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Law Offices of Dawn V. Martin
(202) 408-7040; (703) 440-1417

e-mail: dvmartinlaw@yahoo.com
website: www.dvmartinlaw.com

**During Stalking Awareness Month, Supreme Court will Decide
whether Stalking Victims are Protected against Employment Discrimination**

Washington, D.C. – On January 13, 2012, the Supreme Court will decide whether to hear the case of *Martin v. Howard University*. [The National Organization for Women \(NOW\) Foundation](http://www.now.org) and civil rights attorney Dawn V. Martin, want the high Court to hold that Title VII of the Civil Rights Act of 1964 protects a woman from being stalked in her workplace and from being terminated for reporting it. NOW Foundation has filed an *Amicus* (friend of the Court) Brief in support of Ms. Martin. This case is particularly timely in light of recent attention to the failure of universities to respond to reports of sexual attacks on campuses and because January is *Stalking Awareness Month*. Howard, specifically, still fails to take complaints of sexual harassment seriously. *See Bello v. Howard University*, 1:11-cv-02106-CKK; <http://www.nbcwashington.com/news/local/Five-Students-Sue-Howard-University-in-Sexual-Harassment-Case-134865623.html>; <http://www.wusa9.com/news/article/177504/158/Lawsuit-Howard-University-Negligent-In-Sexual-Assault-Harassment-Case>. Howard opposes the participation of NOW Foundation in the case.

78% of stalking victims are women. 54% of female *murder victims* reported their stalkers to the police before being killed by them. In a 2009 documentary about the case, Kim Gandy, then, the President of NOW, said: “We’ve had situations like this, where women, stalked in the workplace, were fired, or let go, because they were stalked.” *See* <http://www.youtube.com/watch?v=MxyzwRGYIgA>. Ms. Martin said, “No woman should have to choose between her job and her safety.”

Law Professor Dawn Martin was stalked on the campus of Howard University Law School, by a delusional, homeless, serial campus stalker, Leonard Harrison. Harrison was searching for the physical embodiment of his “fantasy” wife -- a fictional female character in a book, written by the renowned, late Professor, Derrick Bell. Howard did not ban the stalker from Law School building, despite advice from the D.C. Metropolitan Police Department to do so and its own established Campus Police banning procedures. Instead, Howard refused to renew Prof. Martin’s teaching contract. Ms. Martin sued, alleging sexual harassment/hostile work environment and retaliation. In 1999, the U.S. District for D.C. set precedent in *Martin*, holding that an employer can be held liable for the sexual harassment of an employee by a non-employee, if it knew or should have known of the harassment and failed to take reasonable steps to stop it. *Martin v. Howard University*, 1999 U.S. Dist. LEXIS 19516 (D.C. 1999). With his history, Martin fears that Harrison may be stalking another female professor even now.

At trial, in 2006, a jury agreed with Martin that Harrison’s harassment *did* create a “hostile work environment” for her and that that Howard did *not* take reasonable steps to end it; however, the jury asked for a clearer legal definition of “sexual harassment.” The judge refused to provide it. Confused about the legal definition and Title VII coverage, the jurors concluded that Harrison’s harassment of Prof. Martin was *not* based on her sex or sexual nature. This meant that she was *not* “protected” by Title VII. Martin is appealing District Court Judge Hogan’s October 8, 2010 decision refusing to vacate the jury’s verdict. Current NOW/NOW Foundation President, Terry O’Neill, wrote: “We believe the Supreme Court’s recent decision in *Crawford v. Nashville* supports the principle that it is up to the courts, not a jury, to say whether particular behavior is protected or prohibited by Title VII.” If the Supreme Court decides not to hear this case, Martin will urge an amendment to Title VII that would expressly protect victims of stalking and domestic violence against employment discrimination and retaliation for reporting stalking in the workplace. For more details see

www.dvmartinlaw.com/MartinvHowardU; <http://www.womensenews.org/story/crime-policylegislation/110110/stalking-victim-presses-employment-protection>; <http://vimeo.com/18706532>; *Good Morning America* <http://abcnews.go.com/GMA/erin-andrews-leads-stalking-round-table/story?id=11322694> (Martin interviewed by journalist Erin Andrews, also stalked by a stranger while working.)