

**Universität zu Köln
Philosophische Fakultät
Albertus-Magnus-Platz
50923 Köln**



Masterarbeit zum Thema:

**Striving towards gender equality in education
The role of Bernice Sandler**

Erstgutachter*in: Prof. Dr. Anke Ortlepp

Zweitgutachter*in: PD Dr. Olaf Stieglitz

Datum der Abgabe: 13 Januar 2020

Eingereicht von: Suja Elizabeth Keul

Studiengang - MA North American Studies

List of abbreviations

AA	African American
ACE	American Council on Education
EPA	Equal Pay Act
GE	Gender Equality
HE	Higher Education
HEW	Department of Health, Education and Welfare
MMR	Mixed Methods Research
SCG	Social Construction of Gender
WEAL	Women's Equity Action League

Abstract

This qualitative study examines why Bernice Sandler's role was significant in achieving gender equality in education, and the role she played in the enactment of Title IX legislation, which changed the face of American education. A historical overview of the development of women's higher education is provided and evaluated in order to describe the context of gender discrimination. Gender has been an important tool of oppression of women for centuries. In that aspect, no country has been an exception, including the United States. Like everywhere else, in America as well, the socio-cultural norms and gender roles expectations hindered women from achieving a full education. The potential barriers to women's higher education, as well as the potential outcomes of these marginalizations, were explored in order to gain a more in-depth understanding of this study. Women faced innumerable socially constructed barriers that constrained their educational development. Women's proper role was considered to be a mother, and her proper place was the home. Everything else was considered beyond the normal gender role definitions. But fortunately, there were few early voices that propagated the idea of the importance of giving higher education for women. As a result, women's higher education has gone through various forms, and types of institutions. Female seminaries, women's colleges, co-education and so on, before it spread to all colleges and universities. Even though by the middle of the twentieth century, women have gained broader access to education, but in certain areas, discrimination was still rampant. For example, especially in medicine, law, and business women's entry was restricted through various measures, such as the quota system, which used to limit the number of women being admitted. In the academic workplace, female faculties were more often not promoted or given tenure. Bernice Sandler's activism led to the passing of the Title IX legislation. By mandating to treat all students equally in all aspects of the education, especially in areas regarding admissions, recruitment, financial assistance, etc., in all federally funded institutions, Title IX eliminated all such practices, creating a more gender-equitable environment in education. Most importantly, it was Sandler's almost single-handed initiative that set things in motion and led to changing the educational landscape.

Table of Contents

LIST OF ABBREVIATIONS	II
ABSTRACT	III
TABLE OF CONTENTS	IV
CHAPTER 1: INTRODUCTION	1
1.1 INTRODUCTION	1
1.2 PERSONAL INTEREST	3
1.3 RESEARCH QUESTION	4
1.4 ORGANIZATION OF THE STUDY	5
1.5 STUDY PURPOSE	6
1.6 THEORETICAL FRAMEWORK	6
1.6.1 THEORY OF SOCIO-CULTURAL CONSTRUCTIVISM OF GENDER	7
1.6.2 THEORY OF CULTURAL REPRODUCTION	7
1.6.3 THEORY OF GENDER AND POWER	7
1.6.4 INTERSECTIONALITY THEORY	8
1.6.5 CONCEPTION OF ACTIVISM FOR SOCIAL CHANGE	8
1.7 METHODOLOGY	8
CHAPTER 2: GENDER INEQUALITY IN HIGHER EDUCATION	11
2.1 WOMEN'S HIGHER EDUCATION: A BRIEF HISTORICAL PERSPECTIVE	11
2.2 BARRIERS THAT STOOD IN THE WAY OF HIGHER LEARNING	15
2.3 DETERMINANTS OF GENDER INEQUALITIES IN HE	18
2.3.1 SOCIAL CONSTRUCTION OF GENDER	19
2.3.2 PERCEPTIONS OF GENDER AND PATRIARCHY	21
2.3.3 GENDER ROLES AND THE COLD WAR DOMESTICITY	24
2.3.4 GENDER AND MEDIA REPRESENTATIONS OF WOMEN	26
2.4 INTERSECTIONALITY AND WOMEN OF COLOR IN ACADEMIA	28
2.5 CONCLUSION	31
CHAPTER 3: AWAKENING OF THE CONSCIENCE, ACTIVISM, PASSAGE OF TITLE IX	32
3.1 BERNICE SANDLER: EARLY YEARS	32
3.2 IT TAKES ONE DETERMINED MIND TO CHANGE HISTORY	33
3.2.1 AWAKENING OF THE CONSCIENCE	34
3.2.2 THE "EUREKA" MOMENT	37
3.3 BEGINNING OF HER ACTIVISM AND STRATEGY	39
3.3.1 WEAL AND THE CLASS ACTION COMPLAINT	40
3.3.2 LETTER-WRITING CAMPAIGN	43
3.3.3 EFFECTS OF SANDLER'S ACTIVISM	45
3.4 SANDLER'S ROLE IN SHAPING TITLE IX	46

3.4.1 SPEARHEADING HEARINGS _____	47
3.4.2 CREATING, EDITING, AND DISSEMINATION OF THE HEARING RECORDS _____	49
3.5 CONCLUSION _____	51
CHAPTER 4: TITLE IX AND THE ROAD TO GENDER EQUALITY: ROLE OF SANDLER _____	53
4.1. TITLE IX: LAYING THE FOUNDATION _____	54
4.2 ACCELERATING GENDER PARITY IN HIGHER EDUCATION _____	58
4.3 SIGNIFICANCE OF THE ROLE OF SANDLER IN ENDING GENDER DISCRIMINATION IN EDUCATIONAL INSTITUTIONS _____	62
4.4 CONCLUSION _____	65
CHAPTER 5: SUMMARY AND CONCLUSION _____	67
BIBLIOGRAPHY _____	70
PRIMARY SOURCES _____	70
SECONDARY SOURCES _____	71
ELECTRONIC RESOURCES _____	75
VIDEO _____	77

Chapter 1: Introduction

1.1 Introduction

"Genius has no race. Strength has no gender. Courage has no limit."

- (Hidden Figures Movie)

Over the past fifty years, women have made great strides in all realms of education. Today they make up the majority of graduate students and earning the majority of the postgraduate degrees in the U.S. (Digest of Education Statistics, 2017). Their educational aspirations are not hampered by any legal constraints anymore. There is no limit to what they can achieve today education-wise. Those overt sexist days of the past, when women were brazenly told they can't choose science, medicine, or law are for the most part gone.¹ But these huge changes were not the result of some spontaneous developments. A look back into history shows us that, *"women have not been the passive recipients of miraculous changes in laws and human nature,"* instead it was achieved through deliberate and relentless efforts by countless women's rights reformers, who systematically challenged the structures and policies that perpetuated inequalities of many kinds. From the right to own property, to citizenship, to vote, to earn a fair and equal wage, and even the right to be educated, women had to fight for each of these rights. In the fight for gender equalities in education the role Bernice Sandler is extremely significant because it was her determination to challenge the discrimination she faced at the hands of the academia, led to a landmark federal legislation prohibiting gender discrimination in educational institutions, thus setting the pace towards the race for gender equality (from here on GE) in education.

Nowadays, women enjoy greater rights and opportunities in education than at any time in history. For most of them, it is difficult to comprehend that, prior to the 1970s, girls and women were either denied access or not given the same opportunities in many areas of education. Even scientific doctrines were exploited and misconstrued in a way to prevent women from *"the court, the field, medical schools, and law schools"* (Nnamani, 2011). Sex discrimination, gender inequality, sexual assault, these were just part of the normal way of life that a female student had to deal with or as a working woman in the 1960s. There were few legal

¹ National Coalition for Women and Girls in Education (NCWGE). Title IX at 40: Working to Ensure Gender Equity in Education. Washington, DC: NCWGE, 2012. p.1.

protections and little social awareness concerning these issues. Discrimination was so rampant in terms of access to various fields of study or as faculties. For example, many elite colleges and universities did not allow women as students for medicine and law. Even in cases where they were admitted, their numbers were restricted through the quota system.

The table below shows the percentage of women earning first-professional degrees. The prevalence and the extent of the gender disparities in these fields of studies are very evident.

Table 1.1.1

First-professional degrees earned by women, selected years: 1949-50 to 1971-72

	Dentistry	Medicine	Law	Business
Year	% of women	% of women	% of women	% of women
1949-50	0,6	10,0	Not available	Not available
1959-60	0,8	5,5	2,4	1,4
1961-62	0,5	5,4	2,9	2,2
1963-64	0,3	5,8	2,8	2,5
1965-66	1,0	6,5	3,5	4,3
1967-68	1,3	7,8	3,9	3,1
1969-70	0,9	8,4	5,3	1,6
1970-71	1,1	9,0	7,1	2,7
1971-72	1,1	8,9	6,8	2,1

SOURCE: U.S. Department of Education, National Center for Education Statistics.

[See detailed statistics for Business: https://nces.ed.gov/programs/digest/d17/tables/dt17_325.25.asp]

[See detailed statistics for Medicine and Law: https://nces.ed.gov/programs/digest/d17/tables/dt17_324.40.asp]

Historically, women's education has always been influenced by factors such as socio-cultural norms, religious beliefs, and prejudices, which acted as powerful prescriptions for how women should behave, what is expected of them and moreover how they should be educated. These discriminatory social practices fostered gender inequalities by relegating women to domestic and reproductive roles. They were either completely excluded from education or were given only restricted access. Even though opportunities in higher education (HE) expanded for women as the 20th century progressed, certain areas of education were still unattainable to them up to the 1970s. These restrictions and lack of access had effectively ex-

cluded them from practicing many professions. Even if they received education in those fields which would lead to "*the elite professions*,"² obtaining employment in that particular field was extraordinarily difficult. As Ruth Bader Ginsburg once said: "*When I graduated from Columbia Law School in 1959, not a law firm in the entire city of New York would employ me. I struck out on three grounds: I was Jewish, a woman, and a mother*" (as quoted in Hope 151). Many law firms and judges would not even interview women. No one complained. It was just the way things were back in the 1960s. Women of color and others, in addition, struggled with intersectionality that added even more complexity.

Despite earning her doctorate in education, Sandler was continued to be rejected when applying for academic positions. She was told she was "*not really a professional but just a housewife who went back to school*" (Sandler, 1997, p.36). Another time she was told, "*she came too strong for a woman.*" Sandler wrote in 1997, "*the words 'too strong' for a woman turned me into a feminist,*" (p.42) onto embarking on a lifelong mission to change the culture of sex discrimination on college campuses."

1.2 Personal Interest

To start with, there were two main reasons why I chose to write about Bernice Sandler as my thesis topic. The first and foremost reason was, themes related to women's empowerment and GE issues have always been a great interest of mine, and to know, how cultural, religious, and social traditions strongly impact the lives of women across the world. I had this compulsive and the continuous desire to know the whys and hows of things. Why some cultures have evolved in certain ways, in which they constraints women beyond the structure of the family. How its causes and consequences felt on women.

Furthermore, growing up as a girl in India, one becomes conscious of the inequalities and biases that surround them, that has been justified and safeguarded under the pretext of being part of the culture, tradition or religion. Especially the cultural attitudes regarding the education of girls still pose many hindrances. Girls have been raised to think of marriage as their ultimate purpose, which hinders their educational prospects in many ways. To my great sur-

² In *Black Women and White Women in the Professions*, Sokoloff (1992) defined "the professions" as the elite occupations, such as law, medicine, architecture, ministry, dentistry, judicial positions, science, and university teaching. These areas qualify as being distinct because the professions are awarded a high degree of honor and status in United States society, and the employees in these areas have traditionally received substantial internal and monetary rewards for the services they provide.

prise, I found out during my search that, the educational rights of women in America also had gone through a fighting phase to break free of barriers.

Secondly, as an avid reader of history, I was oftentimes dismayed by the absence of women from historical narratives. I felt women's contributions in history are so underrepresented, have been overlooked in standard history textbooks and research. This lack of representation not only gives a feeling of insignificance in terms of self-perception or self-worth but how they shape the search for identity or a role model when you are growing up. As Sadker says, "*Each time a girl opens a book and finds a womanless history, she learns she is worth less*" (Sadker & Sadker, 1995).

So understandably, while searching for a topic, I was focused on gender-specific themes, with the intention of promulgating women's contributions to history. When Bernice Sandler's name cropped up, I must admit, that didn't ring any bells with me. So I delved little deeper for further information and found out that, her activism made way for one of the most important legislation for American women in terms of GE in education. That struck me right away. Although a landmark legislation, hers is not a household name, which further validated my viewpoint, women's contributions hardly get the spotlight. So I decided to research further.

Furthermore, I genuinely believe that this thesis is a beginning for me to dig deeper into the topic of women in history and will give me the opportunity to make more in-depth explorations to bring the accomplishments of women to the forefront.

1.3 Research Question

Broadly, this study attempted to explore the inequalities women faced in institutions of higher learning, and how Sandler's activism broke those barriers and opened the doors to women. Following questions guided this study:

1. How significant was Sandler's role in eliminating barriers for women and helped in gaining GE in higher education

This research question can be answered by investigating the three sub-questions.

1. Why did gender discrimination seem to thrive unopposed in educational institutions until the 1970s?

2. What motivated Sandler to stand against discrimination and what was her strategy to fight those inequalities?
3. How did she succeed in prohibiting gender discrimination from educational institutions and how important was her role?

1.4 Organization of the Study

This thesis is organized into five chapters. Chapter I describes the study's overall context and rationale; presents the background information, personal interest, research questions, study purpose, theoretical framework, methodology.

Chapter II begins with a brief historical perspective on the progression of women's higher education. I examine the history of women's exclusion and the arguments put forward against women's inclusion in the early years. Then I describe the expansion of women's HE up to the middle of the twentieth century. Statistical analysis on student enrollments in HE by the subject of study will indicate the gender gap in certain areas of study, which will prove that these were indeed as a result of systematic gender discrimination. Three specific areas will be looked into: medicine, law, and business. Using different theories, a qualitative research is done to explore the factors that perpetuated inequalities. Therefore, the role of socio-cultural elements, patriarchy, and the media will be examined in reinforcing such discriminatory norms that impeded women's progress in HE. Finally, the theory of intersectionality will be discussed in brief to illustrate how intersections of multiple identities such as race and gender work together to produce obstacles to black women in HE.

In Chapter III, the focus is narrowed down to Sandler's activism, which begins by describing Sandler's early encounters with sexism at the hands of the academia, up to the eventual passing of Title IX. This addresses the strategies she used for promoting the cause, the legal actions she took, her testimonies before congress, and her efforts in drafting the legislation of Title IX, to illustrate how important was her role in bringing the desired change to the educational landscape.

In Chapter IV, resulting from the qualitative research from previous chapters, I will then lay out how Title IX helped to eliminate sex-based discrimination in education. Its scope of coverage, compliance methods, areas of application will be analyzed in brief to illustrate the importance of this legislation in accounting for closing down the gender gap, as this law cleared the path for women and accelerated the process towards GE. The final section will

argue on the pivotal role of Sandler in achieving this goal. Then in Chapter V, the conclusion shall summarize the results.

1.5 Study Purpose

The primary objective of this thesis is to thoroughly investigate the role of Bernice Sandler in eliminating gender-based barriers to higher education, and the strategies she employed to achieve that goal. It also aimed at raising awareness about social inequalities and capturing the reader's attention, and provide an important source of inspiration and positive reinforcement in committing to social change activism.

Moreover, an in-depth exploration of the reasons and motivation for beginning her activism would help in gaining an insight into gendered inequalities, which would help us to comprehend as to how and why some individuals become increasingly committed to creating positive social change. In addition, this also presents us with how those gendered experiences influence the life-course trajectory of such individuals. Besides, understanding what facilitates and emboldens certain people to dedicate their lives to activism might be gainful in getting an insight into how societies change and progress.

I hope this study will offer its readers the opportunities to extend their understanding of the content and to engage critically with issues of GE. But more importantly, I hope this will also help in gaining a broader understanding of the lives of individuals who are committed to creating social change, and bring out understanding or enhanced awareness of the hidden or concomitant attributes and circumstances that both questions and support such tasks. As the learning from history enables us in acquiring a deeper understanding of the issues of gendered inequalities, the knowledge should educate us in avoiding a repeat of past mistakes, which should lead to developing a change in mindset, practices, and policies that aims to foster a more equitable higher learning and eliminate gender discriminations.

1.6 Theoretical Framework

A theory is fundamental to understanding the realities that guide the research process and the interpretation of data. It provides a conceptual model for research. Since, the wider context of this study is primarily concerned with the study of Bernice Sandler's activism, gender inequality, rights to education, and the interactions among all these factors, I have integrated several theories to guide this research process, which will provide perspective for engaging in thoughtful analysis and critique.

1.6.1 Theory of socio-cultural constructivism of gender

This thesis views the women's inequalities through the lens of gender and how this factor interacts with social and cultural power structures. But to understand gender inequality we have to first understand what is gender and what is gender inequality means. Any study of gender inequality cannot ignore the feminist theories on gender, because they present us with a theoretical background for the issues of discrimination and inequalities and provide explanations and measures in order to erase these inequalities. So for that purpose, I will use the Feminist Theory of Socio-Cultural Construction of Gender to explore the background of these issues. According to this theory, inequality is the core of gender itself. To them, gender is a socially constructed phenomenon that gives distinctive attributes and traits to men and women. These differences are used to justify a gendered division of social roles and norms and inequality in access to opportunities, positions of power, and privilege. "*Gender is not something we are born with and not something we have, but something we do*" (West and Zimmerman 1987) – "*something we perform*" (Butler 1988). American cultural anthropologist Gayle Rubin describes gender as the "*socially imposed division of the sexes*" (1975, p.179). According to her, biological differences are permanent, it cannot be changed. On the other hand, the differences in gender are the result of the repressive social intrusion that mandates how women and men should behave: "*women are oppressed as women*" and "*by having to be women*" (p.204).

1.6.2 Theory of Cultural Reproduction

According to Bourdieu's Theory of Cultural Reproduction, the educational system is an institution of social and cultural reproduction. Because these institutions are shaped by the social and cultural forces that perpetuate gender-based discrimination.

1.6.3 Theory of Gender and Power

The Australian sociologist Robert Connell (1987) developed the Theory of Gender and Power, a social structural theory based on existing theories of sexual inequality and gender and power imbalance. He identifies three major social structures that characterize the gendered relationships between men and women: the sexual division of labor, the sexual division of power, and the structure of cathexis, and how these contribute to inequalities and power imbalance for women.

1.6.4 Intersectionality Theory

Intersectionality is a feminist theory rooted in the gender-race-class linkage originated with African American feminists in the 1960s (Lindsay, 2005) but the term intersectionality was coined in 1989 by an American professor Kimberle Crenshaw. The textbook definition states: "*...the view that women experience oppression in varying configurations and in varying degrees of intensity. Cultural patterns of oppression are not only interrelated, but are bound together and influenced by the intersectional systems of society. Examples of this include race, gender, class, ability, and ethnicity.*"³ Intersectionality theorists seek to explain oppression and inequalities that result from intersecting factors of gender, social class, race, ethnicity, and age. They offer the crucial insight that the experience of oppression is not the same for all women, for example, those forces that oppress women can also oppress people of color and other marginalized groups. Its primary view is that social categories such as gender, race, class, and sexuality, these categories cannot be understood in isolation. For instance, addressing one category, such as gender, draws us to how it is affected by race, social class, and sexuality (Phoenix, 2006). Based on this theory, the thesis examines how these intersecting variables interact within the patriarchal social and cultural structures and how this interaction intertwined with power, leads to the inequalities for women of color in education.

1.6.5 Conception of activism for social change

When analyzing the driving force behind major social change, it is the dedicated action and commitment of specific individuals that lies at the core of the movement. Since this study concentrated around an individual activist, I will explain the importance of activism on an individual level, and how these individual actions can bring massive social change.

1.7 Methodology

The research methodology is a method in which research problems are solved systematically. It is defined by Leedy & Ormrod (2001) as "*the general approach the researcher takes in carrying out the research project*" (p.14). Since the aim of this research is to focus on the activism of Sandler, this thesis uses the mixed methods research (MMR) approach to answer

³ Crenshaw, Kimberlé (1989). "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics", University of Chicago Legal Forum, special issue: Feminism in the Law: Theory, Practice and Criticism, University of Chicago Law School, Chicago.

the research questions. Tashakkori and Creswell (2007) define MMR as, "*research in which the investigator collects and analyses data, integrates the findings and draws inferences using both qualitative and quantitative approaches or methods in a single study or program of inquiry*"(p.4). Quantitative data will give you the measurements to prove what is happening and help you understand the magnitude of the effects of gender bias and discrimination, while qualitative data gives you the details and the depth to understand "why" and "how" something is happening. The qualitative data will be used to understand the causes of gendered barriers encountered by women in HE, and seek to explore the dominant factors, such as socially and culturally imbued norms, roles, and values which defined and hindered their educational progress. The motivation I felt choosing the MMR approach is, because the research pertinent to this study traverses through different disciplines, such as history, sociology, gender studies, higher education, and the legislative process, I believe that the mixing method is more suitable and productive here.

This thesis adopted both primary and secondary data analysis as a method of research using both qualitative and quantitative research sources. This allowed for the collection of particular literature for an in-depth understanding of the factors that affected women's struggle in achieving higher education.

My main study strategy would be to analyze Sandler's early experiences of discrimination to get an idea of what motivated her to fight. Afterward, a comparison of the degrees gaining trend by gender before the passing of Title IX will be done—the focus is narrowed down to medicine, law, and business because that is where the discrimination was at the highest—which would provide me with a measure of gender inequality in education and examine the contributing factors resulting in this gender gap. A thorough investigation will be done to find out the root causes of these discriminative attitudes. Finally, the activism of Sandler will be elaborated, examining the measures she took which finally led to the passage of Title IX.

Gathering of primary data includes an extensive collection of literature on history of education in America, an extensive search for relevant sources of law, including federal legislation, regulations, case law; online resources of government agencies responsible for Title IX enforcement, especially the U.S. Department of Education, Office for Civil Rights, which provides a goldmine of information related to Title IX; U.S. Department of Justice, Civil Rights Division, which makes available many different documents pertaining to Title IX; online resources of Research and Advocacy Organizations such as Feminist Majority Foundation; U. S. National Center for Education Statistics, for data and statistics; YouTube videos of the

interviews of Bernice Sandler. The data collected is then closely reviewed, analyzed, and synthesized to form an accurate historical review and a composite perspective on the importance of Sandler's activism in bringing GE in education.

The study also uses published research articles, review articles, online journals, general books devoted to Bernice Sandler and Title IX, and a vast array of entries related to Title IX in legal and general encyclopedias and on the open web, which would be helpful in adding details to my searches. It tries to place this search in the wide spectrum of data available for the different topics.

Chapter 2: Gender inequality in Higher Education

Since my thesis's main focus is on Bernice Sandler's activism, I'll go through this chapter in a more concise manner, explaining about the background of women's higher education in history—its progression through the years, the struggles they faced along the way, and the rationale for gender discrimination—just to give sufficient background information to allow the reader to understand the context and significance of the question this study addresses.

2.1 Women's higher education: A brief historical perspective

"Sex prejudice is so ingrained in our society that many who practice it are simply unaware that they are hurting. It is the last socially acceptable prejudice."

- (Bernice Sandler)⁴

History of women's entry into colleges and universities was anything but smooth, a hard-won achievement that has gone through various stages and stretching over two centuries to accomplish. It has been ever-evolving, overcoming constant opposition rooted in the deeply ingrained centuries-old beliefs and attitudes about women's responsibilities, capabilities, and proper gender roles. Starting from the early colonial settlement years to the early part of the twentieth century, it has gone through various forms, different expectations, and types of institutions. From female seminaries to co-education to women's colleges and finally expanding through all colleges and universities.

Various arguments were used in opposing women's education at different stages in history. During the colonial period, women attending colleges were considered to be an absurd idea, because it hardly served any useful purpose for them, since the main purpose of the colonial-era colleges were to prepare men to enter ministry, politics, or academic life. Since these purposes did not apply to women in those days, education beyond a basic training seemed unnecessary (Ropers-Huilman, 2003, p.16). As Solomon (1985) explains, 1600's Colonial Americans would have readily dismissed the notion of women attaining, or even wanting, a college education (p.1). Their education was largely limited to acquiring specific knowledge in domestic skills (p.2). Because in those days, it was commonly accepted that women needed

⁴ Bernice Sandler, testimony (June 19, 1970), "Discrimination Against Women", hearings before the special subcommittee on education of the Committee on Education and Labor, House of Representatives, 91st Congress, 2d session, part 1, p. 302.

only to be prepared to be effective wives and mothers; consequently, their education was most often confined to emulating their mothers and obeying their fathers within the home (Tozer et al., 2002). On the whole, educating their daughters was missed. Because, as Solomon (1995) says, "[...] *fear lingered that education might unfit a girl for her subservient role as a wife*" (p.6). Historian Linda K. Kerber (1980) argues, motherhood was considered pretty much like another branch of government (p.200).

As aforementioned, although from the earlier colonial period, there has been a push to promote higher education in America, its original purpose was exclusively to prepare men to serve in the clergy (Rudolph, 1962, pp.23-25). Throughout the 1700s, as universities rapidly expanded westward, the intellectual community learned to allow religion and different thought patterns to coexist (Cohen, 1998, p.74). During the last decades of the eighteenth century, they began to introduce new courses of study and became less sectarian (Gwynne-Thomas, 1981, pp.147-149). But women were markedly absent from these early colleges, as the argument was that the women did not possess the desired intelligence to cope with the burdens of the classical curriculum (Ropers-Huilman, p.16).

There have been many efforts in the earlier years of the nation's history in creating awareness about the importance of educating the women and what HE would actually be for. One early influence came from England with the radical views of Mary Wollstonecraft. She argued that "*women must be educated as rational creatures if they were to develop fully as human beings*" (as cited in Solomon 1985, p.10). In her book "*A Vindication of the Rights of Woman*" (1792), Wollstonecraft argued that, "*women are not naturally inferior to men, but appear to be only because they lack education.*" Abigail Adams advocated for a new program that was intended to supply women with somewhat a little bit of the new liberal education (Solomon, p.1). Judith Sargent Murray,⁵ declared education as the means towards female empowerment (Solomon, p.9). Emma Willard,⁶ argued for the importance of giving women a college-level education for the sake of being 'well-educated mothers'⁷ in the new Republic.⁸ When Eliza-

⁵ Judith Sargent Murray (1751-1820) was an early American advocate for women's rights. Her most famous work was the short essay "On the Equality of the Sexes," written in 1779 published in 1790, discusses equal education for women.

⁶ Emma Willard (1787 - 1870), was a pioneer for women's rights in higher education. She founded the first school for women's higher education, the Troy Female Seminary (which was renamed to Emma Willard School in 1895 in her honor) in Troy, New York in 1821.

⁷ Motherhood was valued as the most fulfilling and essential of all women's duties, a view extending the eighteenth-century ideal of Republican Motherhood, which charged women with the task of "shaping the values of

both Cady Stanton rightly said in the Declaration of Sentiments at the Seneca Falls Convention⁹ in 1848: "*He has denied her the facilities for obtaining a thorough education, all colleges being closed against her.*"¹⁰ The feeling of indignation was obvious among many of the women concerning the issue of women's exclusion from higher education at the time.

Though such efforts helped to create awareness, but the changes were slow, as most of these efforts have been hampered by the various socio-cultural obstacles existing at the time, such as the prejudiced beliefs in women's intellectual abilities, as Solomon says, "*it was assumed that women had smaller brains and weaker minds than men* (p.2). There were worries that education in non-domestic subjects would not adequately prepare women for their "natural" role as wives and mothers. For the Harvard-trained physician Edward Hammond Clarke, the idea of higher education for girls was not just alarming, it was even hazardous (King, 1985, p.63). In his book, "*Sex in Education; or, A Fair Chance for the Girls*" (1873),¹¹ he even went to the extent of saying, if girls during the ages of 13 to 17 spent too much time learning, the attempts they give into expanding their brains would block the required growth of their ovaries and uterus (p. 38-41). He claimed that higher education would result in women with "*monstrous brains and puny bodies ... [and] abnormally weak digestion*" (p.41). According to May (2008), in spite of the fact that such assumptions lacked any evidence or scientific backings, these contentions, however, carried incredible relevance, surrounding the question of women's reasonableness for HE. During the nineteenth century, in the heyday of anatomy, when "biological determinism"¹² was used to question women's intelligence in following education and career, science is again misconstrued to justify the exclusion of women (p.4).

Coeducation in America started with the founding of Oberlin College in Ohio in 1833. First female students enrolled in 1837, approximately 200 years after Harvard (1636) had enrolled

their sons, who were likely to have a direct impact on the nation's success". Woloch, Nancy. (1994) *Women and the American Experience*. 2nd ed. New York: McGraw, p.70

⁸ In 1819 Emma Willard wrote a pamphlet, "Plan for the Improvement of Female Education", in which she carefully detailed her ideas and arguments for female education, and presented it to the New York State legislature. She wrote, "It is the duty of a government to do all in its power to promote the present and future prosperity of the nation, over which it is placed. This prosperity will depend on the character of its citizens. The character of these will be formed by their mothers, [...]." Willard, Emma (1819). *An Address to the Public Particularly to the Members of the Legislature of New York Proposing a Plan for Improving Female Education*. Middlebury: J.W. Copeland, p.16.

⁹ The first convention ever called to discuss the civil and political rights of women, Seneca Falls, N.Y., July 19, 20, 1848. Retrieved on 28.02.2019 from the Library of Congress Website: <https://www.loc.gov/item/27007548/>

¹⁰ See: <https://usa.usembassy.de/etexts/democrac/17.htm>, (12.07.2018).

¹¹ Dr. Clarke's "Sex in Education," the best known of the attacks on women's physical and intellectual ability to sustain the rigors of higher education, this volume has been considered as the Bible of the foes of coeducation.

¹² See: https://tannerlectures.utah.edu/_documents/a-to-z/l/lewontin83.pdf, (20.09.2018).

its first class of males in an institution, although the purpose was to train women to be worthy wives to the male students and to complete domestic tasks, including sewing, for male students (Conway, 1974). In 1841, Oberlin granted its first bachelor's degrees to women, marking the first time that women received college degrees on equal terms with men (Alemán; Renn, 2002, p.21).

More or less until the 1850s, these deep-rooted patriarchal¹³ structures and gender roles expectations, either kept women away from accessing higher education or given women only limited access. Female seminaries¹⁴ served as the only alternative for women who wished to earn a higher degree. "*The seminaries in general [...] devoted themselves to providing religious training, home making skills and a degree of intellectual development for women*" (Matthews, 1976, p.49). In her book "*Making the Invisible Woman Visible*" (1984), Anne Scott emphasizes the role of seminaries in the development and spread of nineteenth-century feminism. She calls it "*the incubator of a new style of female personality*" (p.64). Because, as the well-educated women from these seminaries began teaching in different schools across the country, they were able to spread not only the values of education but also new ideas about women's roles (Ibid).

By the second half of the nineteenth century, women's rights and women's access to HE had become significant social questions. According to King (1981), by the end of the Civil War, the reform and progressive tendencies which lay inactive during the war reemerged with full vigor, which quickened the progress towards HE for women (p.61). As Boston University President William F. Warren asserted, it was time for the idea of higher education for men only to be "*retired to the museum of pedagogical paleontology*" (as quoted in Marthers, 2011, p.19). As the desire to partake in HE became increasingly vocal, toward the end of the nineteenth century, some state universities allowed women to enroll in their degree programs. Nevertheless, private institutions refused to follow this arrangement (Madigan, 2009).

¹³ Walby defines "patriarchy as a system of social structures and practices in which men dominate, oppress and exploit women" (Walby 1990:20).

¹⁴ Female seminaries was a form of private educational institutions for women founded by early reformers such as Emma Willard, Catharine Beecher, Mary Leon to redress the inequalities that girls and young women confronted. The movement was a significant part of a remarkable transformation in American education in the period 1820–1850; Sweet, Leonard I. (1985). "The Female Seminary Movement and Woman's Mission in Antebellum America". *Church History*. Cambridge University Press on behalf of the American Society of Church History. 54 (1): 41–55. JSTOR 3165749.

However, by the turn of the twentieth century, women were enrolling in higher education in large numbers, as they broke through the socio-cultural and gender role barriers, which denied them education for long. As a result of the economic and social changes by the early part of the 20th century, higher education became a primary gateway for the middle-class Americans, which made women and minorities to make advances against the persistent exclusion from mainstream education (Eckel & King, 2004). They were also entering graduate and professional schools and challenging the strict gender segregation of the labour market (Alemán; Renn, p.11). By the 1920s, the number of female students enrolled as undergraduate students in universities has reached 47 percent of the total enrollment (Schwartz, 2010, p.148). The 1930s through 1950s saw the percentage of women in higher education drop to a low of 30 percent (Alemán; Renn, p.11). It was not until the 1970s and 1980s, that the overall upward trends had begun again (p.13).

2.2 Barriers that stood in the way of higher learning

Nevertheless, this tremendous progress on enrollment, neither translate into greater ease of access to professional education nor blot out all discriminatory practices. Gender-based discrimination continued to be pervasive in different aspects of the education, as a result of the ever-persistent invisible shackles of gender stereotyping and biased cultural norms. For example, women's access to educational choices were often limited to subjects that would mainly lead them to traditionally female occupations or so-called "semiprofessions."¹⁵ According to Toossi (2002), in the 1950s and 1960s, gender bias continued to operate in traditionally male-dominated fields such as medicine, law, and business, and women made up less than one-third of all U.S. employees.

Deondra Rose (2018), in her book titled, "*Citizens By Degree: Higher Education Policy and the Changing Gender Dynamics of American Citizenship*," gives us an example of the discriminatory practices directed at women, through the case of Marvella Belle Hern, a high school student in the early 1950s. During her school years, she earned a name being an excellent academic and a force in extracurricular activities, a straight-A student, has been a Girls Nation program president, and also been a governor of the Oklahoma Girls State program. In 1951, as she decided to go to college, she decided to apply to her dream university, the Uni-

¹⁵ Sokoloff characterizes "semiprofessions" as "handmaidens" to the professions, which include occupations such as nursing, teaching (elementary, kindergarten, and nursery school), librarianship, and social work (p.8).

versity of Virginia (UVA). Despite her solid institutional credentials, she was denied admission, and the application returned with a simple note, "*Women need not apply*" (p.99). There was nothing anomalous in that rejection, because, that was a time, it was not uncommon to be denied college admission solely on the basis of being a woman (Ibid). Whereas, some colleges used gender quotas, others simply refused women. For example, Harvard, Princeton, and the University of North Carolina used strict gender quotas, while Dartmouth excluded women entirely (p.100).

When introducing the measure that would later become Title IX, Indiana Senator Birch Bayh said: "*One of the great failings of the American educational system is the continuation of corrosive and unjustified discrimination against women. It is clear to me that sex discrimination reaches into all facets of education- admissions, scholarship programs, faculty hiring and promotion, professional staffing, and pay scales. [...]. Discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community*" (118 Cong. Rec. 5803).

Systematic gender-based discrimination permeated many aspects of education. "*Although women have been allowed to attend institutions of higher learning for more than a century, many institutions have still not gotten used to the idea*" (Sandler, 1972). Restrictions, exclusions, or unfair treatment were commonplace, these practices ran through the college-admissions process, financial aid, other school-administered programs, or faculty hiring. Most of the programs that were available for women were those which prepared them for low-wage jobs, such as clerical, secretarial. Sex segregation was persistent in vocational education programs and career interest tests (Klein, Richardson, Grayson, Fox, Kramarae, Pollard & Dwyer, p.64). In spite of strong academic records, girls were still forced to take domestic science or home economics (Tyack & Hansot, 1990). As Sadker(1995) says, though women's role in society expanded in the 1960s, but their occupational choices were still limited to four categories: teaching, secretarial, nursing, or motherhood. Guidance counselors would consistently handout materials that were gender stereotype based, further disadvantaging female students from pursuing certain career courses, even though they were very much interested in that particular field of study (Klein et al., p.64).

Regarding discrimination in admissions, until the 1970s, many elite colleges and professional schools—especially business, medical, and law schools—set quotas to limit female enrollment or prohibited them from attending altogether. Those who accepted applications from women often required higher grades and test scores than men (Discrimination Against

Women, 1970, p.587; Klein et al., p.64). According to Sandler (2007), it was openly known that female students typically needed higher grades and test scores in order to be accepted by institutions (p.473). For example, once the Dean at Harvard Law School explained to the first-year students of the class of 1967 that, the female enrollment at Harvard Law School has already reached the limit of 5% for each class and that they probably would not go above that level since that was Yale Law School's percentage; [...] because the policy was *never to give any man's place to a woman* [...]" (Discrimination Against Women, 1970, p.587). Cornell's State School of Agriculture admitted women only if they had a SAT score 30-40 points higher than that of men (Discrimination Against Women, 1970, p.1077).

Some institutions maintained policies that prohibited married women from attending classes. The case of Luci Baines Johnson, the daughter of President Lyndon Johnson, is a famous example. After she got married in 1966, while being a student at the Georgetown University's School of Nursing, the College refused readmission, on the reasoning that the school did not permit married women to be students (Schenken, 1999, p.221).

Disparities in financial aid was another way of limiting women's access to education. For example, many colleges and universities simply kept women from receiving any financial aid either by excluding them from receiving any scholarship or giving preference to men. In addition, Colleges could deny financial aid to women who were married, pregnant, or parenting (Klein et al., p. 64).

Discrimination was not just limited to female students, but it's grip also extended to female faculties as well, in their hiring, tenure, or promotion. For example, women faculties were not only denied of tenure more often than male faculties but they were also compelled to take pregnancy and maternity leaves, and even forbidden from accessing faculty club as well.¹⁶ Applications from women for faculty positions were openly rejected by the departments stating that they had a policy against hiring women, reasoning that they did not hire "*housewives*," or in other cases, simply because some male faculty did not like the idea of working along with women. Furthermore, many state schools hired women only on a part-time basis, simply with the main aim of keeping the salaries and benefits low, and nothing more. If

¹⁶ See: "Equal Access to Education: Forty Years of Title IX," U.S. Department of Justice, at 2, <https://www.justice.gov/sites/default/files/crt/legacy/2012/06/20/titleixreport.pdf> (13.04.2019).

women protested against such policies, they had to face the consequences of being blacklisted (Pomerleau, p.17-18).

But why did gender discrimination continued to be pervasive in the academic environment, during the 1950s and 1960s, in spite of the educational progress made by women? What were the primary determinants of this phenomenon? How did women's freedom to choose their own educational and career path, was constricted by their gender?

2.3 Determinants of gender inequalities in HE

When we hear the word gender inequality or gender discrimination, the first two things that come to our mind are sex and gender. According to West and Zimmerman (1987), sex is what was ascribed by biology: hormones, anatomy, and physiology. Gender refers to an achieved status: that is norms and attributes constructed through psychological, cultural and social means (p. 125). Gender is socially constructed and it is influenced by the surrounding sociocultural factors all through a person's development (Schneider, Gruman & Coutts, 2005).

Cambridge online dictionary defines gender as, "[t]he physical and/or social condition of being male or female."¹⁷ The World Health Organization (WHO) defines gender as: "*the socially constructed characteristics of women and men, such as norms, roles, and relationships of and between groups of women and men. It varies from society to society and can be changed.*"¹⁸

The concept of gender in feminist writings and other sociological discourses became popular in the early 1970s. The term gender was first introduced as a terminological distinction between 'biological sex' and 'as a role' by sexologist John Money in 1955.¹⁹ Until the 1960s, 'gender' was used solely in linguistics to refer to grammatical categories of masculine, feminine, and neuter.²⁰ During the 1970s, feminist scholars appropriated the term 'gender,' in order to distinguish between biological differences from social ones.²¹ As Ropers-Huilman (2003) says, "*Although we are each born with a biological sex that is more or less determined, the*

¹⁷ "GENDER | Meaning in the Cambridge English Dictionary." Cambridge Dictionary, dictionary.cambridge.org/dictionary/english/gender, (15.04.2019).

¹⁸ See: <https://www.who.int/gender-equity-rights/knowledge/glossary/en/>, (15.04.2019).

¹⁹ Richard Udry. Demography. November 1994, Volume 31, Issue 4, pp.561–573; See: <http://people.virginia.edu/~ser6f/udry.pdf>, (17.04.2019).

²⁰ The American Heritage Guide to Contemporary Usage And Style. Houghton Mifflin Company (2005). p.202.

²¹ See: <https://plato.stanford.edu/entries/feminism-gender/#GenTer>, (17.04.2019).

ways in which our sex is expressed through social practices is known as gender" (p.2). More than a trait of individuals, gender is an institutionalized system of social practices for constituting males and females as different in socially significant ways and organizing inequality in terms of those differences (Ridgeway & Smith-Lovin, 1999).

Gender inequalities in educational institutions happen as a result of the inequalities that exist in the larger society. According to Bourdieu and Passeron's (1990) Theory of Cultural Reproduction, the educational system is an institution of social and cultural reproduction. Because these institutions are shaped by the social and 'cultural forces'²² that perpetuate gender-based discrimination. The existing patterns of gender inequalities in the society, are reproduced, within schools through formal and informal processes. According to Ridgeway and Correll (2004), the component of gender stereotypes is made up of cultural beliefs about gender, which contains specific expectations for competence. GE problems are created by these particular components due to their specific expectations of competence. The conventionalized gender norms and roles expectations strengthen gendered identities that in turn severely restrict the behavior of both men and women effectively leading to inequalities (Ridgeway, 2011).

Since the root cause of gender inequality arise from the way the society assigns roles to women, an analysis of the Theory of Social Construction of Gender is indispensable, to further investigate how these constructed roles, values, and attitudes influence about perceptions of male and female and leads to discriminative practices. I will look through the lens of this theory to examine the American society in the 1950s and 1960s, and identify and elaborate a number of potential components that accounted for the discriminative practices across the academic environment.

2.3.1 Social Construction of Gender

The Social Construction of Gender (SCG) is a theory in feminism and sociology which tries to explain how different traits—social, cultural, and psychological—of gender are created through certain social contexts (Lindsey, 2015, p.4) These traits are what is generally considered appropriate behavior for a person belonging to that specific gender and anyone behaving

²² Cultural forces example: religion, values, and attitudes. Social forces include reference groups, family, role, and status in the society, funding sources, government agencies, legal system, and others constitutes as important external societal forces for colleges and universities, as they sometimes control, the expenditure of funds, loans, the nature and scope of research, and other university activities.

differently was regarded as deviant. Gender traits mean, how we are expected to walk, dress, speak, behave, have different mannerisms, have different responsibilities within the household and in society, and conduct ourselves based upon our assigned sex.

Feminist scholars are of the view that gender roles are social constructs developed over time and are not based on natural human behavior, which are learned through socialization, for instance, through families and friends; in school and communities; from the media; and government and religious organizations. Simone de Beauvoir (2011 [1949]) commented on the SCG with the famous phrase "*One is not born, but rather becomes, a woman*" (p.283). Her observation is that anatomy or chromosomes do not cause the behavioral traits associated with man or woman, rather, these traits are culturally learned or acquired. Societies inhibit gender patterns and project them through socialization. From the very young age, we are brought up to conduct and comply with society's expectation of how a male and female should act. American philosopher Judith Butler (1988) claims, that the notion of gender is merely a social construction than imposed by biology: "*the body is always an embodying of possibilities both conditioned and circumscribed by historical convention*" (p.521). She distinguishes sex as a biological fact, while gender as the "*cultural interpretation or signification*" (p.522) of that fact. She argues that the notion of gender is generated through the different actions of gender. If we discard these actions, gender would not even exist. Therefore, she says, gender is a construction that too often "*conceals its genesis*" (p.522). Gender construct varies across cultures. For instance, some sports are typically associated with a specific gender. In Europe, Football (called Soccer in the U.S) is considered a typical sport for boys, whereas, in the U.S it is considered a girl's sport.

Here, I would like to give an example of gender construction from another cultural context. 'Bacha posh' or the female sons of Afghanistan, is a perfect paradigm of how gender construction works and how these socially constructed values and norms give privilege to one sex and used to discriminate the other and deny even basic freedoms. According to an article written by Strohlic (2008), for the National Geographic Website, it is a practice in Afghanistan where families who only have daughters, effectively re-assign the gender of one of their daughters, by deciding one day, to dress up one of their daughters as a boy, and then everyone starts treating her as a boy, even though they all know the child is only dressed up as a boy. This they do in order to avoid the social stigma of not having a son and also because as girls they can't attend schools, leave the home without a male escort, and so are unproductive in the family. So being dressed up as a boy, she can be sent to boy's schools, she can escort her

sisters outside the home, are "allowed" to roam outside alone, for example, to look for a job, go for shopping, play any sport or play any other role as that of a boy in society. Once she reaches adolescence, she must be switched back to her original identity as a girl. She must now unlearn her gender-defined boy identity—her speech, her walk, her mobility outside the home, mannerisms, and attitudes— and have to learn or rearrange her original gender-defined identity, as of a girl—being modest, obedient, and whatever norms and beliefs expected from the specific social environment. This I find somewhat interesting but also kind of weird at the same time. The weird part is that nothing changes physically. She stays a girl physically throughout the process. What changes are the design of her clothing and the hair, which is cut short, to make her visibly look like a boy. Then she is taught to behave in certain ways, that would deconstruct her girl identity—whatever that means in that particular society. What is fascinating about this whole thing is that it demonstrates, even in such rigid cultures where traditional gender roles are still deeply entrenched, there's still recognition that those roles are social constructions. Females are capable of "male" work, but it is inappropriate for them to be seen doing it.

This example demonstrates how gender identities are constructed in different cultures and across geographical regions, that prescribes different roles to men and women which, in turn, reinforces the inequalities between them. These prescribed differences are the basis on which division of labor, the distribution of power, responsibilities and rights between men and women are distributed, resulting in discrimination. Therefore, the source of gender inequality lies in the social construction of gender.

An analysis of the social perceptions of gender in the 1950s and 1960s will unveil the causes of the inequalities women faced in higher education in the American context.

2.3.2 Perceptions of Gender and Patriarchy

Women's inequalities in academia cannot be explained without talking about the concept of patriarchy, since, it is the main obstacle to women's advancement in society because the very foundation of patriarchy is fueled on the subjugation and subordination of women.

The term 'patriarchy' literally means 'the rule of the father' or the 'patriarch', but today it is commonly used in referring to the male domination, to the power relations between men and women in which men exercise control over women, and also to describe a system by which women are kept in a subordinate role to men in many ways (Bhasin, 2006, p.3). Feminist

sociologists use this concept to explain the stratification of power and privilege by gender, and the different ways in which it creates obstacles for women in their educational attainment, work or in society as a whole. They argue that gender is constructed as a product of power relations between males and females and it is "*not simply the enactment of roles and formation of masculine or feminine attitudes*" (Daly & Chesney-Lind, 1988, p.511). This feminist perspective focuses on patriarchy as the root of gender inequalities.

A quick look back into history reveals that, despite great progress in society, patriarchy was still a prominent proponent in the American psyche during the 1950s and 1960s. Dominant male America still expected women to be exclusively homemakers, wives, and mothers (Singh, 2003, p.25). That explains why even though the labor force participation rate of women aged 16 and older was at 33.9 percent in 1950 and 43.3 percent in 1970²³ a lot of women still decided to stay home during those decades.

Simone de Beauvoir (2011) in her book "*The Second Sex*" explains that the existing societal concepts of gender gave the man superior status because of his role as the breadwinner. It gave him a position of power in society and family. Since these differences in gender are constructed in a hierarchal opposition such that men are superior and women are subordinate, women's position is that of the "other" and women are the continual outsiders. According to Belknap (2007), patriarchy is a social construct in which men and masculine qualities are valued more highly than women and feminine qualities. Such beliefs in societies would naturally create gender inequalities, oppressing women.

In "*Theorizing Patriarchy*" Sylvia Walby (1990) argues, "*the concept of 'patriarchy' is indispensable for an analysis of gender inequality*" (p.1). She calls it "*a system of social structures and practices in which men dominate, oppress and exploit women*" (p.20). According to her, there are two distinct forms of patriarchy, private and public (p.24), which is evident in a number of societal structures. Private patriarchy is the kind of domination of girls and women by limiting them to unpaid household labor and keeping them from the public sphere. Public patriarchy, however, is a more "*collective appropriation*" (p.24). She argues that institutions which are traditionally considered as part of the public domain are fundamental to the preservation of patriarchy (p.178). In this form of patriarchy, women have access to both private and public spheres, they are not forbidden from participating in public life in terms of educa-

²³ See: <https://www.bls.gov/opub/ted/2007/jan/wk2/art03.htm> (23.04.2019).

tion, employment and politics, however, they will be assigned in lower positions within those organizations (Ibid). That is why women have difficulties in attaining positions of power and are often regulated to lower positions, prevent women from rising any step of the academic ladder.

Connell's (1987) Theory of Gender and Power offers a means of understanding the process of gender and power imbalances. He identifies three major structures that exist at the societal and institutional level that characterize the gendered relationships between men and women: the sexual division of labor, the sexual division of power, and the structure of cathexis (p.98). The sexual division of labor at the societal level indicates the different allocation of certain occupations to men and women, i.e. the division of labor, the organization of housework and childcare, the creation of "men's" and "women's jobs", discrimination in training and promotion (p.96). At the institutional level, it is maintained by social mechanisms such as the segregation of work, for example, women's occupations that are close to domestic tasks—such as care sector: cleaning, healthcare, as teachers— or practices that favor men's educational attainment and the segregation of "income-generating work"—such as doctors, lawyers— allowing men the control of the family income (Gibney; DiClemente; Vermund, 2002, p.193). Such mechanisms constraints women because this puts a limit on women's economic advancement and restricts their career choice. In the sexual division of power, which refers to the imbalances in authority and control pertaining to relations and roles in institutions in favor of men. That means greater power is invested in men at the societal and institutional level, for example, control by men of elite positions in the state, corporations, trade unions, churches, professions, and other spheres. It is a power structure meant to give men social power over women. From an academic perspective, it is these inequalities and disparities that creates an adverse effect on women's participation in higher education.

When we look into the proportion of women in the following subject fields: 1.1% in dentistry, 8,9% in medicine, 6,8% in law, and 2,1% in business in the year 1971-72 (**Table 1.1.1**), the role of gender was evident in the gatekeeping mechanism. According to Liisa Husu (2004), the gatekeeping mechanism has a two-fold nature: first, it can function as control and exclusion—by controlling the allocation of resources—such as funding or appointments to academic posts—or exclude certain groups—such as women; second, inclusion and facilitation—facilitate and provide opportunities. She argues that since women are under-represented in senior-level academic positions, this can lead to their individual and collective opinions from being less likely to be heard in policy- and decision-making processes. That will leave the

strong male dominance intact in the institution's power structure. As Mayock (2016) explains, people with entitlement are not keen on relinquishing some of it. It really takes some determined, honest, and hard-working administrators to make an effort in expanding the number and types of opportunities making available to the lesser-privileged groups (p.110).

So even though women participate in the paid labor force, their participation remains of lower status compared to men, as Walby argues as a form of public patriarchy. Hence, Connell's work on gender and power has direct relevance for understanding the issues regarding gender and inequality.

2.3.3 Gender Roles and The Cold War Domesticity

American society of the 1950s was very conservative as well as materialistic in nature. It was also a period that evokes happy homemakers and idealized suburban homes, and children playing in the garden, was in fact, a confusing period for women. As Susan Ware (1990) has observed, the "*1950s continue to fascinate and, in many ways, to elude historians studying American women*" (p.281). In her book "*Homeward Bound: American Families in the Cold War Era*" (2008), Elaine Tyler May says, the 1950s was in many ways a period of conformity with traditional gender roles. The emphasis on the traditional gender roles of these times were intimately linked to the "Cold War,"²⁴ which were propagated through persuasive advertising campaigns, encouraging women to seek husbands, settle down and have babies. The crux of the American life was family, and the Americans were all too ready to adopt family life in the face of intense fears of the atomic age.

Elaine May has explored how the cult of domesticity developed into the American cultural behavior and identity, that dictated specific and limited roles for women during the 1950s and 1960s. She argues that the Cold War ideology had a major impact on American family life during the 1950s, and the ideological struggle of the Cold War was fought on a cultural battleground (p.19). A specific message contained in the propaganda was that the 'nuclear family' is what made America superior to the communists. She describes how the image of women as mothers and homemakers was used to defend the American way of life. She writes that, along with childbearing, "*domesticity was not so much a retreat from public affairs as an expression*

²⁴ The Cold War was a period of geopolitical tension between the Soviet Union with its satellite states (the Eastern Bloc), and the United States with its allies (the Western Bloc) after World War II, lasted from 1945 to 1980.

of one's citizenship" (p.151). American propaganda showed Soviet women as unfeminine, forced to work in factories, while their children were left off in some state-sponsored daycare centers. In contrast to the "evils" of Communism, the American women, *"they cultivated their looks and physical charms, to become sexually attractive housewives and consumers under the American capitalist system"* (p.22).

She points out to the infamous "Kitchen Debate" between President Richard Nixon and Soviet Premier Nikita Khrushchev, which she calls the *"most noted verbal sparring matches of the century,"* in which Nixon attributes the cause of the American superiority to the suburban home with the potency of the modern American kitchen, and the families adhering to traditional gender roles (p.19). Nixon proclaimed that *"a 'model' home, with a male breadwinner and a full-time female homemaker, adorned with a wide array of consumer goods, represented the essence of the American freedom"* (p.20). May writes that the groundwork for this extensive support for the *"familial consensus"* (p.24) was laid in the depression of the 1930s and in World War II, as the depression-weary Americans were eager to have a stable home life (p.4). May argued, the celebration of women's role at the center of the family negatively connoted, for those women who wanted to work outside the home were considered as a threat to the secure society. Those who didn't fit these gender role ideals were regarded as unfeminine as well as a threat to American security (p.96). Such propagation only served to subjugate women further, stunting her individuality.

In her essay *"Women's Employment and the Domestic Ideal in the Early Cold War Years"* (1994), Susan M. Hartmann argued that the Cold War worked to defend the conventional gender roles and even prevented liberal currents from making any change to the U.S society. She calls, McCarthyism as the most obvious domestic manifestation of the Cold War, because disagreement to non-traditional gender ideologies and any effort to change such practices were kept under check during this time (p. 85).

As a result of this postwar social perspective, the American marriage rate was at an all-time high during this period (May, pp.ix-xi). Couples were getting married at a younger age than ever before, as Harvey (2002) says, *"the median marriage age dropped from 24.3 to 22.6 for men and from 21.5 to 20.4 for women"* (p.69). It was considered a norm to get married early, even right out of school or during college years (Janney, 2010, p.158). A common stereotype of the girls who attended college was that they went to college for the sole purpose of finding a husband, to get a "Mrs." (pronounced M.R.S) degree, because, attending college provided an excellent opportunity of finding and *"marrying a college-educated husband with high*

earnings potential" (Jacobs, 1996). "Women are not seen as serious students but as pleasant decorations on the campus, to lighten a young man's heart and perhaps to find a husband for herself" (Sandler, 1972). As Friedan (1963) says, when the girls were asked the question, what were they hoping to get out of a college study, 70% of the those responded answered "the man for me" (p.165). So immense was the pressure put on to an early marriage that the perspective of a career was of hardly any importance to these young girls approaching their adulthood. Marriage became their purpose in life. "All they [women] had to do was devote their lives [...]to finding a husband and bearing children" (Friedan & Quindlen, 1997, p.16). Nearly about seventy percent of American women married before reaching twenty-four, and those women who remained single at that advanced age of twenty-five was regarded as an "old maid." She was pitied, and people often speculated that something had to be wrong with her that no man has asked her to be his wife yet (Davis, 1999, p.17). Besides, the general acceptance in the society was that, finding a husband was more important for a young woman than a college degree, which further barricaded women's aspirations for quality education and the desired career path.

Even though the percentage of women enrolling in higher education increased during the 1950s, rates of women completing their studies paradoxically decreased. Sixty percent of the women left college "in order to marry or because they feared that a college education would hurt their chances of marrying" (Mintz & Kellog, 1998, p.181). The decrease in the ratio of women seeking higher educational degrees can largely be credited to this prioritization of marriage and family.²⁵

2.3.4 Gender and Media Representations of Women

"The media's the most powerful entity on earth. They have the power to make the innocent guilty and to make the guilty innocent, and that's power. Because they control the minds of the masses."

- (Malcolm X)

Television has developed into a major form of popular entertainment in American households in the 1950s, and Americans loved situation comedies—sitcoms—which did an excellent job of communicating the gender role expectations of the time. Most of these sitcoms were cen-

²⁵ See: "Postwar Gender Roles and Women in American Politics." US House of Representatives: History, Art & Archives, <https://history.house.gov/Exhibitions-and-Publications/WIC/Historical-Essays/Changing-Guard/Identity/>, (28.03.2019).

tered on the American familial relations in the home, with husband as the breadwinner, women as the homemaker, and growing children in a suburban home, which are structured within the definitions of gender and the value of homelife (Haralovich, 1989, p.61) living an orderly lives without major traumas or disturbances. For millions of Americans, the realities may have been different than what these shows reflected, but the dominant ideology promoted continued to be that of a happy housewife (Feasey, 2012, p.36). In her book "*Born for Liberty: A History of Women in America*" (1989), Sara Evans describes this as, "*the dominant domestic ideology, [...] which defined women almost exclusively in terms of wife and mother, functioned smoothly both to shape changes in women's roles and to deny their disruptive power*" (p.246). This put enormous pressure on the women to conform to these traditional gender molds.

The media has a very powerful influence on culture. It can impact the construction of public beliefs and attitudes and its relationship to social change. It can shape our perceptions and views, societal structures and constructs, and reinforces, gender stereotypes by setting agendas influencing public opinion through selective themes and ideas. For example, the portrayal of women in most of these sitcoms was in stereotypical ways that reflected and sustained socially endorsed views of gender. They were often shown as a good housewife, taking care of the kids and all home duties, cooking, keeping the place in order and being supportive for the husband who, when he comes home from work, finds a pleasant place. The plot was dominated by male actors, and actresses like Marilyn Monroe, Grace Kelly or Audrey Hepburn, in colorful dresses and with nice hairdos, as their female counterparts, often with slightly stupid attitudes. For those who were looking for assurance in the gender roles, these shows projected exactly that.

Few of the popular television shows promoting the values of domesticity during the 1950s, for example, were, *I Love Lucy*, *The Adventures of Ozzie and Harriet*, *Leave it to Beaver*, and *Father Knows Best*. They all sent out similar messages. A suburban home, a smooth functioning nuclear family consisting of a stay-at-home mother, bread-winner father, and around two to three children. Father as the working man leaves home in the morning, comes back in the evening, ready for his wife to serve him dinner. The stories were centered around the mother and children, because they were at home most of the time, while the men spent the

majority of their time outside the home, and were not involved with household chores.²⁶ What is conveyed through these shows was the traditional gender roles, father works outside, women as—a stay-at-home mother. As Young & Young (2004) describes, the reality was, many American women opted work and careers above homemaking. But it hardly mattered. The portrayal of women during the 1950s continued to be that of inequality. Their role was still expected to be happy homemaker, making the family happy by serving them, and take delight in the family's pleasure (p.10).

Just like Television, magazines also played their part in propagating such ideals. For example, the three best-selling women's magazines of the time were: Ladies Home Journal, Woman's Home Companion, and McCall's, and the articles appearing in them dealt with domestic themes, guiding women how to carry out their roles. In that way, these magazines further contributed to the construction of ideology of the housewife, by encouraging women to happily conform to their traditional roles as wives and mothers, and by giving advice on child-rearing and keeping the husband happy (McDonald, 2012, p.21).

Watching such television programs embedded with gender stereotypes can influence girls' and boys' stereotype endorsement, to believe in traditional sex roles: Boys should work; girls should not. Similar sex-role stereotypes are found in many of the media programs designed especially for women. Such programs send out a message that women should direct their hearts towards "hearth and home."²⁷ To Tuchman (1978), "*for the nation and for individuals, the message 'women belong in the home' is an anachronism we can ill afford*" (p.38).

2.4 Intersectionality and women of color in academia

But, how was the experience for women of color during this time? In this section, I focus on African American women because, in the 1950s and 1960s, they were arguably the most visible and vocal minority group seeking equality of opportunity.²⁸ In their quest for access and advancement in higher education, African American women experienced discrimination not only based on gender alone, but also on race factor. Black feminist activist Frances M. Beal (1969) coined the term "*double jeopardy*" to explain the impact of both racism and

²⁶ See: <https://the-artifice.com/masculinity-gender-roles-tv-1950s/>, (29.04.2019).

²⁷ A person's home and family life can be referred to as their hearth and home.

²⁸ In 1960, African-Americans made up 10.5% of the population, whites made up 85.5%. See https://www.census.gov/newsroom/cspan/1940census/CSPAN_1940slides.pdf, (25.03.2019).

sexism experienced by African American women, that are detrimental to their professional success. Unfortunately, many aspects of higher education are permeated by intersections of race and gender—from the ways in which men and women are treated in the academy to the ways in which whites and people of color are treated in the academy (Alemán and Renn, 2002, p.92). Because, the sad truth is that, the racist and xenophobic attitudes of the earlier past have brought in somewhat tantamount legacy to the twentieth century higher education, resulting in the black women's struggle against the double burden of racism and sexism (Alemán and Renn, p.11). This racist and sexist oppression is at the root of many forms of patriarchal domination within the academy (p. 90). The intersections of race and gender make the experiences of black women different from that of white women.

Oppressive social systems such as racism and sexism, which are a significant component in the cultural and ideological formation of America, seems to have permeated in the "*discourses and practices of [their] institutions*" (Alemán and Renn, p.90). In order to understand the inequalities resulting from the intersections of race and gender, I will look it through the lens of an intersectional framework to help explain, how people are marginalized as a result of their intersecting identities. The term intersectionality was thus born out of the need to understand how social identities intersect with systems of oppression and discrimination.

Oxford dictionary defines "*Intersectionality*" as "[t]he interconnected nature of social categorizations such as race, class, and gender, regarded as creating overlapping and interdependent systems of discrimination or disadvantage; a theoretical approach based on such a premise."²⁹

Intersectionality is grounded in the Black feminist theory. Kimberlé Crenshaw, a law professor, and social theorist introduced the term "*Intersectionality*" in her 1989 paper "*Demarginalizing The Intersection Of Race And Sex: A Black Feminist Critique Of Antidiscrimination Doctrine, Feminist Theory And Antiracist Politics.*" She find the approach to handling race and gender as completely different "*categories of experience and analysis*" (p.139) as problematic. According to her, black women's experiences of discrimination has multidimensionality which is in contrast to the "single-axis" framework that is dominant in the feminist theories (p.139). "*This single-axis framework*" (p.139), she argues, eliminate the Black women

²⁹ See: "Intersectionality, n." Intersectionality, n. : Oxford English Dictionary, <https://www.oed.com/view/Entry/429843>, (29.04.2019).

from the process of "*conceptualization, identification and remediation*" of race and sex discrimination by reducing the investigation solely to the struggles faced by white women (p.140). To her, the discrimination black women face not only because they are black, but because they are black women.

African-American women only had extremely limited opportunities to institutions of higher education throughout the nineteenth century. Further, slavery and lack of public primary schools kept them from attending colleges. Only a few of them were allowed to attend the new emerging white female seminaries, in the early and mid-nineteenth century (Perkins, n.d.). So most of these first generations of college educated African American women were educated at Oberlin College in Ohio, founded in the 1830s by abolitionists who admitted African Americans and women on an equal basis with white men (Perkins, 2015, p.721).

Anna Julia Cooper, an Oberlin-educated, published "*A Voice from the South*" in 1892. In which she addressed the concerns of sexism and racism facing the African-American society. She wrote that African-American women were "*voiceless*" (as cited in Perkins, p.723) and "*confronted with both a woman question and a race problem,*" (Ibid) but they were "*unknown and unacknowledged*" (Ibid). She asked to show more consideration to the lack of support African-American women received at that time (Perkins, p.723).

In his 1900 study, *The College Bred Negro*, W. E. B. Du Bois noted that, even though African-American men also were victims of white racism, but it was more difficult for African-American women to attend white women's colleges than African-American men in white male college. According to him, the reasons were, because the white women were adamant in their opposition to admitting black women as students. Similar to what the white society thought of the progress of black men as a threat to the racial status quo, many white women regarded the aspirations of black women seeking higher education and professional careers as a threat. By 1940, it was reported that African American women comprised 66 percent of all black college graduates that year (Perkins, p.723).

Thus the intersections of race and gender created unique collegiate experiences for African-American women than their counter-parts and acted as barriers to their academic success in the earlier times.

2.5 Conclusion

This chapter was about evidence seeking, exploring the factors lying at the heart of the disparities in the opportunities facing women in HE prior to the 1970s. Upon analyzing the factors it becomes evident that there was strong opposition to women attaining HE from the very early times. They were discriminated against based on their gender. Socio-cultural norms and roles of the times put a limit on them. Education for women were considered to be insignificant, because it seemed to serve no purpose to society, as they were confined to domestic chores and raised to get married and have children and take care of the family as their primary responsibilities. There were many early voices challenging these stereotypical images and advocating for the rights of women. During the first half of the twentieth century, an increasing number of colleges began to accept women, but women were mostly clustered in social sciences, non-professional, and non-market courses.

The Cold War era, following the war years, brought the society under the grip of social conservatism, a time of conforming to traditional gender roles. Being an affluent suburban housewife shaped the aspirations of postwar women. Society's pressure to marry early was intense. As a result, for many of the middle-class women of the 1950s and 1960s college was often about finding a suitable husband. Marriage weighed over HE. In addition, the ideal of Cold War domesticity further hindered women's aspirations for HE, as it was anticipated that, they performed an essential function in waging the Cold War by staying home and taking care of their husbands and children and thereby refusing to pursue a career. Popular TV sitcoms and magazines further disseminated such domestic ideals—man as the breadwinner and women as a happy housewife. Intersections of factors, such as race and gender constituted even more barriers for women of color.

Now that the determinants of gender inequality in higher education are identified, listed and described, we can now focus on the fight against sex discrimination, which Bernice Sandler initiated through her activism. The following chapter proposes to explore these questions:

1. What motivated her to take on the fight?
2. What were the strategies she adopted to achieve the goal?

Chapter 3: Awakening of the conscience, activism, passage of Title IX

Bernice Sandler's entry into advocating for GE in HE was almost accidental. In 1969, she embarked on a legal campaign to fight against discrimination, that would change the campus culture in America. Thus, this chapter begins with a brief account of her early years, as an attempt to introduce the readers to a bit more of her personal life, before transitioning into elaborating on her activism in detail. So the ensuing sections explore everything from, her own conscience awakening experiences in academia; the concept of activism and the actions and measures undertaken in raising awareness; to her involvement in the congressional hearings, testimonies, and passing of the Title IX. Certainly, there were also few other names that were pivotal in the whole process of molding the Title IX legislation, but for the purposes of this study, I will restrict the focus of discussion solely to the role played by Sandler.

3.1 Bernice Sandler: Early years

Bernice Resnick - she went by the name Bunny - was born on March 3, 1928, in Brooklyn, New York, the place where she grew up and began and completed much of her academic trajectory. After graduating from Erasmus Hall High School, she majored in psychology at Brooklyn College, in New York in 1948. She continued her education and received a Master's degree in Clinical and School Psychology from the City College of New York in 1950. She was a research fellow in clinical psychology at City College from 1951 to 1952. Upon the completion of her studies, she married Jerrold Sandler in 1952 and moved to Bloomington, Indiana (Bernice Resnick Sandler Papers, 1963-2008).

Driven by her aspiration to become a professor, Sandler immediately applied to the Indiana University's doctoral program in psychology, but she was declined a place in the program in spite of her excellent academic record, a master's degree, and extensive research background. Only years later she would find out the real reasons for her rejection. It was in fact nothing to do with her academic background, but more to do with her being a woman, as various universities had legal quota systems that monitored the number of women who entered particular programs (Bridgeman, 2014). As Sandler wrote in 1997, "*Although later, in retrospect, I would discover other instances of sex discrimination in my life, at that point I had not consciously noticed it*" (p.36).

During those days, the family had to move several times because of her husband's work, she was not able to find any work in the field of psychology. She tried out various jobs, including

as a pre-school teacher, guitar instructor, and a secretary. When the family moved to the Washington, D.C., area in the mid-1960s, she enrolled in a doctoral program in counseling at the University of Maryland (Bridgeman, 2014). While studying at the University of Maryland, Sandler worked as a lecturer and instructor of psychology and counseling (Bernice Resnick Sandler Papers, 1963-2008). Finally, in 1969 she received her Ed.D. from the University of Maryland (Bridgeman, 2014). Sandler worked as the director of the Project on the Status and Education of Women at the Association of American Colleges for two decades, until she stepped down in 1991.³⁰

According to an article in New York Times, "*When Bernice Sandler was a schoolgirl in the 1930s and '40s, she was annoyed that she was not allowed to do things that boys could do, like be a crossing guard, fill the inkwells or operate the slide projector*" (Seelye, 2019). In a radio interview, a long-time friend and colleague of Sandler for nearly 50 years, Marty Lange-lan said of Sandler, "*Bunny was offended by the way the boys got to do all the classroom activities. She told her mother she was going to change the world. And she did.*"³¹

Until starting with her fight against sex discrimination, however, she never considered herself a feminist. Referring to that, Sandler once wrote in a 1997 article for the National Association for Women in Education, "*like many women at that time, I was somewhat ambivalent about the women's movement and halfway believed the press descriptions of its supporters as 'abrasive,' 'man-hating,' 'radical,' and 'unfeminine'*" (Sandler, 2007, p.473). But once after she started, she devoted all of her life fighting discrimination against women in education.

3.2 It takes one determined mind to change history

"There is no chance, no destiny, no fate, that can hinder or control the firm resolve of a determined soul."

- (Ella Wheeler Wilcox)

Even though in the 1960s as the second wave of women's rights movement was happening, Sandler didn't see herself as being part of it. In fact, she was even bit wary of the whole movement, to the point where she even halfway believed the negative press descriptions of its

³⁰ See: Library of Congress Website: <http://id.loc.gov/authorities/names/n80048340.html>, (11.03.2019).

³¹ Tom Goldman and Bill Chappell. "Bernice Sandler, 'Godmother' Of Title IX, Dies At 90." NPR, NPR, 9 Jan. 2019, <https://www.npr.org/transcripts/683731956?storyId=683731956>, (11.03.2019).

supporters (Sandler, 2007, p.474). After she had her own string of discriminative experiences—I will elaborate on that further in section 3.2.1 of this chapter—she began to think about the academia's treatment of women, which made her re-examine her stand on the women's movement. "*Up until that point [she] was not interested in women's issues*" (Boschert). As Davis (1999) says, she "*turned to feminism out of personal outrage*" (p.208).

3.2.1 Awakening of the conscience

Sandler began her advocacy in the late 1960s, in a time when gender inequalities in education and in the workplace was a common factor. But she refused to accept the way things were as everyone else did. In an attempt to redress the grievances, Sandler took on the legislative system almost single-handedly. A perfect example of how a single person's determination and actions can bring about massive social change.

In 1969, as Sandler finished her Ph.D. program in the University of Maryland, where she was also teaching part-time as a lecturer during the time she worked on her doctorate and shortly after finishing it (Sandler, 2007, p.474), she was looking forward to the prospects of what lay ahead. There were seven new openings in her own department for faculty positions, but she was not even considered as a candidate. Puzzled by the situation, that no effort was made to extend her a job, even though multiple positions were available in her own department, Sandler asked a male faculty friend for the possible reasons. It was not her qualifications. They were excellent. "*Let's face it, you come on too strong for a woman*" (Sandler, 1997, p.474; Staurowsky, 2016, p.21). Sandler's life as an activist was on the making.

She did not immediately react to the rejection with actions. Her first reaction was, as she (1997) explains, went back home and cried. Regretting about speaking out at staff meetings with her suggestions for procedural improvements or discussing teaching and professional issues with faculty members. She acknowledged that she had been at fault for giving the impression of being "*too strong for a woman*" (p.36).

But the inevitable irony was, it took a man—her then-husband—to change her thinking. As he tried to make sense out of what was meant by "*too strong for a woman,*" he labeled the department's dealing of Sandler as "sex discrimination"—a label that made her thinking. Even though it was new to her, at that moment, she was not yet ready to apply the label to her not getting a faculty position at Maryland University (Ibid).

She had two more similar rejection experiences in the following months, which further opened her eyes against the injustices. As Sandler (1997) explains, a male hiring research executive for another position to which she applied, spent almost an hour explaining to her why he would not hire a woman, because of the reason women would stay home when their children are sick. Sandler says it did not matter to him the fact that her children were already in high school. In another incident, even her role as a professor was discredited by an employment agency counselor who dismissed her application on the grounds that she was not a real professional and categorized her as "*just a housewife who went back to school*" (p.36).

According to Staurowsky (2016), too strong for a woman was a phrase used as a code by the male faculties and administrators who were reluctant in hiring women in faculty positions. Because in their opinionated view, women were less qualified and committed, they were more likely to prioritize marriage and family over a job, and of course, distracting to all-male faculties. These routine dismissals were a standard practice in those days (p.21).

According to a survey by Female Faculty Experience (1983-1984), "*where male faculty are concerned [parental status] isn't much of an issue. For women faculty, it's major. If they insist on time for children, they're often seen as less committed, professional, reliable, etc*"³² (as cited in Sandler et al., 1986).

Glass ceiling is a concept used to interpret the invisible barriers—such as stereotypes—that blocks women's chances of further promotion or advancement in positions of leadership, on the individual level or as a group.³³ To describe how gender status beliefs create elements of obstacles which are major causes of glass ceiling, it is necessary to explain the Expectation States Theory. First I will use this theory to briefly explain the barriers to women's advancement in the academic workplace. After that, I will use the "*status characteristic*" of the Expectation States Theory to explain how motherhood might function as a devalued status characteristic in workplace settings.

Expectation States Theory³⁴ argues that, there are shared gender stereotypes within society and these stereotypes contain status beliefs (Ridgeway, 2001). Status beliefs are widely held cultural beliefs or schemas about the status positions within the society or groups such as

³² Survey of Female Faculty Experience," Great Lakes Colleges Association, 1983-84.

³³ See: <https://www.bbc.com/news/world-42026266>, (05.05.2019).

³⁴ See: <https://www.encyclopedia.com/social-sciences/encyclopedias-almanacs-transcripts-and-maps/expectation-states-theory>, (21.04.2019).

gender, race, ethnicity, education, or occupation (p.637). When status beliefs develop about social groups, inequality arises between members in the group (p.638). These stereotyped gender status beliefs associate, greater competence and social significance, and whatever specific skills are most valued by the society to men than women (p.639). Since status beliefs play a vital role in the social hierarchy formation, it is these stereotyped gender status elements "*act as distinctively powerful barriers to women's achievement of positions of authority, leadership, and power*" (p.638).

The Status Characteristic Theory is a branch of Expectation States Theory. Correll, Benard, & Paik (2007) writes, motherhood is a "*status characteristic*" that, when it becomes salient descriptor of a worker, it results in biased evaluations of the worker's competence and commitment, strict assessment of their workplace performance, and even leads to biases on decisions relating to their hiring, promotion, and salary (p.1301). A status characteristic becomes salient when the members are differentiated on the characteristic in the task setting (Ibid). Motherhood adversely affects assumptions of competence and commitment because the perceptions of "*family devotion*" and "*work devotion*" (Blair-Loy 2003, p.5) are two contradictory schemas—the good mother versus the norm of work devotion. Society's paradigm of "*a good mother is always available to her children*,"³⁵ which when played out in workplace settings, creates the perception of role incompatibility against the role of "*ideal worker*," who is always available for work. This perceived conflict in the normative conceptions of the "*ideal worker*" and the "*good mother*" create a cultural tension between the enactment of the motherhood role and the enactment of the committed worker role. Therefore, this leads to mothers being assumed as less committed workers (Correll et al., 2007, p.1306). When we consider the American society in the 1960s, which was very patriarchal in essence, these stereotyped assumptions definitely have played a role in the biased evaluations of women in workplace settings.

According to Sandler (2007), when she faced with three rejections in a short lapse of time, she was unable to rationalize them easily (p.474). What seemed like an abstract idea in the beginning, sex discrimination suddenly have become unfortunately too real for her (Gitlin, 2017, p.147). She began to see a pattern. That is when she began to think of the "*ramifications of discrimination and the burgeoning women's movement*" (Sandler, 1997, p.36). Being a victim of sex discrimination was a personal turning point that inspired her eventually into action. As

³⁵ Diane Kobrynowicz & Monica Biernat, Decoding Subjective Evaluations: How Stereotypes Provide Shifting Standards, 33 J. EXPMT'L SOC. PSYCHOL. 579, 587 (1997).

she (2007) explains, being a firm believer of "*bibliotherapy*," she soon began exploring materials relevant to how the law treated sex discrimination. She was aware that sex discrimination was wrong, so she simply assumed it must be illegal too. But it was not (pp.474-475). Her insatiable quest for information soon developed into a personal research project, that would eventually end in the landmark legislation two years later.

3.2.2 The "Eureka" moment

Conscience raised, Sandler began digging deeper into the subject, in the hope of finding a legal recourse that can be applied to discrimination based on sex. But she immediately realized that, even though sex discrimination was illegal in certain circumstances, but none of those existing laws covered sex discrimination in education. Here, I will briefly discuss why these existing laws were inadequate against sex discrimination at the time.

For example, the first one of its kind, The Equal Pay Act (EPA) of 1963,³⁶ signed into law by President John F. Kennedy on June 10, 1963, was among the first federal laws in American history to address gender discrimination.³⁷ For the first nine years of the EPA, from 1963 until the passage of the Educational Amendments in 1972, it exempted those employed in "*executive, administrative, or professional capacities*,"³⁸ from its protection. That means, women teachers, faculty and administrators at all levels of education were not covered.

Title VI of the Civil Rights Act of 1964,³⁹ banned discrimination on the ground of race, color, or national origin, under any program that received federal financial assistance. But it did not mention anything about sex. That means, girls and women, including minority females, were not protected against discrimination in these federally financed educational programs. Sandler (2007) gives us an example of a discriminative practice by Princeton University, which was able to develop a student encouragement program using federal funding, for encouraging minority students to enter engineering, but they excluded girls from enrolling (p.475).

Title VII of the Civil Rights Act of 1964,⁴⁰ which prohibited employment discrimination based on race, color, national origin, religion, and sex. But it excluded educational institu-

³⁶ The Equal Pay Act of 1963: <https://www.eeoc.gov/laws/statutes/epa.cfm>, (02.04.2019).

³⁷ See: <https://www.nps.gov/articles/equal-pay-act.htm>, (02.04.2019).

³⁸ 29 U.S.C. § 206(d).

³⁹ 42 U.S.C. § 2000d.

⁴⁰ 42 U.S.C. § 2000e.

tions. All these earlier legislations intentionally left out educational institutions because of the view that higher education institutions as autonomous entities are not subject to government interference (American Association of University Professors, 2016). That means these institutions could continue to discriminate against women at all levels. Therefore, these existing laws were ineffective in tackling of sex discrimination in the academic workplace.

By the time Sandler began her research on the issue in 1969, the massive civil rights movement, that began in the 1950s, aimed to remove racial segregation, reaching its peak in the 1960s, was almost over, with the adoption of the landmark Civil Rights Act of 1964, which won for African Americans basic rights long denied to them. She began researching the Civil Rights movement, she was particularly interested in knowing the tactics the movement used which led to ending desegregation in public schools and how the new laws had been enacted in hopes of finding an applicable path (p.475). Since there were some similarities between the two issues, at least in terms of access to certain educational institutions—exclusion based on either race or sex, or intersections of both factors, as in the case of African American women—it is understandable why she was examining the civil rights movement for a way to get ideas.

Obviously, being an academic helped her with the breakthrough discovery, that she was hoping for. When going through a report of the U.S. Commission on Civil Rights, that examined anti-discrimination law's impact on race discrimination, she came upon an Executive Order prohibiting federal contractors from employment discrimination on the basis of race, color, religion and national origin. The report included a footnote, which she habitually checked as an academic. The footnote revealed that President Johnson had amended the Executive Order 11246⁴¹ by Executive Order 11375,⁴² to include sex as a protected class as well(Ibid).

"Executive Order No. 11246 of September 24, 1965, carried forward a program of equal employment opportunity in Government employment, employment by Federal contractors and subcontractors and employment under Federally assisted construction contracts regardless of race, creed, color or national origin. It is desirable that the equal employment opportunity programs provided for in Executive Order No. 11246 expressly embrace discrimination on account of sex."

- (President Lyndon Johnson, Executive Order 11375)

⁴¹ Exec. Order No. 11,246 30 Fed. Reg. 12,319 (Sept. 24, 1965).

⁴² Exec. Order No. 11,375 32 Fed. Reg. 14,303 (Oct. 17, 1967).

Sandler (2007) wrote, "*I was alone at home and it was a genuine 'Eureka' moment. I actually shrieked aloud.*" Because she immediately realized the significance of the information on the footnote. As an academic, she knew that colleges, universities, and secondary schools, all had federal contracts, presumably, they were subject to the sex discrimination provisions of the Executive Order (p.475). Thus, this small footnote was a big step forward for Sandler, as it provided her with the necessary legal footing to fight against discrimination from within an academic setting.

3.3 Beginning of her activism and strategy

Sandler sprang into action. Since many people she talked to hardly knew about the existence of the Executive Order, she called the Department of Labor's Washington office of what was at the time OFCC (Office of Federal Contract Compliance),⁴³ to ensure that the Executive Order covered sex discrimination, and indeed it covered sex discrimination (Sandler, 1997, p.37). Her activism for women's rights in higher education had just begun.

The word activism is all around us. From the Women's Rights Activism in Saudi Arabia, March for Our Lives Rallies in support of legislation to prevent gun violence, to Transgender Rights. Then there are numerous popular Hashtag activisms—such as #BringBackOurGirls, #MeToo, #NoBanNoWall, #BlackLivesMatter. There was also an increase in political activism among women after the 2016 presidential election, on issues ranging from immigrant rights, reproductive rights, the planet and so on.

Permanent Culture Now (n.d.) considers activism as, "*quite simply taking action to effect social change.*" This can happen in a number of ways and forms, either through collective social movements or through individual actions. For example, The Civil Rights Movement was a collective action for sociopolitical change.

To Martin (2007), activism is "*action on behalf of a cause, action that goes beyond what is conventional or routine*" (p.19). Actions can vary from small scale demonstrations to massive protests, or from systematic and peaceful nonviolent campaign to violent attacks. Since it is not well defined, most people have their own interpretations of what constitutes activism, it depends upon who defines them or for what purposes they are defined. For example in a

⁴³ Name changed to OFFCCP (Office of Federal Contract Compliance Programs) by President Ford in 1975.

democratic environment, where free speech is protected and respected, making a complaint about the government through an e-mail list is a routine occurrence. But in a dictatorship, the same act can bring a person into jail. Similarly, going on a strike may be a routine occurrence in a democratic environment, but might be highly subversive and that makes you an activist in an authoritarian regime (p.20). Activism may concern with issues relating to human rights, civil rights, labor rights, students' rights, and the environment, to name a few. Oxford online dictionary defines activism as: "*The policy or action of using vigorous campaigning to bring about political or social change.*"⁴⁴

So in short, activism can be summarized as a struggle for sociopolitical change, achieved through collective or individual actions, through a combination of different strategies, such as resistance, advocacy, protest, lobbying concerning any issues that exist out there. Social change is central to activism. According to Cammaerts and Nico (2007), whether these changes are achieved through protests, propaganda, sit-ins, boycotts, non-violent civil disobedience, noncooperation, strikes, or whatever other means, at the core of social change processes lies direct action. That does not make activism "*synonymous with direct action*" (p.217), because there are "*practices or forms of activism that are less direct action driven and operate more within the dominant political and judicial system*" (Ibid). Judicial activism is an example for non-direct action driven, as it is achieved through "*challenging the state and companies through the court, and lobbying-attempting to influence legislators or governments*" (Ibid). The subsequent sections of this chapter will discuss the activism of Sandler and the two main strategies she used—class action complaint and the letter-writing campaign—which effectively created the much-needed awareness and attention among public and concerned government authorities about the issues of discrimination.

3.3.1 WEAL and the Class Action Complaint

"You may never know what results come of your actions, but if you do nothing, there will be no results."

- (Mahatma Gandhi)

Sandler (2007) joined the Women's Equity Action League (WEAL) as the chair of its Federal Action Contract Compliance Committee in 1969—she was the only member in the com-

⁴⁴ "Activism | Definition of Activism in English by Oxford Dictionaries." Oxford Dictionaries | English, Oxford Dictionaries, en.oxforddictionaries.com/definition/activism.

mittee. Hanson, Guilfooy and Pillai (2012) in their book, *More Than Title IX: How Equity in Education has Shaped the Nation* gives an account of Sandler's reflections on joining WEAL. Since WEAL was not a radical organization, being a liberal Democrat, joining WEAL suited her introduction to women's movement in a safe environment (p.15). *"Since then, [she] became a flaming feminist"* (as quoted in Hanson et. al., p.15). She credits WEAL that, without their help, it would not have been easy for her (Ibid).

Her activism began with filing the charges. It is important to be backed with quantitative data when you are fighting for a cause. Because people in authority want to know whether you have enough evidence to support your claim. As Staurowsky (2016) explains, when Sandler began building the initial case, there were not many reports on the status of women in education existed. She almost began from scratch, detailing why this type of discrimination was detrimental to the women affected by such bias and to the society as a whole. Since sex discrimination was very much a new concept in those days, hardly even a proper term existed which conveyed the meaning of women being seen as second class citizens (p.21). Historian Ware (2011) points out, *"phrases like sexism and sexual harassment were not even in common usage"* (p.46). As Sandler said in the University of St. Francis interview, *"there was no word for it. if you don't have a label or a name for something, it's very hard to conceptualize and think about it"* (University of St. Francis).

After joining WEAL, with the help of branch director Vincent Macaluso, she planned the first complaint, and together they devised the strategies for how to enforce the Executive Order (p.475). One important thing was, under this regulation she could file charges not only against the University of Maryland but a class-action complaint could be send to all American universities and colleges. Here two particular aspects of the regulation were optimal for Sandler's purposes. First, it applied not just to the department that had federal contracts, but to the university as a whole. Second, it required a written affirmative-action plan from the contractors (Davis, 1999, p.209).

On January 31, 1970, with the enthusiastic endorsement of WEAL and Macaluso's behind-the-scene support, a historic class-action complaint was filed by Sandler, on behalf of WEAL, against all American universities and colleges, while specifically targeting Maryland University. She filed the charges under the Executive Order 11246, with U.S. Department of Labor, asking them to conduct a sweeping review of the compliance of all higher educational institutions with federal contracts. During those days, under this Executive Order, it was possible for anyone to file administrative charges with the federal agency. It did not require a specific

plaintiff's name for filing or filling out any forms. Since it was not a lawsuit, individual names and incidents could be omitted. Basically, one could even simply file a charge for statistical discrepancies. Sandler's class-action complaint was filed on behalf of all women in higher education (Sandler, 1997, p.37-38; 2007, p.475-6; Davis, p.209). "*The biggest risk I took was when I started filing charges of discrimination against colleges and universities,*" she said in the University of St. Francis interview. "*I knew that by filing I would never get to teach. I also knew that I wasn't getting anywhere because of discrimination.*" (University of St. Francis).

As Sandler (1997) explains, when compiling the file, they adopted some special tactics. For example, putting up a file with large amount of pages, including a large appendix, which would naturally give an impression of the extent of the charges, even if no one reads it; underlining important factors to create attention in case if someone decided to flip through the pages, and so on (p.38). In this way, she put together more than eighty pages of report that accompanied the charges—she knew she can not simply make a complaint without evidence, and since hardly any data existed, she did her own research in gathering some kind of information, starting with the University of Maryland, by doing a quick number count of male and female faculties and their respective faculty ranks in each department. She found data from two other universities, one from Chicago and the other from Columbia, both showing a similar pattern: "the higher the rank, the fewer the women." Accordingly, the "*hard*" data comprised of the result of these three studies, and few "*other bits and pieces, and quotes*" she found (Document 3: Bernice Sandler to Professor Eric F. Goldman)—the size of the document alone was enough to legitimize the discriminative experiences women faced.

The WEAL charges claimed that sex discrimination against women exists on "*an industry-wide pattern*" in the academic community, and requested the federal government for an investigation into various aspects of education such as "*admission quotas to undergraduate and graduate schools, financial assistance, hiring practices, promotions, and salary differentials*" (Sandler, 1997, p.38).

After filing the class action, she sent copies of the complaint for press releases. This created enough attention. Within a short span of time, The Saturday Review of Literature—a weekly review magazine for intellectuals, put a few lines about the class action and asked to contact Sandler for further information. Soon she was getting calls (Hanson et. al., p.15). As Sandler (2007) writes, faculty women would call or write Sandler about their own encounters of discrimination in their respective institutions. She would reply to them asking to gather some specific details about the institution, such as the number and percentage of most of the de-

partment's female faculties and their academic ranks. Once she receives the data, she would make a comparison of this information with the proportion of women granted with doctorates in the respective fields. The result will be used as the premise to lodge an administrative complaint with the U.S. Department of Labor. For example, in the late 1960s, although about twenty-two percent of women earned doctoral degrees in psychology at the University of California at Berkeley, not even one among the forty-two members of the department in 1970 were a female (p.476).

In such a manner, she could collect information about individual institutions to file the complaint. Over a two-year period, she filed charges of sex discrimination against 250 educational institutions (Sandler, 2007, p.476), including the universities of Columbia, Harvard, Yale, and the entire state university and college systems of the states of New York, New Jersey, California and Florida (Sandler, 1972, p.1).

Thus she began a strategy to use federal regulatory agencies and the courts as a means to end sex discrimination in higher education.

3.3.2 Letter-writing campaign

Raising awareness and visibility of an issue, and to communicate effectively with the people concerned, who has the power to make that change happen—whether it is lawmakers, government, or company, who can establish rules, implement legislation, and enforce its provisions—is a significant aspect of activism.

Accordingly, another strategic approach undertaken by Sandler was, making the congressional members aware of the issue. Hence, on Macaluso's advice, Sandler sent copies of the complaint along with a handwritten note, to selected Congress members who represented the state of the particular college or university in question. In the note, Sandler requested the congressperson: to send a letter to the Secretary of Labor urging him to enforce the regulations governing the Executive Order; in order to make sure there was no sex discrimination, they should conduct investigations on those educational institutions that are federal contractors; and keep the member updated on the investigation progress (Sandler, 1997, p.38-39). "*Higher education was hysterical, saying nobody's going to tell us what to do,*" said Sandler (as cited in Suggs, 2005, p.39) about the reaction of the educational institutions. Because

educational institutions have academic freedom given by the courts, they are free from government intervention.⁴⁵

In an effort to raise the profile of the complaints, Sandler also asked each person who contacted her to do the same as what she mentioned in the handwritten note, not only to write to their two senators and their Representatives but also to urge these Senators and Representatives to write to the Secretary of Labor and also the Department of Health, Education and Welfare (HEW)—which was primarily responsible for applying the Executive Order to colleges and universities (Sandler, 2007, p.476; Davis, p.209).

Additionally, she sent copies of the complaints to members of the WEAL's advisory board, especially people such as Representative Martha Griffiths from Michigan, and Representative Edith Green from Oregon. At that point, Sandler had no idea how important Edith Green would become for the cause. Since being hardly connected to politics at the time, Sandler barely knew anything about the Congress or its working methods. But later on, she knew, Green was the perfect person for the cause, as being the chair of the subcommittee that dealt with higher education (Hanson et.al., 2012, p.16; Sandler, 2007, p.476-7).

Based on Sandler's complaints, on March 9, 1970, Martha Griffiths, held the first speech in the House of Representatives on discrimination against women in education, criticizing the government's negligence in enforcing its own regulations regarding sex discrimination (Sandler, 1997, p.39) by "*providing billions of dollars of Federal contracts to universities and colleges which discriminate against women both as teachers and as students*" (Discrimination Against Women, p.738).

The strategy of sending letters to Congress members was brilliant. Because it created the much-needed awareness about the issue among congressional members. Moreover, it gave the opportunity for federal agency staff to learn more about sex discrimination through how the letter was processed within the department. For example, when letters from members of Congress addressed to Secretary of a Federal department, it will be directed to the department's special Congressional liaison for further processing. From there, it would make its way through different components of the department for drafting responses, which will be re-

⁴⁵ The Higher Education Act of 1965, Pub. L. No. 89-329, provided in Section 804(a): "Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, or over the selection of library resources by any educational institution."

viewed by other components, while each reader giving approval or changing as needed before it gets back to the Secretary's office for final response. This action also generated substantial amount of Congressional mails, that the department of HEW had to take in new personnel to handle the letters (Sandler, 2007, p.476).

The objective of this whole letter-writing strategy was to create awareness regarding the issue and to make the responsible agencies respond to these issues accordingly.

3.3.3 Effects of Sandler's activism

Activism did not go unnoticed. It began to show effects and reactions. According to Skrentny (2002), first and foremost, these efforts made sex discrimination in education a legitimate issue and helped confirm the suspicion of its existence (p. 134). Within a few weeks, after the complaint letters were initiated by Sandler, more than 20 members of Congress had contacted the Secretary of Labor (Sandler, 1997, p. 39). Three weeks after Martha Griffiths' speech in the House of Representatives (Ibid), and within four months after the first class action complaint, in April 1970, the first contract compliance investigation involving sex discrimination of American universities began, at Harvard and the University of Michigan (Sandler, 2007, p. 476). As Sandler explains, in spite of government's claims of losing most of the formal complaints that she subsequently filed, and Harvard's files had to be redone to include sex discrimination after protests from women's groups as they only included racial data for their initial investigation and that the American government now also became embroiled in the investigations and remedying of sex discrimination in education. As she puts it, "*Pandora's Box had finally been opened*" (Ibid).

As stated by Skrentny (2002), even President Nixon's Task Force⁴⁶ on the Status of Women urged the secretary of labor of guidelines to execute the prohibitions against sex discrimination by government contractors immediately (p. 135). Finally, on June 2, 1970, the long-anticipated 'Sex Discrimination Guidelines'⁴⁷ for federal contractors and subcontractors was issued by the Department of Labor (Ibid; Sandler, 1997, p. 39). Furthermore, the HEW not only issued a memorandum stating, in all contract compliance investigations, investigators

⁴⁶ The Task Force on Women's Rights and Responsibilities was appointed by President Richard Nixon on October 1, 1969.

⁴⁷ June 9, 1970. Sex discrimination guidelines. Federal Register 35: 8888

should routinely include sex discrimination as part of the investigation process, but they also signed in its first female compliance investigator (Ibid).

Having Edith Green in WEAL was important, as Sandler had the best ally in Green for the particular cause, because she had the power to propose a new bill as being the chair of the subcommittee that dealt with higher education. Besides, Green was already involved with issues regarding inequalities in education, and long since wanted to amend various anti-discrimination laws but was unable to do so, due to lack of relevant data on the subject to proceed with and lacking a constituency whom she could count on to testify. When Sandler sent copies of each filing to Green, she now had sufficient data on the subject. In addition, Sandler also provided Green with a constituency, which she called "*the newly developing advocacy groups and active individuals.*" Sandler gave a list of people who could testify. So based on the data given by Sandler, Green agreed to draft legislation and to hold hearings (p. 39-40; 2007, p. 477). So the different strategies initiated by Sandler triggered a chain of events leading to the first hearings on the issue of sex discrimination in June 1970.

3.4 Sandler's role in shaping Title IX

"Equal opportunity is more than saying 'We treat women fairly, the same way we treat men, but we don't want young women in our department because they get married. We don't want a married woman because she'll probably have children. We don't want a woman with young children because she can't possibly be committed. And as for the woman Who waited until her children were older, she's much too old for work or study, and isn't it a pity that she's been out for so long and didn't start sooner.'"

- (Bernice Sandler, 1972, p. 2)

The remarkable thing about the passage of Title IX was the political surrounding in which it was conceived. Because, having a legislation introduced and getting it enacted into a law, particularly this legislation was aimed at protecting the rights of women in higher education in its entirety, and that too in a time the Congress consisted of a negligible proportion of women, passing it may have looked like an unlikely prospect. According to Rose (2018), in 1972 only 3 percent (11 of 435 seats) of the seats in the House of Representatives were held by women, and of the 100 members in Senate, Margaret Chase Smith (R-ME) was the only women among them (p.102).

When a legislator introduces a legislation in the Congress, it goes through a legislative process—during the two-year Congress in which they were introduced—before it becomes a law.

This legislative process—in theory—follows a predictable, rational path: After the introduction of the bill, it will be assigned to an appropriate committee. The committee holds public hearings, to investigate the merits and flaws of the bill. The hearing includes testimonies from witnesses, experts, advocates, and opponents. After the committee approves it through votes, it will be moved to the floor of the House or Senate, which will debate on it. Both houses of Congress must pass the bill by a majority vote before it can be sent to the President for consideration.⁴⁸

The lower representation of women in Congress could have posed a concern, in terms of getting a majority in both houses. But it didn't. So how did the law managed to emerge successfully, in spite of women's insignificant presence in Congress? In the following sections I will briefly analyze the legislative history—congressional hearings, drafting, formulating, and passing—specifically focusing on Sandler's role in the whole process.

3.4.1 Spearheading hearings

Title IX's congressional journey began in June 1970, when special House Subcommittee on Education⁴⁹ held a hearing⁵⁰ on the bill introduced by Rep. Edith Green on discrimination against women. Initially, the original proposal was aimed at amending: Title VII of the Civil Rights Act to cover employees in educational institutions; Title VI to cover sex discrimination in federally assisted programs; and the Equal Pay Act to prohibit to cover administrative, executive, and professional (Sandler, 1997, p.40).

In putting together the hearings, Sandler provided the list of names of people, as well as the names of relevant organizations, who would be willing to testify. Since the original bill covered not only sex discrimination in education, but a wide spectrum of employment—the professions, want ads, and civil service—so when she testified herself before the committee, she gave an overview testimony (Ibid; Sandler, 2007, p.477). In doing so, she became the first person to testify before a Congressional committee about discrimination against women in education (Love, 2006, p.403). National Women's Hall of Fame (2019) writes, "*her testimony*

⁴⁸ See: <https://keating.house.gov/policy-work/legislative-process>, (21.05.2019).

⁴⁹ See: Discrimination Against Women: Hearing Before the Spec. Subcomm. on Educ. on § 805 of H.R. 16098 of the Comm. on Educ. and Labor, 91st Cong., 2d Sess. (1970).

⁵⁰ Congressional hearing is the principal formal method by which U.S. congressional committees collect and analyze information in the early stages of legislative policymaking.

before the U. S. Congress based on these cases of gender discrimination was a signature effort in her long career of challenging discrimination against women in education."

In their article titled, "*Hearing from all sides' How legislative testimony influences state level policy-makers in the United States*," Moreland-Russell et al. (2015) writes, "*testimony influences policy-makers' decisions.*" According to the result of a study conducted by them, the legislators reported that their awareness of the issue was influenced by the testimonies or it motivated them to do further research on the issue. Likewise, the presenter's background and characteristics like credibility and depth of knowledge in the subject by the presenter were considered as important aspects by those legislators who found testimonies influential.

During the hearing of discrimination against women, one testimony after another portrayed the sad situation of women in higher education—stories included departments refusing to hire, promote or give tenure to women; disparities in salary amounting to thousands of dollars; or had to work with no office, no benefits, no salary even with a full-time faculty job because their husbands were faculties in the same university (Sandler, 2007, p.477). Among the other testimonies included newspaper's classified-advertisement sections, which featured different spaces for women's job postings and postings of jobs "*for men only*" (Suggs 2005, p.40). Rep. Shirley Chisholm (NY)—one of the advisory board members of WEAL—gave testimony saying, sex caused more problems for her than her skin pigmentation during her entire political career (Sandler, 1997, p.40).

As Sandler (1997; 2007) explains, normally those institutions who have a stake in the legislation are requested to testify during the hearings, if they wish to do so. But none from the official world of higher education, especially The American Council on Education (ACE), who is the most visible and influential association in education. Most of the college presidents were members in this association, and they usually monitor all legislation regarding colleges and universities—were interested to testify. The ACE refused to testify claiming, "*there is no sex discrimination in higher education*," and it was not a problem even if it existed. Sandler argues that this disinterest by the ACE actually helped them positively in the case, because, this resulted in hardly anyone recognizing the power of Title IX would exert, and also the implications it could have on the educational institutions (p.40; p.477).

On July 3, 1970, during Jerris Leonard's—Assistant Attorney General for Civil Rights—testimony before the committee, he suggested, rather than amending the Civil Rights Act,

Green should present the proposal as a separate legislation that concerns with prohibiting sex discrimination exclusively in education. "This is the genesis of Title IX."⁵¹

3.4.2 Creating, editing, and dissemination of the hearing records

Hearing lasted for seven days. Except for the token appearances made by few committee members, attendance throughout the hearings was low. Edith Green was present throughout (Sandler, 1997, p.40). After listening to the testimonies, Green said, "*our educational institutions have not proven to be bastions of democracy*" (Tolchin, 1976, p.32). Once the hearings ended, Green hired Sandler to edit and distribute the written records of the hearings, thereby becoming the first woman ever to be appointed to a Congressional committee staff to work specifically on women's issues (Sandler, 2007, p.478). The data collected during hearings, resulted in a two-volume set of nearly 1,300 pages, concretely establishing the facts of sex discrimination in education. Such a large volume of data about women in employment had never been published or assembled. (Ibid). In putting together the hearing records, Sandler (1997) said, since hardly any data about women in employment and education existed in those days, she supplemented with numerous documents. This supplementary material constituted a large part of the information on women available at the time, which was collected from 14 studies of women at colleges and universities. Therefore, these hearing records turned out to become an excellent source of information for future reference on the subject (p. 41), providing evidence for other activists to use in their advocacy for educational equity. Sandler worked for about eight months, from June 1970 to February 1971, as Education Specialist on the U.S. House of Representatives Committee on Education and Labor Special Subcommittee (Bernice Resnick Sandler Papers).

From the 6000 printed copies of hearing, Green sent a copy attached with a note, to every member of the Congress, and also to the prominent organizations and individuals in education, and the press, which Sandler listed (Sandler, 1997, p.41). The hearing records generated widespread support for Green's legislation, as the records made its way through the headquarters of women's organizations and congressional offices (Suggs, 2005, p.40). Higher education institutions also got the wind of the extensive dissemination of the hearing records (Kysilka, 2011, p.155). Eventually, when some institutions such as Yale, Harvard, Princeton,

⁵¹ Congressional Record, Volume 143 Issue 89 (Monday, June 23, 1997), [pp.H4218-H4219]. <https://www.govinfo.gov/content/pkg/CREC-1997-06-23/html/CREC-1997-06-23-pt1-PgH4218.htm>, (28.05.2019).

and Dartmouth became aware of Congress's intention to introduce a new federal law, they lobbied for an exemption which would allow them to continue with their quota system limiting the number of women. A narrowly-worded exemption was initially allowed for private undergraduate admissions, but it was removed through subsequent legislation (Paludi, Martin, Gruber, Fineran, 2015, p.49; Sandler, 2007, p.477).

Representative Patsy Mink of Hawaii authored an early legislative draft, with the assistance of Green. This was introduced and ably managed in the Senate by Birch Bayh, a Democrat from Indiana—who was also a member of the WEAL's national advisory body (Sandler, 1997, p.41). It was because of his endorsement of the Equal Rights Amendment that, he was drafted to sponsor the bill (Suggs, 2005, p.41). During the debate on the bill he stated:

"We are all familiar with the stereotype of women as pretty things who go to college to find a husband, go on to graduate school because they want a more interesting husband, and finally marry, have children, and never work again. The desire of many schools not to waste a 'man's place' on a woman stems from such stereotyped notions. But the facts absolutely contradict these myths about the 'weaker sex' and it is time to change our operating assumptions. While the impact of this amendment would be far-reaching, it is not a panacea. It is, however, an important first step in the effort to provide for the women of America something that is rightfully theirs—an equal chance to attend the schools of their choice, to develop the skills they want, and to apply those skills with the knowledge that they will have a fair chance to secure the jobs of their choice with equal pay for equal work."

- (118 Congress Record 5804, 1972)

According to Sandler (1997), when the bill reached the stage for voting, a group of women, including herself, offered to lobby for the bill. But Green was adamantly against any kind of lobbying, saying there was no opposition to the bill and lobbying will only diminish the chances because then people would start asking questions on Title IX and would realize what it can do. As Sandler agrees, later it proved to be true (p.41).

One segment of Rep. Green's original bill became law when Congress amended Title VII of the Civil Rights Act in 1972 in a separate action to cover employment discrimination in educational institutions. But Rep. Green's effort to amend Title VI of the Civil Rights Act by adding "sex" to the statute, was rejected by African-American leaders, with concerns that, once it is opened for amendment for whatever reason, there is possibility that, it could be opened again to add harmful amendments some other times. Rep. Green agreed and she suggested a different new title, but she took the exact wordings from Title VI, as the basis for the

new statute. Thus, Title IX closely follows the language from Title VI. However, the major difference is that Title IX is restricted to educational activities only (Sandler, 1997, pp.41-42; 2007, p.479). As Sandler explains, "[i]t's really just a variation on Title VI of the Civil Rights Act of 1964. Instead of 'race, color or national origin,' we substituted 'sex.'" (as quoted in Wulf).

On June 23, 1972, President Richard Nixon signed Title IX of the Education Amendments of 1972⁵² into law—effectively barring sex discrimination in higher education. Sen. Bayh regarded the law as "*an important first step in the effort to provide for the women of America something that is rightfully theirs.*"⁵³ I will elaborate on Title IX in the next chapter.

According to Paludi et al. (2015), despite the fact that Title IX was classified as an Education Amendment it was still, however, a civil rights law which guaranteed same protections and rights to women as those guaranteed under Title VI to other specified categories like race and national origin (p.50).

Sandler (1997) writes, hardly anyone noticed the historic passage of the law, except for a Washington newspaper which summarized the event just in one-sentence (p.42), clenched between larger Titles VIII and X summaries. She (2007) concludes, with Title IX began a new era, but at that time, only a few could comprehend that this was but a landmark bill, that will lead changes across the schools and colleges, and would thereby influence the lives of millions of girls and women (p.480).

3.5 Conclusion

To summarize, the primary goal of this chapter was to determine the role played by Sandler in the passage of Title IX legislation. For that purpose, I began this chapter with a short introduction to her early life. Afterward, I briefly analyzed the discriminative experiences she encountered specifically at the hands of the University of Maryland, as the conscience awakening experience, which subsequently prompted her the decision to fight against inequalities in education. Her quest for a legal remedy led to the discovery of the Executive Order which set things in motion.

⁵² 20 U.S.Code §§ 1681–1688.

⁵³ 118 Cong. Rec. 5807 (1972) (Sen. Bayh)

The second section described Sandler's activism and the strategies she adopted in accomplishing her mission. Her two strategies: making a class action complaint against all universities and colleges; and the letter-writing initiative to create awareness among congresspersons, proved to be productive, as these actions generated the much-needed awareness among the authorities concerned about the issues of sex discrimination.

The final section elaborated on her role in the passage of the legislation. Her involvement included spearheading hearings, by giving and leading testimonies, making written records of the hearing—which generated valuable data on the status of women in employment for future reference—distributing the recorded data to all relevant organizations, institutions, and Congresspeople, in order to gain support for the issue, eventually resulting in the passage of Title IX.

The following chapter provides an overview of the legal principles of Title IX and how this legislation transformed educational institutions.

Chapter 4: Title IX and the road to gender equality: Role of Sandler

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

- (Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681)

It was just 37 words long, the enabling clause of Title IX. 37 words that appear deceptively simple, that would change everything.

The intention of Congress in passing Title IX of the Education Amendments in 1972 was, in fact, to provide equal opportunities in all federally funded education programs to women, in the same way as those extended to boys and men (Congressional Record, June 2002, p.12936). Accordingly, Title IX's true strength has been its efficacy in empowering women through broadening the opportunities for them, not only in the field of sports and education but in society as a whole—the enabling effect on the women were so immense, that Sandler (as cited in Wulf, 2012) said of the legislation *"the most important step for gender equality since the 19th Amendment gave us the right to vote."* According to an ESPN article, hardly any other law has taken more measures in curtailing discriminative practices against women and promoting their career growth, than Title IX did.⁵⁴

Although modeled after Title VI of the Civil Rights Act of 1964 its liability is solely confined to the protection against discrimination based on the sex of the person concerned. However, the *"administrative mechanism"* of both statutes are similar in terms of discontinuing the federal funding to those institutions that employ discriminative practices (Russo, 2010, p.72).

According to David Sadker, an expert in gender equity in education, *"[i]t all grew from the power of an idea. You did have a law supporting it, but really it was the idea more than the penalty....This was an idea revolution"* (as cited in Feminist Majority Foundation, p.42). Although the original goal was to put an end to hiring and admission quotas based on gender, instead Title IX has emerged to become an important instrument to combat all kinds of discrimination that limited the growth opportunities for women and girls. *"That's the power of*

⁵⁴ See: https://www.espn.com/espnw/culture/story/_/id/25759234/the-legacy-lessons-dr-bernice-sandler-godmother-title-ix, (20.05.2019).

Title IX. It's a hammer that's there, and schools know this and are busy scrambling to change their policies, and that makes me smile," (as cited in Smith, 2014).

This chapter is organized as follows. It begins by providing a brief summary of the Title IX's laws and regulations—its objectives, the scope of coverage, compliance methods, and areas of application—to understand how this law laid the foundation for elimination of overt gender discrimination in academic institutions. We then assess how this accelerated the progress towards educational equality for women. By doing that, we aim to corroborate the significance of the role played by Sandler as fundamental to achieving this objective.

4.1. Title IX: Laying the foundation

"The enactment of title IX in 1972 was a landmark moment in this history of American education policy. For the first time ever, women and girls in schools across the Nation could be sure they would receive the same educational opportunities as their male counterparts—opportunities to learn, grow, and compete."

- (Congressional Record (2003), vol. 149-Part 10)

Objectives and Purpose

Congress enacted Title IX with two objectives in mind: "*to avoid the use of federal resources to support discriminatory practices*" and "*to provide individual citizens effective protection against those practices*" (U.S. Department of Justice, 2015). The main purpose of the regulations was to implement Title IX and eliminate discrimination on the basis of sex in any educational 'program or activity'⁵⁵ receiving federal financial assistance, whether or not such program or activity is offered or sponsored by an educational institution.⁵⁶

Title IX's Scope of Coverage

To come under the Title IX coverage, it was irrelevant for which program or activity the federal funding was extended to. Federal funding to recipient's any program or activity was enough to trigger the broad nondiscrimination obligation contained in the statute. That means, the federal fund recipient's commitment to anti-discrimination extended institution-wide to all

⁵⁵ 34 C.F.R. § 106.2(h). A program or activity is defined as all of the operations of a college, university, or other postsecondary institution, or a public system of higher education.

⁵⁶ 34 C.F.R. § 106.1.

of their programs or activities, even if some of their other programs or activities were not financed with federal funds (Title IX). For example, since all public colleges and universities and virtually all private colleges and universities receive federal financial assistance by participating in federal student aid programs—for example, federal loans or some form of federal aid such as scientific research grants—then they are covered by Title IX (U.S. Department of Education, 2018). So when an institution is regarded as a federal funding recipient, then all of their education programs or activities are subject to Title IX. That means, irrelevant of whether federal funds were distributed only to the student financial aid program, its nondiscrimination obligation would be subjected to all of the programs or activities of the institution (Feder, p.3).

According to Smith (2015), to receive federal funding, the would-be recipient institution must agree to the conditions set by Title IX not to discriminate against anyone based on their gender. This is basically more like an agreement between the government and the receiving institution. In an academic setting federal funding could mean more than just the "*research grants and contracts*," (p.79) it also means "*scholarships, loans, grants, wages or other funds extended to any entity for payment to or on behalf of students admitted to that entity, or extended directly to such students for payment to that entity.*"⁵⁷ (Ibid)

Procedural Requirements for Complying with Title IX

All academic institutions had to comply with Title IX if they were to receive federal support. Since almost all institutions receive federal assistance, this means in practice, each and every one of them must implement the legal requirements of the law. This requires recipients to take a variety of steps to prevent and address sex discrimination.

The regulations implementing Title IX required all institutions receiving federal funds to 'perform self-evaluations'⁵⁸ of whether they offer equal opportunities based on sex and to provide 'written assurances'⁵⁹ to the Department of Education that the institution is in 'compliance for the period'⁶⁰ that the federally funded equipment or facilities remain in use. Further, Title IX required dissemination of a Title IX policy by all recipients to the public—i.e., applicants, parents, employees, etc—consistently, that in the programs or activities they conduct

⁵⁷ 34 C.F.R. § 106.2(g).

⁵⁸ 34 C.F.R. § 106.3(c).

⁵⁹ 34 C.F.R. § 106.4(a).

⁶⁰ 34 C.F.R. § 106.4(b).

there is no discrimination on the basis of sex.⁶¹ As part of the regulation under Title IX, it required all recipients to designate at least one employee to coordinate its efforts to comply with Title IX regulations and investigate any complaints.⁶²

Last but not least, the most important aspect among the procedural requirements was the obligation of each recipient to establish grievance procedures, that receives complaints of sex discrimination from students and employees, and provide a swift and objective solutions to such complaints "*alleging any action that be prohibited by these Title IX regulations.*"⁶³ Moreover, this procedure purposely gave the recipient institutions and agencies the chance to introspect and find solutions to the complaints within the institution proceedings, thereby avoiding the federal government or the courts getting involved in the matter. Thus, not only the grievance procedure was an effective way to make institutions comply with Title IX, but it also allowed the federal government to keep its resources.

Areas of application of Title IX

Replying to the inquiries about the scope of the proposed law, Senator Bayh identified three areas where discrimination was manifested: "*[W]e are dealing with three basically different types of discrimination here. We are dealing with discrimination in admission to an institution, discrimination of available services or studies within an institution once students are admitted, and discrimination in employment within an institution, as a member of a faculty or whatever.*"⁶⁴ But there is a lot more!

Since the sex discrimination prohibition of Title IX covered all education programs or activities conducted by the federal fund recipient, its scope was broad. Even though the statute presented only a general ban on sex discrimination, implementing regulations of Title IX pointed out an extensive list of programs or activities (Congressional Research Service). These programs and activities had to operate in an equitable manner. Some of the key issue areas where the recipient's Title IX obligation extended to:

Admission and recruitment: Equal consideration should be given to both sexes for the purpose of determining eligibility for admission. Title IX regulations specify that "*no person*

⁶¹ 34 C.F.R. § 106.9(2)(i).

⁶² 34 C.F.R. § 106.8(a).

⁶³ 34 C.F.R. § 106.8(b). See <https://www.justice.gov/crt/title-ix>.

⁶⁴ 118 Cong. Rec. 5812 (1972) (statement of Senator Bayh).

shall, on the basis of sex, be denied admission, or be subject to discrimination in admission," by any local educational agency.⁶⁵ When determining eligibility for admissions, a recipient shall not: give any preference, set a limit on the number of admitted, or apply any rule that treats persons differently on the basis of sex. In addition, no tests should be conducted that unfairly disadvantage one sex.⁶⁶

Pregnant, marital or parental status: Title IX regulations were comprehensive with regard to pregnancy discrimination. It protected students from being refused enrollment or excluded from school-related activities because of pregnancy, marital status, or parenthood. Pregnancy-related issues had to be handled as any other medical condition. Students may not be excluded from a particular program or activity based on any pregnancy-related issues, marital status, or parenthood. In case of a student decided to attend a separate portion of their educational program, the decision had to be made voluntarily by the student.⁶⁷

Employment in Education Program: The law forbids discrimination in any employment or recruitment, consideration or selection for employment, whether full-time or part-time, under any programs conducted by the recipient.⁶⁸ It gives protection against discrimination in hiring, promotion and salary considerations⁶⁹ (TITLE IX RESOURCE GUIDE).

Other areas that are covered included: Housing; Sports facilities; Access to classes and schools; Access to institutions of vocational education; Counseling and use of appraisal and counseling materials; Financial assistance; Textbooks and curricular material; Standards for measuring skill or progress in physical education classes.⁷⁰

Hence, by prohibiting sex discrimination and mandating women be treated equally at federally funded educational institutions, Title IX laid the foundation for change. Since the prohibitions were applied to almost all areas of education, changes were inevitable.

⁶⁵ 34 C.F.R. § 106.21(a).

⁶⁶ 34 C.F.R. § 106.21 - 106.23.

⁶⁷ 34 C.F.R. § 106.40.

⁶⁸ 34 C.F.R. § 106.51(a).

⁶⁹ 34 C.F.R. § 106.51(b)(2).

⁷⁰ 34 C.F.R. § 106.21 - 06.51.

4.2 Accelerating gender parity in Higher Education

Though the Title IX contained a mere 37 words, its impact has been staggeringly powerful in ensuring GE in education. Remarkably enough, academic institutions nationwide took notice of the mere 37 words of the Title IX, and they began to take measures accordingly. Striking changes were apparently visible soon afterward in the various programs and activities offered by institutions. Suddenly there were drastic changes and increases in the participation of women in certain fields of study that had previously been male-dominated, such as medicine and law. What is more, they could now even get fellowships, scholarships, and more possibilities that were seldom available to them before 1972 (Cong. Rec., June 2002, p.10732).

Meanwhile, it is certainly difficult to speculate on what the outcome would have been without Title IX, but a quick glance into the progress it brought suggests the significance of this federal law in equalizing the opportunities for women.

One of the most significant effects was seen in the dramatic increase in the portion of first-professional degrees earned by women. In 1959-60, only 1 percent of the dentistry degrees, 6 percent of the medical degrees, 2 percent of the law degrees, and a mere 1 percent of the business degrees went to women. According to the Table 4.2.1, in 1970-71 women received only less than 5 percent $((1,1 + 9,0 + 7,1 + 2,7) / 400 * 100 = 4,97)$ of all professional degrees. Then the gates opened, slowly at first, but they have been making steady gains ever since.

To make a better comparison of the changes in the percentage of first-professional Degrees earned by women before and after Title IX, I have listed the pre-Title IX statistical data (Table 4.2.1) once again. Table 4.2.2 will give a general overview of the developments in the first two decades following the passage of Title IX. As the data illustrate, a steady increase in the participation of women at each of these disciplines can be seen following the passage of Title IX. In 1971-72, the percent of women earning degrees in medicine was 8.9, which climbed to 24.9 in 1981-82, almost a threefold increase. Similarly, the percent of law degrees earned by women has gone from 6.8 in 1971-72 to 34.4 in 1981-82. Almost a five fold increase within a decade. This suggests, once the doors were opened, women poured in to medical and law schools.

Whether Title IX alone was responsible for this change, is debatable, but it definitely created the prerequisite for that change to occur. It cleared the obstructing environment. As long as these discriminative practices were not legally banned, the Universities and colleges were not

obliged to raise the percentage of female students to be admitted or ban the quota system. They could have continued with the age old discriminative practices. That's where the significance of this legislation can be found. This legislation put a legal ban on such practices, by doing that it opened the gates of opportunities for women, and the women were ready for it.

Table 4.2.1
Before Title IX

First-professional Degrees by field, selected years: 1949-50 through 1971-72

	Dentistry	Medicine	Law	Business
Year	% of women	% of women	% of women	% of women
1949-50	0,6	10,0	Not available	Not available
1959-60	0,8	5,5	2,4	1,4
1961-62	0,5	5,4	2,9	2,2
1963-64	0,3	5,8	2,8	2,5
1965-66	1,0	6,5	3,5	4,3
1967-68	1,3	7,8	3,9	3,1
1969-70	0,9	8,4	5,3	1,6
1970-71	1,1	9,0	7,1	2,7
1971-72	1,1	8,9	6,8	2,1

Source: U.S. Department of Education. National Center for Educational Statistics.

[Full Statistics for Business: https://nces.ed.gov/programs/digest/d17/tables/dt17_325.25.asp]

[Full Statistics for Medicine and Law: https://nces.ed.gov/programs/digest/d17/tables/dt17_324.40.asp]

Table 4.2.2**After Title IX**

First-professional Degrees by field, 1972-73 to 1992-93

	Dentistry	Medicine	Law	Business
Year	% of women	% of women	% of women	% of women
1972-73	1,3	8,9	7,9	5,7
1973-74	1,9	11,1	11,3	5,3
1974-75	3,0	13,0	15,0	4,1
1975-76	4,3	16,1	19,2	5,5
1976-77	7,2	19,0	22,4	6,4
1977-78	10,9	21,4	26,0	8,8
1978-79	11,7	23,0	28,4	11,7
1979-80	13,3	23,3	30,1	15,2
1980-81	14,9	24,7	32,3	15,0
1981-82	15,4	24,9	33,4	18,1
1982-83	17,0	26,6	36,0	17,1
1983-84	19,6	28,1	36,8	21,4
1984-85	20,7	30,3	38,4	17,1
1985-86	22,5	30,8	38,9	21,9
1986-87	24,0	32,3	40,2	23,9
1987-88	26,2	33,0	40,4	23,8
1988-89	26,7	33,3	40,8	27,2
1989-90	30,8	34,1	42,2	25,1
1990-91	32,1	35,9	42,9	26,0
1991-92	32,3	35,7	42,6	23,2
1992-93	33,8	37,6	42,4	28,0

Source: U.S. Department of Education. National Center for Educational Statistics.

[Full Statistics for Business: https://nces.ed.gov/programs/digest/d17/tables/dt17_325.25.asp][Full Statistics for Medicine and Law: https://nces.ed.gov/programs/digest/d17/tables/dt17_324.40.asp]

Alexander and Alexander (2011) writes, a "*symbiotic relationship*" between gender equity and education is secured through Title IX, asserting that the enforcing power of Title IX and Title VII accelerated the education and employment pursuits of women further forward. They

claim that, even though this rise in women's education cannot be exclusively credited to Title IX, but its impact was large enough not to ignore (p.463).

So how did the Title IX laws cleared the path for women and helped to expand their presence in professional schools? First, Title IX successfully laid the foundation for greater change, through its mandate of nondiscrimination on the basis of sex. By assigning local educators and advocates with an authority to change those existing systems of inequalities—for example, women are seen as secondary, whereas men as powerful—at the local and state levels. Such attempts began to create awareness about those inequalities and helped transform views and perspectives about gender which contributed to the broadening of access to opportunities (Title IX FAQ). As Sandler says (2007), before Title IX, most people hardly knew how widespread or wrong discrimination was, even if some of them had firsthand experiences (p.486).

Similarly, Title IX eliminated many of the "*formal, and systematic barriers*"—such as quota systems to medical schools, not being admitted to certain vocational education classes. Furthermore, the law barred institutions from expelling pregnant students or compelling them to drop out of school. It was not anymore possible to legally ban girls from taking courses that were traditionally male-dominated—such as physics or calculus (Title IX FAQ). As a result, women enrolling in undergraduate and graduate programs increased and continues to do so.

Another aspect was, educational programs and activities of women and girls were boosted by more resource allocation and financial assistance comparable to that of the same received by boys for similar projects. For example, athletic activities were bolstered by these new allocations, which opened up more choices for girls, thus created an environment that promoted greater visibility for them (Title IX FAQ).

New national organizations—such as the national WEEA Equity Resource Center—were created as a result of Title IX and other supporting legislations, which were committed to promoting GE (Title IX FAQ). Heightened awareness made women to form advocacy groups. Title IX emboldened them to organize and take action for change. As Sandler (2007) says, "*[t]hey organized on and off campus; they organized state-wide; they organized nationally in new organizations and also in committees and caucuses of existing organizations. They learned the politics of change and the politics of power*" (p.486).

On the whole, the passing of Title IX has brought in profound changes in the American education. It not only outlawed discrimination of all forms from educational institutions, but it also ensured an enabling environment for women's enhanced participation in any program of their choice. Moreover, it gave women a voice to make their grievances heard, it emboldened them to organize and acted as a cushion to fall back on in the event of problems stemming from sexism in educational institutions.

4.3 Significance of the role of Sandler in ending gender discrimination in educational institutions

"What seemed like a little tremor in the fault-land of a campus in the State of Maryland in January, 1970, was rumbling toward earthquake proportions for academe across the land."

- (Rohrlich-Leavitt, 1975, p.348)

Sometimes certain events and situations are imposed upon our lives where we may have to make decisions and choices, whether to ignore, accept, and move on or confront it head-on. These decisions and choices can irrevocably change the path of our life course. We may start a journey we might not have planned. Faced with subjective experiences of sexism Bernice Sandler made a similar kind of choice, to fight. Her resolve to put an end to the blatant discrimination, not only changed her life course trajectory, but it also changed the course of education in many ways.

Sandler is often referred to as the "Godmother of Title IX" for her role in advancing the landmark federal legislation banning gender discrimination in the American education system. This breakthrough legislation might not have happened—or at least not soon as it did—without the grassroots activism of Sandler. Dedicating her life advocating for the rights of women in the education system, made her *"the country's leading authority on sex discrimination in schools"* (Staurowsky, 2016, p.21).

As aforementioned, Sandler's journey as a women's rights activist began with her being labeled as *"too strong for a woman,"* a turning point in her life, in which her resolve to stand up against discrimination, becomes fixed on pursuing her new path of action. As Sandler (1997) describes, at that time she had the faintest idea, that she would be fighting for women's rights in the future (p.42). Describing about her life as a trailblazer in gender equity, Sandler (as quoted in Hanson et. al., 2012) said, *"If anyone had told me a year earlier that I would get into these issues, that I would be going around the country giving speeches, that I would*

write, or that I'd get honorary degrees, I would have laughed hysterically. I would have said, 'Oh God, you're kidding, there's no way I could ever do that!' It changed my life in wonderful ways" (p.13).

Certainly, I am not trying to attribute all the credit of Title IX exclusively to Sandler. Because there were also other people who were involved in the drafting and passing of the legislation. The other three important names in connection with Title IX are: Patsy T. Mink—a Representative from Hawaii, was the major author and sponsor of Title IX; Edith Green—helped to introduce the bill in the House Committee; and Birch Bayh—Senator from Indiana who introduced the bill to the Senate.

But the moon landing of Armstrong wouldn't have been possible if NASA Crew hadn't been able to prepare the groundwork before. Similarly, the groundwork for Title IX was laid even before others came on the stage. Sandler's personal encounters with discrimination are what triggered her conscience, her refusal to accept discrimination, and most importantly her resolve to stand up against the biased and prejudiced treatment she faced, that is where it all got started. Without her resolve to take action, she would have no reason to make the search for a legal solution. When asked about what the outcome would have been, if she had been accepted for a position in the Maryland University, Sandler (1997) often speculated that possibly she might still be working as a part-time faculty. Perhaps a Title IX or a similar legislation may have been passed, however, most likely in a very "*weaker version*" that might have consisted of several exemptions, because of the fear of repercussions from educational institutions (p.42).

Besides, it was during the search of a remedy, the whole idea of a legal process was germinated from finding that small '*reference to an unheralded executive order,*⁷¹ signed by President Johnson in 1967, that barred all entities with federal contracts from discriminating on the basis of sex in hiring and employment. Subsequently, in employing the principle that all educational institutions, as recipients of federal funding, are barred from discriminating women on the basis of sex, the seeds of Title IX were planted by Sandler. It was Sandler, together with Macaluso, devised the strategy to carry out the enforcement of the Executive Order, and planned the first complaint against universities and colleges.

⁷¹ See: <https://www.nytimes.com/2019/01/08/obituaries/bernice-sandler-dead.html>

In addition, collecting of hard data for the first class action complaint was all her initiative, since hardly any data existed during those days about women in workplace, the eighty pages of evidence that she put together for the class action complaint, solely consisted of data gathered through her own small research, which included making a quick count of the faculties and their ranks in each department at the Maryland University where she was working as part-time.

Early in 1970, under the auspices of WEAL, Sandler spearheaded the efforts to file a class-action complaint against all universities and colleges in the country. With this lawsuit begins Sandler's career as working for GE in the workplace. In an effort to strengthen their case, Sandler encouraged women in academia to share details about their department, specifically about the status of women employees, their rank and the male to female ratio in the department. With this strategy, Sandler was able to gather pages of documentation that presented an overall picture of an unfair system.

Sandler's initiatives triggered a chain of events. Some kind of movement started to build up rapidly, following the copies of the class action complaint was received by the WEAL's advisory board, starting with Martha Griffiths, based on Sandler's complaints, giving the first-ever speech in the House of Representatives, on sex discrimination in educational institutions. Green agreed to draft legislation and to hold hearings, based on the data given by Sandler. Of course, being a nonpartisan, Sandler couldn't have brought the bill in the Congress on her own, without the help of any of the Representatives.

More than that, her activism made sex discrimination in education a legitimate issue and helped confirm the suspicion of its existence. The complaint letters initiated by Sandler created awareness among Congress members which impelled them to contact the Secretary of Labor. A few months after the class action complaint, in April 1970, the first contract compliance investigation involving sex discrimination of American universities began, at Harvard and the University of Michigan (Sandler, 2007, p. 476).

Finally, on June 2, 1970, the long-anticipated 'Sex Discrimination Guidelines'⁷² for federal contractors and subcontractors was issued by the Department of Labor (Sandler, 1997, p. 39). Furthermore, the HEW not only issued a memorandum stating, in all contract compliance

⁷² June 9, 1970. Sex discrimination guidelines. Federal Register 35: 8888

investigations, investigators should routinely include sex discrimination as part of the investigation process, but they also signed in its first female compliance investigator (Ibid).

Even though Green since long wanted to amend various anti-discrimination laws, she was unable to do so because of the lack of relevant data related to the subject and lacking a constituency whom she could count on to testify. When Sandler provided her with relevant data and a constituency, and a list of people who could testify, Green agreed to draft the constitution and to hold hearings. So the different strategies initiated by Sandler triggered a chain of events leading to the first hearings on the issue of sex discrimination in June 1970.

Having absolutely no affiliation with politics or law prior to getting involved in the fight, it was difficult for her to envisage at the time that the political and legal actions that she initiated would lead to a massive movement against sex discrimination in the academic environment (Sandler 1997, p. 42).

Moreover, it all began, because, she was discriminated against by others who felt too intimidated by her for being "*too strong for a woman*," and more importantly her resolve to stand against such attitudes, that got the ball rolling. This was a personal discrimination that would become the catalyst for a national legislation for GE. Unquestionably, it was all Sandler from the beginning till the end. Her resolve, her idea, her research, her efforts, therefore in every sense justified being called the "Godmother" of Title IX.

Sandler died at the age of 90 in her Washington, D.C. condominium on January 5, 2019.

4.4 Conclusion

So to sum up the chapter, Title IX regulations helped to shake up "*traditional discriminatory practices*"⁷³ from its roots in educational institutions, especially, when it banned all discrimination relating to admission qualifications, recruitment, choice of curriculum, banning quotas, giving protections to married and pregnant students, and moreover, mandating recipients to treat all students equally, those artificial barriers came tumbling down and making the path clear for women, resulting in an overall increase in the proportion of women entering professional schools, ending their seclusion from certain courses, and inspiring

⁷³ Dorothy M. Stetson (1997). Dorothy E. McBride Women's Rights in the U.S.A.: Policy Debates and Gender Roles. Second Edition. Garland Publishing, Inc. New York & London, pp. 148-149

further efforts to reduce discrimination. It was all Sandler's initiation and groundwork which set the stage for the eventual adoption of Title IX and quickened the pace towards GE.

Chapter 5: Summary and Conclusion

The primary aim of this research was about finding the significance of the role played by Sandler in ending gender discrimination in educational institutions. The findings that emerged out of the research questions are summarised.

In an attempt to investigate the root cause of gender discrimination in academic institutions, this study briefly looked at the historical development of women in higher education over the last couple of centuries. This brief historical extract demonstrated that there was intense opposition to women's intellectual enrichment, as the literature overwhelmingly indicated, since the early years, the purpose of higher education for men was to serve in the clergy or in politics, higher education for women was considered to be having no purpose. Culturally embedded stereotypes and gender role expectations hindered further by relegating women's primary responsibility in life as to marry, have children, and taking care of the family. Therefore, women's higher education was critically frowned upon by society at the time.

Nevertheless, over the course of time, as the result of many strong voices campaigning vigorously for women's rights to education, opportunities began to emerge. A number of colleges for women—such as female seminaries—began to sprout up across the country, as well as many state universities began to open their doors to women. Even though from the nineteenth through the twentieth century saw major advances in educational opportunities for women, discrimination persisted in many aspects of education.

Thus, this study examined, how did these discriminations played out in the educational and workplace settings. The findings suggested that its hands stretched out to many facets, but largely to admissions, scholarship programs, and faculty hiring and promotion, which acted as detrimental to their educational progress.

To find out the extent of discrimination, this study used the national statistics on women's first-professional degree earning data (see Table 1.1.1) in medicine, law, and business, as these being the highest-paying careers, which exposed the blatant disparities in the percentage of women earning these degrees prior to Title IX. For instance, in 1971-72 percentage of women earning degrees constituted 1,1 in dentistry, 8,9 in medicine, 6,8 in law, and 2,1 in business. That is a mountain of evidence, showing the glaring gender gap.

This study indicated gender as the prime factor in creating barriers for women. It further showed that, even from the colonial era, gender was the most significant determinant of edu-

cational provision. The existing cultural and social practices dictated the extent to which women could participate in higher learning. Similarly, in the American society of the 1950s and 1960s, women's education was inextricably linked to notions of gender.

To determine the role of gender in constituting obstacles, this study used different theories on gender to investigate the relationship between gender and gender discrimination in HE. It explored the Theory of Social Construction of Gender, to see how society and culture create gender roles and norms which constrains women's access to education. Through the lens of this theory, this study analyzed the American society in the 1950s and 1960s and identified few main components—the patriarchal society, Cold War ideal of domesticity, and the media's representation of women—that accounted for the discriminative practices towards women in educational settings.

Afterward, it investigated the role played by Bernice Sandler in ending gender-based discrimination from educational institutions. Her personal experiences of discrimination are what engendered her consciousness about the existence of such practices in the academic settings prompting her into taking action, and triggered her into investing her life in combating sexism.

The discovery of the Executive Order gave enough legal footing for Sandler to go ahead with legal proceedings against universities and colleges, and with that began her activism for GE. Through her initiative, class action complaint, the letter-writing campaign, information gathering, testimonies, and spearheading hearings, Sandler laid the groundwork for the Title IX legislation, thus playing a crucial role in the passing of this federal law.

The findings indicate that Title IX certainly changed the landscape of education in many ways. Evidently, this signaled the beginning of a departure from a constraining environment toward a more enabling environment of more opportunities for women in the educational as well as in the employment sphere. By demanding all students should get equal access to admissions, resources, and financial assistance, Title IX opened many long-closed doors for women, especially in the areas of medicine, law, and business. The statistical analysis of the data (Table 4.2.2) from post Title IX decades shows a steady increase in the percentage of women earning these degrees.

Moreover, it made possible for pregnant, married, and parenting students to continue with their studies in the school, rather than being forced to drop out. Even though women still lag

behind in certain fields of study—for example, STEM⁷⁴ subjects—but opportunities are open to them as a result of Title IX.

By undertaking different initiatives, Sandler laid the necessary foundation for the gradual dismantling of gender-based discrimination and thus setting the pace towards greater gender parity in education. Her initiatives were the key underlying factor in this transformation. Thus, Sandler's legacy lives on in TitleIX.

⁷⁴ Science, Technology, Engineering and Mathematics (STEM),

Bibliography

Primary Sources

- 118 Cong. Rec. 5803 (Feb. 28, 1972) (Statement of Sen. Birch Bayh).
- ***Bernice Resnick Sandler Papers, 1963-2008***; Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.
- Beauvoir, Simone de (2011). ***The Second Sex***. trans. Constance Borde and Sheila Malovany-Chevallier. New York: Vintage Books.
- Clarke, Edward H. (1873). ***Sex in education, or, A fair chance for girls***. Boston: James R. Osgood and Company.
- Congressional Record (2002). ***Proceedings and Debates of the 107th Congress Second Session. Celebrating the 30th Anniversary of Title IX***. vol. 148-Part 8, June 13, 2002 to June 26, 2002, 10732-10740.
- Congressional Record (2003), vol. 149-Part 10, May 22, 2003 to June 9, 2003. p.12926.
- Crenshaw, Kimberle (1989) "***Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics***," University of Chicago Legal Forum: Vol.: Iss. 1, Article 8.
- ***Discrimination Against Women*** (1970). Hearings before the Special Subcommittee on Education of the Committee on Education and Labor, House of Representatives, 91st Congress, 2d Session. Washington, DC: Government Printing Office.
- Perkins, Linda M. (2015). ***Bound to Them by a Common Sorrow: African American Women, Higher Education, and Collective Advancement***. The Journal of African American History Vol. 100, No. 4, African American Education, Civil Rights, and Black Power, pp.721-747.
- Ridgeway, Cecilia L. (2001). ***Gender, Status, and Leadership***. Journal of Social Issues, Vol. 57, No. 4, pp.637-655. Stanford University.
- Sandler, Bernice R. (1972). ***What Constitutes Equity for Women in Higher Education?*** ERIC - Education Resources Information Center.
- Sandler, Bernice R. and Roberta M. Hall (1986). ***The Campus Climate Revisited: Chilly for Women Faculty, Administrators, and Graduate Students***. ERIC - Education Resources Information Center.
- Sandler, Bernice R. (1997). "***Too Strong for a Woman': The Five Words That Created Title IX***," in ***Title IX: A Brief History with Documents***, ed. Susan Ware. Boston: Bedford/St. Martin's, 2007, pp.35-42.
- Sandler, Bernice R. (2007). ***Title IX: How we got it and what a difference it made***. Cleveland State Law Review, 55(4), 473-479.

- Solomon, Barbara M. (1985). *In the Company of Educated Women: A History of Women and Higher Education in America*. New Haven, CT: Yale University Press.
- "Title IX (Aug. 6, 2015). The United States Department of Justice. <http://www.justice.gov/crt/title-ix> [Retrieved Jan. 05, 2019].
- Ware, Susan (2007). *Title IX: A Brief History with Documents*. Waveland Press, Illinois.

Secondary Sources

- Alemán, Ana M. Martínez and Kristen A. Renn (2002). *Women in Higher Education: An Encyclopedia*. Santa Barbara: ABC-CLIO.
- Beal, Frances M. (1969). *Black Women's Manifesto; Double jeopardy: To be Black and Female*. New York: Third World Women's Alliance.
- Belknap, Joanne. (2007). *The Invisible Woman: Gender, Crime, and Justice* (3rd ed.). Belmont, CA: Wadsworth.
- Bhasin, Kamla (2006). *What Is Patriarchy*. Women Unlimited: New Delhi.
- Blair-Loy, Mary (2003). *Competing Devotions: Career and Family among Women Executives*. Cambridge, Mass.: Harvard University Press.
- Bourdieu, Pierre and Jean-Claude Passeron (1990). *Reproduction in education, society and culture* (Vol. 4). London: SAGE Publications.
- Cammaerts, Bart and Nico Carpentier (2007). *Reclaiming the media: communication rights and democratic media roles*. Bristol, UK, Intellect, pp.217-224.
- Cohen, Arthur M. (1998). *The Shaping of American Higher Education*. San Francisco, CA: Jossey-Bass Publishers.
- Connell, Raewyn (1987). *Gender and Power: Society, the Person and Sexual Politics*. Sydney: Allen & Unwin, Cambridge: Polity Press, Stanford: Stanford University Press.
- Conway, Jill Kerr (1974). "Perspectives on the History of Women's Education in the United States," *History of Education Quarterly*, Vol. 14, No. 1, p.6.
- Daly, Kathleen and Meda Chesney-Lind (1988). *Feminism and Criminology*. *Justice Quarterly*, 5, 497-538.
- Davis, Flora (1999). *Moving the Mountain: The Women's Movement in America Since 1960*. University of Illinois Press.
- Evans, Sara M. (1989). *Born For Liberty: A History of Women in America*. New York: The Free Press. p.246.
- Feasey, Rebecca (2012). *Happy Homemaker to Desperate Housewives: Motherhood and Popular Television*. London and NY: Anthem Press.

- Friedan, Betty (1963). *The Feminine Mystique*. New York: W.W Norton & Company INC.
- Friedan, Betty and Anna Quindlen (1997). *The Feminine Mistique*. New York: W. W. Norton & Company.
- Gibney, Laura; Ralph J. DiClemente; Sten H. Vermund (eds.) (2002). *Preventing HIV in Developing Countries: Biomedical and Behavioral Approaches*. Kluwer Academic Publishers.
- Gitlin, Martin (2017). *Powerful Moments in Sports: The Most Significant Sporting Events in American History*. Rowman & Littlefield Publishers.
- Gwynne-Thomas, E. H. (1981). *A Concise History of Education to 1900 A.D.* Washington, DC:University Press of America, Inc.
- Hanson, Katherine; Vivian Guilfooy; Sarita Pillai (2012). *More than Title IX: How Equity in Education Has Shaped the Nation*. Rowman & Littlefield Publishers.
- Haralovich, Mary B. (1989). *Sitcoms and suburbs: Positioning the 1950s homemaker*. Quarterly Review of Film and Video, 11:1, 61-83.
- Hartmann, Susan M. (1994). "Women's Employment and the Domestic Ideal in the Early Cold War Years" in *Not June Cleaver: Women and Gender in Postwar America, 1945-1960*, ed. Joanne Mereyowicz. Philadelphia: Temple University Press.
- Harvey, Brett (2002). *The fifties: A Women's Oral History*. Lincoln, NE: ASJA Press.
- Hope, Judith (2003). *Pinstripes and Pearls: the Women of the Harvard Law Class of 64 Who Forged an Old Girl Network and Paved the Way for Future Generations*. Charles Scribners Sons.
- Husu, Liisa (2004). *Gate-keeping, gender equality and scientific excellence*, in *Gender and Excellence in the Making*, eds. M. Brouns and E. Addis. Brussels: Directorate General for Research, European Commission, 69–76.
- Jacobs, Jerry A. (1996). *Gender Inequality and Higher Education*. Annual Review of Sociology. 22 : 153-185.
- Janney, Rebecca P. (2010). *Then Comes Marriage?: A Cultural History of the American Family*. Moody Publishers, Chichago.
- Kerber, Linda K. (1980). *Women of the republic: Intellect and ideology in revolutionary America*. Chapel Hill, NC: University of North Carolina Press.
- King, Patricia M. (1981). *The Campaign for Higher Education for Women in 19th Century Boston*. Proceedings of the Massachusetts Historical Society 93: 59-79.
- Klein, Susan; Barbara Richardson; Dolores A. Grayson; Lynn H. Fox; Cheris Kramarae; Diane S. Pollard; Carol Anne Dwyer (eds.) (2007). *Handbook for Achieving Gender Equity Through Education*. New York: Routledge.

- Kysilka, Marcella L. (2011). *Critical Times in Curriculum Thought: People, Politics, and Perspectives*. Information Age Publishing, Inc.
- Leedy, Paul D. and Jeanne E. Ormrod (2001). *Practical research: Planning and design* (7th ed.). Upper Saddle River, NJ:
- Lindsey, Linda L. (2015). *Gender roles: a sociological perspective*. Boston: Pearson.
- Love, Barbara J. (2006). *Feminists Who Changed America, 1963-1975*. University of Illinois Press.
- Madigan, Jennifer C. (2009). *The education of women and girls in the United States: A historical perspective*. *Advances in Gender and Education*, 1 (2009), 11-13. Printed in the USA.
- Marthers, Paul P. (2011). *Eighth Sister No More: The Origins and Evolution of Connecticut College*. New York: Peter Lang Publishing, Inc.
- Martin, Brian (2007). *Activism, social and political*, in *Encyclopedia of Activism and Social Justice*, eds. Gary L. Anderson and Kathryn G. Herr. Thousand Oaks, CA: Sage, pp.19-27.
- Matthews, Barbara (1976). *Women, Education and History. Theory into Practice*, Vol. 15, No. 1, Democracy in Education, pp.47-53.
- May, Ann Mari (ed.) (2008). *The Woman Question and Higher Education: Perspectives on Gender and Knowledge Production in America*. Edward Elgar Publishing Limited.
- May, Elaine Tyler (1988). *Homeward Bound: American Families in the Cold War Era*. New York: Basic Books, Pp.16–36.
- May, Elaine Tyler (2008). *Homeward Bound: American Families in the Cold War Era*. 20th Anniversary Edition. New York: Basic Books.
- Mayock, Ellen (2016). *Gender Shrapnel in the Academic Workplace*. Palgrave MacMillan, New York.
- Mintz, Steven & Susan Kellog (1988). *Domestic Revolutions: A Social History of American Family Life*. New York: The Free Press.
- Paludi, Michele A.; Jennifer L. Martin; James E. Gruber; Susan Fineran (2015). *Sexual Harassment in Education and Work Settings: Current Research and Best Practices for Prevention*. ABC-CLIO, LLC.
- Phoenix, Ann (2006). *Interrogating intersectionality: Productive ways of theorising multiple positioning*. *Kvinder, køn & forskning*, (2-3).
- Pomerleau, Clark A. (2013). *Califia Women: Feminist Education against Sexism, Classism, and Racism*. University of Texas Press.
- Ridgeway, Cecilia L. and Lynn Smith-Lovin (1999). *The gender system and interaction*. *Annual Review of Sociology*, 25, 191–216.

- Ridgeway, Cecilia L. and Shelley J. Correll (2004). *Unpacking the Gender System: A Theoretical Perspective on Gender Beliefs and Social Relations*. Vol. 18, No. 4 (Aug., 2004), pp.510-531.
- Ridgeway, Cecilia L. (2011). *Framed by Gender: How Gender Inequality Persists in the Modern World*. Oxford University Press.
- Rohrlich-Leavitt, Ruby (ed.) (1975). *Women Cross-Culturally: Change and Challenge*. Mouton Publishers, The Hague, Paris.
- Ropers-Huilman, Becky (ed.) (2003). *Gendered Futures In Higher Education : Critical Perspectives For Change*. State University of New York Press.
- Rose, Deondra (2018). *Citizens By Degree: Higher Education Policy and the Changing Gender Dynamics of American Citizenship*. Oxford University Press.
- Rubin, Gayle (1975). *The Traffic in Women: Notes on the 'Political Economy' of Sex*, in *Toward an Anthropology of Women*, ed. R. Reiter, New York: Monthly Review Press.
- Rudolph, F. (1962). *The American College & University: A History*. Athens, GA: TheUniversity of Georgia Press.
- Russo, Charles J. (2010). *Encyclopedia of Law and Higher Education*. SAGE Publications, Inc.
- Sadker, Myra and David Sadker (1995). *Failing at Fairness: How our schools cheat girls*. New York: Touchstone.
- Schenken, Suzanne O'Dea (1999). *From Suffrage to the Senate: An Encyclopedia of American Women in Politics*. Volume 1: A-M. ABC-CLIO, Inc.
- Scott, Joan (1986). "Gender: A Useful Category of Historical Analysis," *American Historical Review* 91: 1053–75.
- Scott, Anne Firor (1984). *Making the Invisible Woman Visible*. University of Illinois Press.
- Schwartz, Robert (2010). *Deans of Men and the Shaping of Modern College Culture*. New York: Palgrave Macmillan.
- Singh, Robert (2003). *Contemporary American Politics and Society: Issues and Controversies*. London: SAGE Publications Ltd.
- Skrentny, John D. (2002). *The Minority Rights Revolution*. The Belknap Press of Harvard University Press.
- Sokoloff, Natalie J. (1992). *Black women and white women in the professions*. New York: Routledge, Chapman and Hall, Inc.
- Staurowsky, Ellen J. (2016). *Women and Sport: From Liberation to Celebration*. Champaign, IL: Human Kinetics.

- Suggs, Welch (2005). *A Place on the Team: The Triumph and Tragedy of Title IX*. Princeton University Press.
- Tozer, Steven; Paul Violas; Guy Senese (2002). *School and society: Historical and contemporary perspectives*. Boston: McGraw-Hill.
- Toossi, Mitra (2002). *A Century of Change: The U.S. Labor Force, 1950–2050*. Monthly Labor Review. 2002 May;125(5):15–28.
- Tuchman, Gaye (1978). *The symbolic annihilation of women by the mass media*, in *Hearth and Home: Images of Women in the Mass Media*, eds. G. Tuchman, A. K. Daniels, and J. Benet. New York: Oxford University Press.
- Tyack, David and Elisabeth Hansot (1990). *Learning together: A history of coeducation in American schools*. New Haven and London: Yale University Press.
- Walby, Sylvia (1990). *Theorizing Patriarchy*. Blackwell Publishers Ltd.: Oxford, UK and Cambridge USA.
- Ware, Susan (1990). *American Women in the 1950s: Nonpartisan Politics and Women's Politicization*, in *Women, Politics and Change*, eds. Louise Tilly and Patricia Gurin, New York: Russell Sage Foundation: 281-299.
- Young, William H. & Nancy K. Young (2004). *The 1950s*. Westport, Conn. : Greenwood Press.

Electronic Resources

- American Association of University Professors (2016). *The History, Uses, and Abuses of Title IX*. <https://www.aaup.org/file/TitleIXreport.pdf> [Retrieved Sep. 20, 2019].
- Bridgeman, Jeahlisa (2014). **Profile of Bernice Sandler**. In A. Rutherford (Ed.), Psychology's Feminist Voices Multimedia Internet Archive. <http://www.feministvoices.com/bernice-resnick-sandler/> [Retrieved Sep. 10, 2019].
- Butler, Judith. (December, 1988). *Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory*. Theatre Journal, Vol. 40, No. 4, pp. 519-531. The Johns Hopkins University Press. https://www.amherst.edu/system/files/media/1650/butler_performative_acts.pdf [Retrieved May 20, 2019].
- Correll, Shelley J., Stephen Benard, In Paik (2007). *Getting a Job: Is There a Motherhood Penalty?* [ebook] American Journal of Sociology, Vol. 112, No. 5 (March 2007), The University of Chicago Press, pp.1297-1338. <http://www.jstor.org/stable/10.1086/511799> [Retrieved May 4, 2019].
- Digest of Education Statistics (2017). Table 318.10. Degrees conferred by postsecondary institutions, by level of degree and sex of student: Selected years, 1869-70 through 2027-28. https://nces.ed.gov/programs/digest/d17/tables/dt17_318.10.asp [Retrieved Jan. 27, 2019].

- "Document 3: ***Bernice Sandler to Professor Eric F. Goldman***, 25 February 1976, Jean King Papers, Box 3, HEW v. UM Folder, Bentley Historical Library, University of Michigan, Ann Arbor, Michigan. 7 Pp." Alexander Street Documents, Documents Selected and Interpreted by Sara Fitzgerald, <https://documents.alexanderstreet.com/d/1005577059> [Retrieved May 25, 2019].
- Eckel, Peter D., and Jacqueline E. King (2004). ***An Overview of Higher Education in the United States: Diversity, Access and the Role of the Marketplace***. American Council on Education website: <https://www.acenet.edu/news-room/Documents/Overview-of-Higher-Education-in-the-United-States-Diversity-Access-and-the-Role-of-the-Marketplace-2004.pdf> [Retrieved Feb. 28, 2019].
- Feder, Jody (December 7, 2012). ***Title IX, Sex Discrimination, and Intercollegiate Athletics: A Legal Overview***. <https://fas.org/sgp/crs/misc/RL31709.pdf> [Retrieved Feb. 20, 2019].
- Feminist Majority Foundation. ***The Triumphs of Title IX***. pp.42-47. <http://www.feminist.org/education/triumphsofitleix.pdf> [Retrieved Jan. 15, 2018].
- Moreland-Russell, Sarah; Barbero, Colleen; Andersen, Stephanie; Geary, Nora; Dodson, Elizabeth A.; Brownson, Ross C. (January 9, 2015) "***Hearing from All Sides' How Legislative Testimony Influences State Level Policy-Makers in the United States***." International Journal of Health Policy and Management, Kerman University of Medical Sciences. www.ncbi.nlm.nih.gov/pmc/articles/PMC4322632/#R7 [Retrieved May 23, 2019].
- National Women's Hall of Fame (2019). ***Bernice Resnick Sandler***. <https://www.womenofthehall.org/women-of-the-hall/voices-great-women/bernice-resnick-sandler> [Retrieved April 7, 2019].
- Nnamani, S. (September 30, 2011). ***Title IX Has Helped Women Maximize Their Potential***. <https://www.mic.com/articles/1816/title-ix-has-helped-women-maximize-their-potential> [Retrieved Jun. 7, 2018].
- Perkins, Linda M. (n.d.). ***African-american women and Hunter College 1873-1945***. [ebook], pp.16-25. https://library.hunter.cuny.edu/old/sites/default/files/pdf/archive_articles/african_american_women_and_hunter_college_perkins.pdf [Retrieved May 10, 2019].
- Permanent Culture Now (n.d.). ***Introduction to Activism***. <http://www.permanentculturenow.com/what-is-activism/> [Retrieved Oct. 22, 2018].
- Seelye, Katharine Q. (January 8, 2019). ***Bernice Sandler, 'Godmother of Title IX,' Dies at 90***. <https://www.nytimes.com/2019/01/08/obituaries/bernice-sandler-dead.html> [Retrieved May 17, 2019].
- U.S. Department of Education (September 25, 2018). ***Sex Discrimination***. <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/sex.html> [Retrieved May 15, 2019].
- Smith, Tovia (August 12, 2014). ***How Campus Sexual Assaults Came To Command New Attention***. <http://www.npr.org/2014/08/12/339822696/how-campus-sexual-assaults-came-to-command-new-attention> [Retrieved Mar. 17, 2019].

- Strohlic, Nina (March 2, 2018). *Inside the Lives of Girls Dressed as Boys in Afghanistan*.
<https://www.nationalgeographic.com/photography/proof/2018/march/bacha-posh-gender-afghanistan/> [Retrieved Aug. 2, 2018].
- Tashakkori, Abbas and John W Creswell (2007). *Editorial: The New Era of Mixed Methods*. *Journal of Mixed Methods Research*, 1(1), 3-7.
<https://doi.org/10.1177/2345678906293042> [Retrieved Mar. 28, 2018].
- U.S. Department of Justice (August 7, 2015). *Overview Of Title IX Of The Education Amendments Of 1972*, 20 U.S.C. A§ 1681 Et. Seq.
<https://www.justice.gov/crt/overview-title-ix-education-amendments-1972-20-usc-1681-et-seq> [Retrieved Sep. 2, 2018].
- West, Candace & Don H. Zimmerman (1987). *Doing gender*. *Gender and Society*, 1:125–151.
https://www.gla.ac.uk/0t4/crcees/files/summerschool/readings/WestZimmerman_1987_DoingGender.pdf [Retrieved Mar. 23, 2018].
- Wulf, Steve (March 22, 2012). "Title IX: 37 Words That Changed Everything." ESPN, ESPN Internet Ventures.
https://www.espn.com/espnw/title-ix/story/_/id/7722632/undefined [Retrieved Apr. 24, 2018].

Video

- Boschert, Sherry. "*Bernice Sandler: Words*." YouTube, 24 Jan. 2015,
https://www.youtube.com/watch?v=qc_WHhg7imc.
- University of St. Francis Interview. "*Interview Featuring the Godmother of Title IX, Bernice Sandler*." Vimeo, University of St. Francis, 2 May 2019,
vimeo.com/159738719.