-makers was that “the Wharton School is not interested in China-related research.” Tung understood this to mean that the Business School “did not want a Chinese American, an Oriental [on the faculty].” Of over 60 faculty in the management department, there were no tenured professors of color and only one tenured woman. At the entire Business School, with over 300 faculty, there were only two tenured people of color, both male.

Tung filed a complaint with the Equal Employment Opportunity Commission (EEOC) in Philadelphia alleging race, sex, and national origin discrimination. She also filed a complaint with the university grievance commission. Tung's file and those of 13 faculty members granted tenure in a recent five-year period were turned over to the grievance commission. During this process, the peer review files revealed that despite the many letters the department chair had solicited, only three negative letters were in her file – two of which had been written by the chair himself! One of the chair's negative letters was written only six months after his rave review in June 1984. Professor Tung's file contained over 30 letters consistently praising her as one of the best and brightest young scholars in her field, including one from a Nobel Prize laureate. Her impressive list of achievements and contributions had been acknowledged by her peers in her election to the board of governors of the Academy of Management, a professional association of over 7,000 management faculty. Tung was the first person of color ever elected to the board. Following 40 hours of hearings, the university grievance commission found that the university had discriminated against Tung. Despite a university administrative decision in her favor, the provost overseeing the matter chose to do nothing. Professor Tung suspects that race and gender stereotypes played a role in shaping the provost's inaction: “[T]he provost, along with others in the university administration, felt that I, being an Asian, would be less likely to challenge the establishment, because Asians have traditionally not fought back. In other words, it was okay to discriminate against Asians, because they are passive; they take things quietly, and they will not fight back.”

Tung also noted the comments of one of her colleagues, describing her in a newspaper article as “elegant, timid, and not one of those loud-mouthed women on campus.” Her

colleague continued, “In other words, [Professor Tung was] the least likely person to kick over the tenure-review apple cart.”

In light of the university's nonresponse to its own internal committee's findings, Rosalie Tung pursued her EEOC claim. In order to investigate, the EEOC subpoenaed her personnel file along with those of five male faculty members who had been granted tenure around the same time she had been denied. The University of Pennsylvania refused to turn over the files, and the case, known as *University of Pennsylvania v. EEOC*, eventually reached the U.S. Supreme Court.

Among its claims, the university argued that one of the essential First Amendment freedoms that a university enjoys is the right to “determine for itself on academic grounds who may teach.” The Court rejected the university's contention and handed down a unanimous decision in favor of Tung's EEOC investigation. The conservative Rehnquist Court set an important precedent in establishing baseline procedures for Title VII claims in academic employment. *University of Pennsylvania v. EEOC* represents the Court's willingness to alter, at least slightly, its long-standing tradition of absolute deference to higher education's decision-making process in the face of egregious discrimination and harassment. The Tung case exposed and rejected the “academic freedom trumps harassment and discrimination” rationale that served to hide the evidence of wrongdoing in tenure denials.

### **Hostile Environment: The Jean Jew Case**

Dr. Jean Jew arrived at the University of Iowa in 1973 from Tulane University along with another physician and her mentor, who had just been appointed chair of the anatomy department in the college of medicine. Almost immediately, rumors circulated about her alleged sexual relationship with her mentor. These rumors persisted for 13 years. Despite the increased number of incidents of harassment and vilification Jew experienced after joining the anatomy department, she was recommended by the department for tenure in December 1978. Her promotion, however, did not quiet her detractors. In a drunken outburst in 1979, a senior member of the anatomy department referred to Jew as a “stupid slut,” a “dumb bitch,” and a “whore.” Jew and three other professors complained separately to the dean about the slurs.

Jean Jew's tenure promotion not only failed to quiet her critics, it apparently further fueled the rumor mill and provided colleagues with an opportunity to air personal grievances and exploit departmental politics. Jean Jew was the only woman in the anatomy department and one of a few Asian Pacific women among the University of Iowa faculty. In this homogeneous setting, stereotypes flourished to such an extent the faculty did not even recognize the difference between jokes and racial slurs. One faculty member who referred to Dr. Jew as a “chink” contended that he was merely “using the word in a frivolous situation” and repeating a joke. The model minority stereotype of competence and achievement fed existing insecurities and jealousies in a department that was already deeply polarized. In responding to these insecurities, a traditional gender stereotype informed by racialized ascriptions acted to rebalance the power relations.

Gender stereotypes with racial overtones painted Jew as an undeserving Asian Pacific American woman who traded on her sexuality to get to the top. To Jew, this stereotyping and her refusal to accede to it played a large role in the “no-win” configuration of departmental power relations:

If we act like the [passive] Singapore Girl, in the case of some professors, then they feel “she is [unequal to me].” If we don't act like the Singapore Girl, then [our] accomplishments must have derived from a “relationship with the chair.” There were quite a few people that felt that way to begin with. They thought because I was working with the chair, I was his handmaiden. Many faculty testified that in inter-collaborative work, I was doing work that led to publication but that he was the intellectual, with Jean Jew as his lackey. The term used was that I was the collaborative force, but not independent.

This construction of Dr. Jew is perhaps most evident in the continued attack on her credentials. One of her primary harassers, whose advanced degrees were not in anatomy but in physical education, may have felt the need to attack Jew's professional standing and personal character out of his own academic insecurities. Among the many incidents, this faculty member intimated to a lab technician that Dr. Jew held a favored status in the department because of her willingness to engage in a sexual relationship with the chair in exchange for economic and professional gain. Overall, this faculty member made more than 33 demeaning and harassing statements about Jean Jew in an attempt to discredit her professional and personal reputation.

Other colleagues also denigrated Jew. After he was denied tenure in 1991, one doctor filed a grievance with the university stating that his qualifications were better than those of Jew, who had been tenured. To support his case, the doctor submitted an anonymous letter to the dean, indicating that Jew's promotion was due to her sexual relationship with the chair. The letter stated, in fortune-cookie style, “basic science chairman cannot use state money to... pay for Chinese pussy.” Another doctor who held administrative responsibilities in the department frequently posted obscene drawings outside his office, where students congregated, which depicted a naked copulating couple with handwritten comments referring to Jew and the department chair. On the very day that the senior departmental faculty were to evaluate Jew for promotion to full professor, the following off-color limerick appeared on the faculty men's restroom wall:

There was a professor of anatomy  
Whose colleagues all thought he had a lobotomy  
Apartments he had to rent  
And his semen was all spent  
On a colleague who did his microtomy.

The faculty voted three in favor, five against Jean Jew's promotion, and she was denied full professorship.

Following her denial, Jew registered a complaint of sexual harassment with the university affirmative action office, the anatomy review and search committee, and the university's academic affairs vice-president. No action was taken on her complaint. In January of 1984, her attorney, Carolyn Chalmers, submitted a formal written complaint alleging sexual harassment to the vice-president. In response to the written complaint from legal counsel, a panel was appointed to investigate Jew's charges. The panel found in Jew's favor, yet the university took no meaningful action in response to the panel's findings. In utter frustration at the university's unwillingness to remedy the hostile work environment, Jew and Chalmers took the case to court.

Jean Jew's first suit in federal district court alleged that the University of Iowa failed to remedy the hostile work environment from which she suffered. After 14 days of testimony, the judge issued a ruling, finding inter alia that the University of Iowa had failed to respond to Jew's complaints. According to the judge, the faculty in the anatomy department displayed "a pattern of verbal conduct which sexually denigrated Dr. Jew... in a concerted and purposeful manner." He reasoned that "Dr. Jew has conducted herself throughout her employment at the university as a serious and committed teacher, scholar and member of the academic community." The judge also found that sexual bias played a significant role in her denial of promotion to full professor in 1983. He found that four of the five professors who voted on her promotion had displayed sexual bias. Judge Vietor ordered the university to promote Jew to full professor and awarded over \$50,000 in back pay and benefits dating back to 1984, a rare remedy given the federal courts' historic deference to university academic personnel decisions.

Jew also filed a second defamation suit in state court in October 1985. The suit alleged that she was sexually harassed by another member of her department. The six-woman, one-man jury unanimously found for Jew and awarded \$5,000 in actual damages, and \$30,000 in punitive damages. Jew had won her second legal battle, but her adversarial relationship with the University of Iowa was not over.

The university stated that it would appeal the federal judge's decision on First Amendment grounds in October 1990. The Iowa Board of Regents governing the university provided the public rationale for the appeal, stating that Vietor's decision made the university responsible "for policing the statements and behavior of faculty members in ways that appear inconsistent with academic life and constitutional protections." "In an academic community this is extremely disturbing," the statement continued. "The effect of chilling speech in a community dedicated to the free exchange of ideas and views – even unpleasant ones – requires that the board and the university pursue the matter further." Jew's attorney Carolyn Chalmers interpreted the board's comments as a defense of the university's freedom to promote faculty members without judicial intervention even when it engages in sexual discrimination. As for the free speech claim, Chalmers observed that "what they're arguing is that academic freedom protects gutter talk."

Only when considerable community criticism surfaced did the university decide to cut its losses and accept the validity of the verdict. In an editorial criticizing the university's

strategy for appeal, Professor Peter Shane of the University of Iowa College of Law wrote:

No proper concept of academic freedom... could immunize the public denigration of Dr. Jew as a “slut,” a “chink” and a “whore” – all this by people actually permitted to vote on her qualifications for promotion! Neither should academic privilege protect the circulation of unfounded rumors about any person... The only connection between academic freedom and Dr Jew's experience is that university officials essentially ostracized her for insisting that promotions be evaluated in a way that does not disadvantage women. That ostracism and the consequent chill on her sympathizers' expression surely did compromise academic freedom.

Faculty and staff supporting the judge's finding of sexual harassment brought added pressure against the university appeal effort by forming the Jean Jew Justice Committee and distributing the judge's order and findings of fact to the campus community.

The university's unwillingness to accept responsibility for the racialized sexual harassment of Jean Jew extends beyond the attempt to appeal the decision. That the University of Iowa paid for the legal expenses to defend the offending professor's defamation suit for over five years, as well as the \$35,000 judgement entered by the court in his guilty verdict, reveals the depth of complicity between the university and the adjudged harasser. Clearly, the administration sided with the wrongdoer after its own internal investigative panel supported Dr. Jew's claims and even after a verdict was returned against him. The university's adversarial treatment of Jew, its inaction following the internal committee's findings, its futile appeal attempt, and its shouldering of the harasser's individual civil liability reflect a disturbing pattern whereby academic institutions circle the wagons to protect the harasser against the harassed. One wonders to what extent the university's persistent litigiousness in the face of adverse administrative and legal findings reflect the prevalence of racial and sexual stereotypes that led it to side with the harasser and formulate an aggressive legal strategy to “bully” a plaintiff perceived to be politically weak and passive. As professor Martha Chamallas, former University of Iowa law professor and founding member of the Jean Jew Justice Committee, observed:

...the rumor campaign against Jew was successful and persistent because it drew upon deep-seated and harmful stereotypes about professional women and about Asian academics in American universities. In contrast to the official fact-finders who were constrained to base their judgement solely on the evidence presented, many within the University community making less considered judgements may have allowed stereotypes to influence their views.

## **Conclusion**

In light of the prevalent and converging racial and gender stereotypes of Asian Pacific American women as politically passive and sexually exotic and compliant, serious attention must be given to the problem of racialized sexual harassment revealed by the



two cases discussed. On a theoretical level, new frameworks that integrate race and gender should be developed to take account of the multidimensional character of racialized sexual harassment that occurs and is challenged across races, social classes, and borders. The law's current dichotomous categorization of racial discrimination and sexual harassment as separate spheres of injury is inadequate to respond to racialized sexual harassment. On an advocacy level, women's and Asian Pacific American organizations should affirmatively address racialized sexual harassment and seek ways to counter the compounded vulnerability that Asian Pacific and Asian Pacific American women face in confronting both the primary and secondary injuries. Finally on an international level, insofar as the problem of racialized sexual harassment of Asian Pacific American women, even in elite employment sectors such as institutions of higher education, derives in part from international stereotypes that feed upon unequal power relations, military history, and uneven economic development between Asian (especially in the Philippines and Thailand) and the U.S., it is important for critical race feminists to commit to eradicating the sources of racialized sexual harassment not only in the U.S., but also in the lives of sister counterparts overseas.

## **Epilogue**

Following her Supreme Court victory in which access to the comparison files of her colleagues was granted, Rosalie Tung entered into a confidential settlement with the University of Pennsylvania. She currently holds the only endowed chair in the School of Business at Simon Fraser University in Vancouver, British Columbia.

Jean Jew continues to research and teach at the University of Iowa as a full professor. She remains active in women's issues on campus and recently had a university-wide award named in her honor.