

The Triumphs of Title IX

Women's educational equity turns 35, and there's plenty to celebrate

PATSY MINK DREAMED OF BECOMING A DOCTOR, BUT none of the 20 medical schools she applied to accepted women. Edith Green wanted to become an electrical engineer, but her family told her “not to be silly.” Bernice Sandler, teaching part time at a university after earning her doctorate, learned that her department would not consider her for a full time position because she “[came] on too strong for a woman.”

These three women, carrying with them personal experiences of discrimination, came together in the early 1970s to help create and defend the first legislation specifically prohibiting sex discrimination in education: Title IX of the Education Amendments of 1972. It reads:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Sandler, who became a specialist with the Special Subcommittee on Education in the U.S. House of Representatives, filed discrimination complaints against 250 colleges and universities—with the support of many women academics and feminist organizations—which convinced Rep. Edith Green (D-Ore.) to hold the first congressional hearings on sex discrimination in education. Green, with the cosponsorship of Rep. Patsy Mink (D-Hawaii) and others, introduced Title IX, which was passed by Congress two years later with little attention and was signed into law by President Richard Nixon.

Though the word “sports” did not appear in the original Title IX, the law has become synonymous with increased opportunities for girls in athletics (see sidebar). But this is

only a small part of the story. As the following two reports show, Title IX also played the pivotal role in opening doors to educational opportunities for girls and women in all areas of education, from kindergarten through graduate school.

“It all grew from the power of an idea,” said David Sadker, a renowned expert in gender equity in education who has been studying the issue for close to 40 years. “You did have a law supporting it, but really it was the idea more than the penalty. ... This was an idea revolution.”

Unfortunately, soon after it was written into law, Title IX was subjected to relentless attack—and Mink became the law’s greatest defender. In 1984, the Supreme Court during the Reagan administration succeeded in virtually overturning the law for four years—until feminists and civil rights leaders fought back with the Civil Rights Restoration Act of 1987. Most recently, the Bush administration weakened Title IX with new rules allowing public, sex-segregated classes and schools—which critics say almost always disadvantage girls—for purposes other than to remedy discrimination.

“I was extraordinarily naive,” Sandler has confessed. “I believed that if we passed Title IX, it would only take a year or two for all the inequities based on sex to be eliminated.”

Much remains to be done. But while staying vigilant about its survival and enforcement, we shouldn’t forget to celebrate Title IX. After all, American women and girl students of every age and interest—kindergartners and doctoral candidates, athletes and bookworms, aspiring auto mechanics and physicists—can thank the law, and its advocates, for opportunities they might never have received without it.

Scaling the Ivory Towers

Title IX has launched women into the studies, professions and administrative jobs of their dreams

BY CARYN MCTIGHE MUSIL

I WALKED ONTO CAMPUS FOR MY FIRST TENURE-TRACK FACULTY POSITION in 1971, the year before Title IX was passed. I was one of only 12 full-time women faculty members on my campus, and the only one in my department. For much of my first year of teaching, I felt like someone with a day pass at a men's club—but so did the women students, who had only gained admission to the school the year before. Numbering just 20 percent of the student body, they used to gather in the women's bathroom to form a protective cluster before daring to walk into the sea of men in the cafeteria.

Anticipating women's arrival in 1970, the college ordered mirrors for the dorms and yogurt for the cafeteria. The passage of Title IX two years later made it clear that full equality was going to demand far more extensive changes than that.

This year, the 35th anniversary of Title IX, my younger daughter, Emily, became a visiting professor at Trinity College in Connecticut, where 42 percent of the faculty are women—just above the national average. Among Emily's generation, just under 50 percent of doctorates have been awarded to women; in my generation, it was 14 percent. She can also draw upon three decades of robust feminist scholarship and women's-studies courses; my generation was just beginning to invent the field.

The contrast between her academic landscape and mine could not be more dramatic. And Title IX is the primary cause for the seismic shifts.

The law's impact has been elemental. Not only has it helped eliminate blatant discriminatory practices across educational institutions, but it has helped root out subtler methods of holding women back by closing the gap between men's and women's financial aid packages, improving housing opportunities for women students (a lack of women's dorms was once used to restrict women's admissions) and combating sexual harassment.

Just before Title IX was signed into law, women were underrepresented as undergraduates, at just over 40 percent of all students. And it wasn't that easy for them to get into those ivied halls. Young women typically had to make higher grades and SAT scores than young men to gain college admission, and often faced quotas limiting the number of women admitted.

Once they got on campus, there were few women role models—less than one in five faculty members were women, and a mere 3 percent of college presidents. In some fields, even the women students were barely visible: About 1 percent of master's degrees in engineering, 1 percent of doctoral dental degrees, and under 2 percent of master's degrees in mathematics were awarded to women in 1970. The barriers were formidable, and sex discrimination unashamedly open and normative.

In the years since Title IX, however, all of those numbers have risen tremendously. Take college enrollment, for starters:

By 2005, women students comprised almost three out of five undergraduates, with some of this growth due to increased access for women of color (who have more than doubled their share of degrees since 1977, when they earned just over 10 percent). Women have not simply increased their numbers in academia, though: They have also moved into fields formerly dominated by men, particularly business and the sciences (see chart on page 45). These are the sorts of fields that lead women into higher-paying jobs after graduation.

Bucking the rising trend, however, are computer and information science, where numbers peaked in 1984 before declining, and engineering and engineering technologies, in which the numbers of women grew and then leveled off. Certain fields have continued to be women-dominant from 1980 until 2005—health professions other than physicians and related

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clinical sciences (currently more than 86 percent women) and education (about 79 percent women), but this isn't the best news for economic equity, since wages tend to stay low in fields with few men.

In graduate and professional schools, too, young women have enjoyed far greater access thanks to Title IX. In 1970, women earned only 14 percent of doctoral degrees, but today earn nearly half. Yet women's doctorates are still not distributed evenly across disciplines: They range from a low of about 19 percent in engineering and engineering technologies to a high of about 71 percent in psychology.

The most dramatic gains are in the professional schools. In 1971, just about 1 of 100 dental school graduates were women, while in 2005 that number grew nearly fortyfold. In medical schools the numbers jumped from less than 10 percent to nearly 50 percent, and law school numbers from about 7 percent to nearly 49 percent.

There's been quite a psychological benefit, too. As my older daughter, Rebecca, says of her experience at New York University Law School, "Women were more than half of the students, so sex discrimination was not something we ever worried about. ... It's not that we don't think about equality, but that we don't *have* to think about it as much because of what's already been done."

Armed with their professional degrees in medicine and law, women have entered those professions at steadily increasing rates. Yet their numbers—and in law firms, their advancement—still lag behind. In 2006, women made up 33 percent of lawyers but just 16 percent of partners in law firms. Similarly, in medicine only 27 percent of doctors are women, and they're unevenly spread across specialties, the top three choices being internal medicine, pediatrics and general family medicine.

The news is also mixed about women in academic leadership. By 1986 the number of women college presidents had tripled from 1970 to almost 10 percent, and by 2006 reached 23 percent, with a large proportion serving as presidents of community colleges. But most of the progress occurred between 1986 and 2001 and now has slowed considerably. Furthermore, today's presidents remain much less diverse by race, gender and ethnicity than the students, faculty or administrators who report to them: Only 4 percent of the respondents in a recent survey of college presidents identified as "minority women." Women also tend to be more qualified and make more sacrifices than men in order to gain leadership; they're far less likely than men presidents to be married and have children, and significantly more likely to hold an advanced degree.

On faculties, women have increased across every rank but continue to move up more slowly than men. In 2006 they accounted for nearly 40 percent of full-time faculty and nearly 50 percent of part-timers. Young women benefit extraordinarily from all these women role models. As my daughter Emily says, "Women professors looked out for me the whole time ... and that is where I got my career counseling."

But women professors are not employed equally across institutional types—they're just over half the faculty at institutions offering associate degrees, but only 34 percent at doctoral

institutions. While women are increasing their numbers in *tenure-track* positions (nearly 45 percent), they still face the accumulated disadvantages of sex discrimination over time and represent only about 31 percent of currently tenured faculty.

"People change faster and more easily than institutions," explains Yolanda T. Moses, associate vice chancellor for diversity at the University of California, Riverside. While the most blatant violations have been eliminated, Moses argues that the next level of work is even more complicated: "Systems can undermine progress ... and we need to unearth those behaviors that sabotage even our best intentions." A search committee in physics or engineering, for example, may profess to be seeking more women, but make no efforts to break out of all-men, frequently all-white, networks to identify strong women candidates.

These are the sorts of challenges that still remain, yet Title IX has gone a long way toward making campuses more hospitable. By offering legal protection from hostile work and learning environments, it helped draw attention to sexism in the classroom and opened the door for change. The fields of science, technology, engineering and math were among the most chilly toward women, so Title IX helped usher in a period of serious self-study that has led to the adoption of more women-friendly teaching practices and programs, and thus a rise in women taking courses formerly dominated by men.

Finally, Title IX has helped women fight sexual harassment in academia—something for which there was no language in 1970. As a young professor then, I complained in a rage to my department chair about a professor who had just wrapped his arms

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haunt women and girls, but Title IX has helped set behavioral standards and offer institutional safeguards.

Despite its extraordinary, liberating impact on the lives of girls and women, Title IX remains threatened. Through anti-affirmative-action lawsuits or state referendums that oppose affirmative action in public institutions, a well-funded right-wing movement has led a relentless assault on such elite public institutions as the University of Texas, Austin; the University of Washington; the University of Michigan; and the University of California system. Unfortunately, referenda opposing affirmative action have succeeded in Washington, California and Michigan, and the effect has been the lowering of numbers of women faculty and women students entering certain fields. In the University of California system, for example, women made up 37 percent of new faculty hires in 1994, but in 1999—three years after the passage of anti-affirmative-action Proposition 209, the percentage of new women hires had dropped to 25 percent.

around one of his students at a reception, a gesture that her frightened face revealed had been unwanted and intimidating. My colleague simply brushed it off and said, “That’s just Jim” (not his real name). Spurred by Title IX, my institution eventually established sexual-harassment grievance procedures that allowed a student to file a grievance against this same professor a few years later.

Sexual harassment continues to

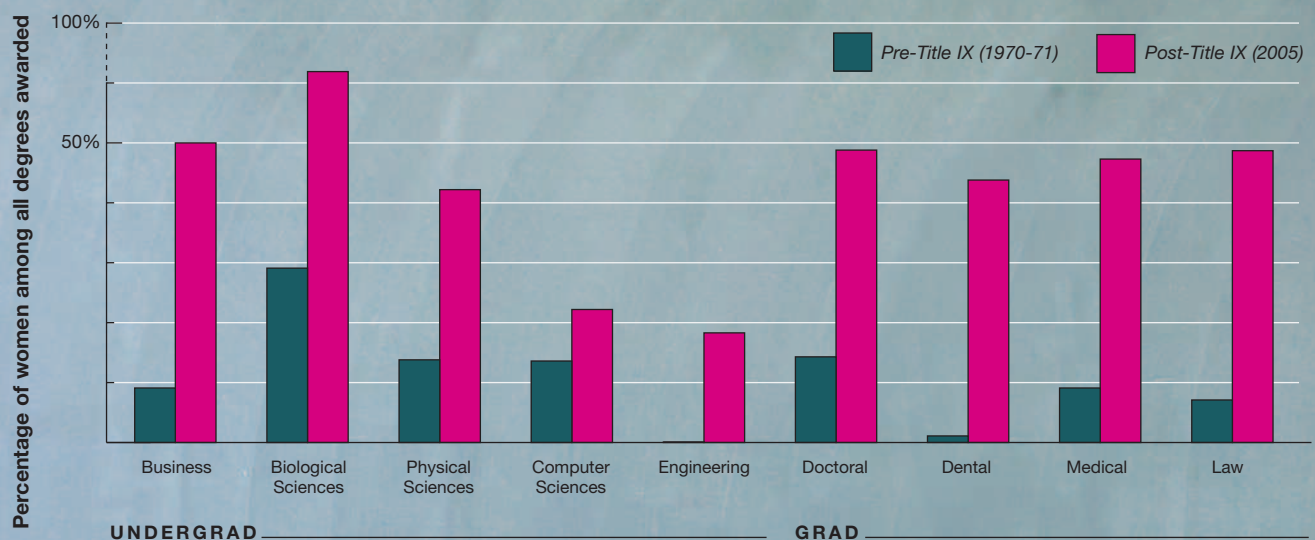
So we must remain vigilant. I can’t help wondering what it will be like for my granddaughter Catherine—born as I researched this article—when she reaches college age. Says Rebecca, her optimistic mother, “There is so much already in place that as long as we continue the practices that have gotten us to this point, I feel pretty confident that Catherine will have the same opportunities as a man would have.”

Perhaps I should surrender to such optimism, but I will also teach Catherine how to counter forces that try to set her generation back. I want to be sure she is never fooled into believing that mirrors in the dorms and yogurt in the cafeteria are enough.

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TITLE (IX) WAVE: HOW IT AFFECTED WOMEN IN COLLEGE



Schoolgirl Dreams

Title IX has, among other things, helped girls ace math, take “shop” and stop sexual harassers

BY JENNIFER HAHN

EVERY TIME A GIRL FIXES AN ENGINE IN AUTO shop, bubbles in her answers on a less-biased SAT, or successfully files a complaint to stop sexual harassment, she has Title IX to thank.

“Before Title IX, if you were discriminated against, all you could do is maybe transfer to another school—if they’d let you,” says Bernice Sandler, the woman considered the “godmother” of the law. “Title IX [allowed students to] say, ‘This is not only wrong; this is illegal.’”

And a lot was wrong. Before Title IX, stereotypes about boys’ and girls’ interests and abilities determined which classes they were allowed to take in middle and high school and, more subtly, how they were counseled. Girls were barred from wood- and auto-shop classes and instead shunted into home economics. Counselors often advised girls not to take advanced math and science courses because they wouldn’t need them for traditionally “female” careers. Pregnant young women were forced to drop out of school, and pregnant teachers were forced to quit once they began to “show.”

But with the passage of Title IX something could be done about it, and today, girls spend their childhood in kindergarten-through-high-school classrooms and schools that are more equitable and more supportive of their dreams. Here are some of the advances that can be attributed, in part, to the 1972 law:

GIRLS’ PARTICIPATION AND ACHIEVEMENT IN MATH AND SCIENCE HAVE INCREASED SUBSTANTIALLY.

In the pre-Title IX era, math- and science-minded girls often faced discouragement from peers, teachers and counselors. “You knew that you were doing something that was deviant,” says Shirley Malcolm, head of the directorate for education and human resources programs of the American Association for the Advancement of Science. “You’d go into [math and science] classes, espe-

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cially at the levels where they became elective, and you were one of [only] a handful of young women.”

In 1972, only 18 percent of girls took the college preparatory curriculum in math and science, compared with twice as many boys. Yet by 1994, girls were earning more credits in high school math and science than boys and as early as 1990, their GPAs in these subjects surpassed boys’. Additionally, the gender gap between boys and girls on the national high school math and science achievement tests has decreased significantly: In 1973 the gap in science favored boys by 16 points; today it is 4. Likewise, the gap on the math test has shrunk from 8 to 2 points.

DISCRIMINATION AGAINST GIRLS AND TEACHERS WHO BECOME PREGNANT HAS DECREASED.

“Before Title IX, if girls got pregnant they were literally kicked out of most schools,” says Sandler. “Very often people knew who the father was...[but] he didn’t receive any punishment at all.” Women teachers also faced tough consequences for getting pregnant, routinely losing their jobs when they began to show. Thanks to Title IX, today pregnant women are legally protected from such blatant discrimination, and students from being forced into less academically challenging programs for teen mothers.

ALL VOCATIONAL SCHOOLS AND CLASSES HAVE BEEN OPENED TO BOTH SEXES.

Gone are the days of separate pink and blue forms for vocational aptitude tests; now girls are just as free to saw wood in carpentry as boys are to cut hair in cosmetology.

But sex segregation in vocational education is still great, probably due to remaining stigmas about what is considered appropriate work for men and women. In 2005, girls still comprised 87 percent of those enrolled in traditionally girls’ vocational classes but only 15 percent of those in traditionally boys’ classes, according to the National Women’s Law Center. This puts girls at a disadvantage, since jobs traditionally limited to women pay much less than “men’s” jobs.

WOMEN EDUCATORS NOW EARN MORE, RANK HIGHER.

Since 1973, salaries for women teachers have increased from 84 percent of men’s earnings to 90 percent in 2006. Today schools are more than three times as likely to be led by women principals as they were in 1974, when only 13 percent of those jobs were held by women, and the percentage of women school-district and state superintendents has also increased substantially.

SEXUAL HARASSMENT IN SCHOOLS IS NOW CLEARLY ILLEGAL.

In the 1980s and 1990s, the U.S. Supreme Court issued rulings clarifying that the definition of sex discrimination under Title IX includes sexual harassment by peers or school employees. Before that, victims of sexual harassment in schools—including boys—had no clearly established way to seek justice or financial settlements.

“Title IX allows you to hold the school accountable,” says Lisalyn Jacobs of Legal Momentum (formerly the NOW Legal Defense and Education Fund).

THE PSAT AND SAT HAVE BECOME LESS BIASED AGAINST GIRLS.

These standardized tests, which serve as qualifying exams for scholarships and college admissions, have long underestimated the ability of girls. Their creator, Educational Testing Services (ETS), has claimed they predict first-year college grades, yet girls—who have traditionally scored lower on the tests—get *better* freshman grades.

As a result of a Title IX settlement, ETS added a writing section to the PSAT in 1997, which increased girls’ overall scores and won them millions more in test-score-based scholarship money. In 2005, ETS also added a writing section to the SAT, and by 2007 the gender gap favoring boys had decreased from 42 to 25 points.

Despite all these advances, Title IX has yet to be used to its full potential in K-12 education. Government enforcement and gender-equity assistance programs for elementary and secondary education have greatly decreased in recent years. Many students and parents don’t know that Title IX can be applied in cases outside athletics, and therefore are not aware of their rights. And schools rarely appoint requisite Title IX coordinators or put in place grievance procedures—until *after* they face legal trouble.

Nonetheless, in the last 35 years, Title IX has successfully changed the lives of girls and of women educators by protecting their rights, broadening their horizons and setting them up for success in later stages of their education and careers. ■

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PLAY ON

The sporting side of Title IX

Equal Play: Title IX and Social Change

Nancy Hogshead-Makar and
Andrew Zimbalist, editors

(Temple University Press)

If you want to catch up on the sports angle of Title IX, here’s a good new primer on its history and struggles. Zimbalist and Hogshead-Makar—the former a sports economist, the latter a law professor, Olympic triple-gold medalist in swimming and former president of the Women’s Sports Foundation—give you both the numbers and the stories behind them.

The numbers are stunning: Since 1971 (the year before Title IX was enacted), women’s participation in Division I college athletics rose from 15 percent to 44 percent (2004). In 1972, 1 in 27 girls played high school sports; today, almost half of high school girls play. In the past 35 years, girls and women stopped being just spectators and cheerleaders, and in becoming players changed far more than just their after-school activities. As Mariah Burton Nelson wrote in a 2005 book excerpted here, “Sport for women represents autonomy, strength, pleasure, community, control, justice and power... It changes everything.”

The authors clearly spell out the periodic backlashes to Title IX as well as its victories, with Hogshead-Makar doing a particularly good job skewering right-wing speechwriter Jessica Gavora’s 2002 anti-Title IX tome *Tilting the Playing Field*: “It reads like a speech written for an audience of disgruntled male wrestlers who, rather than seeing the real evil giant that crushed their team, view life one-dimensionally with a simple mantra: male sports good, Title IX bad.”

Title IX good, say Hogshead-Makar and Zimbalist, and opinion polls show that the majority of U.S. citizens agree. But the law’s existence, the authors write, continues to be a hardscrabble struggle: It will require the persistence and endurance of a marathon runner to keep it working to women’s benefit.

—MICHELE KORT