

Too Strong For a Woman: How Bernice Sandler Created Title IX to Break Barriers for Female Faculty in Higher Education

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

—Title IX¹

IN SPITE OF THE CIVIL RIGHTS ACT and the social revolutions of the era, the term “sex discrimination” was unknown in the 1960s. Yet discrimination on the basis of sex was rampant in America, especially when it came to women’s employment in higher education, as Bernice Sandler noted in 1969. After being turned down repeatedly for full-time teaching positions at the University of Maryland and told “[she came] on too strong for a woman,” Sandler rebelled and took matters into her own hands. With the Women’s Equity Action League, she filed over 250 lawsuits against colleges and universities in protest to their discriminatory hiring practices, which in turn led to the creation of Title IX of the Educational Amendments of 1972. This federal law was the force that enabled women to break barriers concerning their employment in higher education and would later address countless other injustices occurring at such institutions.

The Pre-Title IX Climate For Females in Higher Education

Historically, men greatly outnumbered women as faculty and students from the creation of higher education in America through the late-twentieth century.² It wasn’t until 1837 that Oberlin College opened its doors to women, becoming the first U.S. college to do so nearly two-hundred years after Harvard University’s establishment.³ Females as a whole had few opportunities in academia prior to the Civil War, though afterward, many

state colleges began admitting women to boost their numbers, as fewer men looked to education following the war.⁴ Additionally, women's institutes such as Vassar College were introduced, intended to offer women higher education—though not of a comparable status to men's institutes.⁵ The era also created the Dean of Women position in coeducational schools, a role meant to guide and mentor female students in male-dominated higher education; at the time, this position as a faculty member was the best rank a woman could hope for.⁶

Women also had success in academia during World War II, when America was once again faced with a depleted male populace and women were able to fill their roles as educators and students.⁷ But though women proved themselves to be adept faculty, most returned to traditional roles as homemakers when men returned following the war and colleges again denied women's rights in academia.⁸

Through the 1960s, such patterns of gender-based discrimination continued. In the early years of the decade, 21,000 women were rejected from Virginia state colleges, whereas not a single man was turned down.⁹ The School of Veterinary Medicine at Cornell University only admitted two women annually, and other colleges didn't allow women to major in or take science and math at all.¹⁰ To be admitted to colleges and universities in the first place, women had to have higher grades and test scores than their male counterparts.¹¹ This discrimination of women in admissions led to fewer earning Ph.D.s, and hence a smaller number of females were qualified to become professors.¹² In 1971, women made up just twenty-seven percent of college faculty, an even smaller percentage of university faculty, and in selective research institutions, female professors in science and medicine made up under five percent of the field.¹³ Rather than hire women as full-time, many institutions employed them as part-time lecturers,¹⁴ who never received the benefits—such as tenure—of professors.¹⁵ To put it simply, women were seen as second-class in higher education, and with so many barriers in place, they were far from utilizing their full academic potential as faculty and students.

“Too Strong For a Woman”—The Last Straw

The terms “sexism” and “sexual discrimination” barely existed in the 1960s; moreover, many employers that practiced sexual discrimination claimed it wasn't problematic, as it was the “natural order of things.”¹⁶ Women who did acquire leadership positions in academia struggled to exert power when male colleagues didn't respect their positions, and they faced a considerable battle when it came to moving up the career ladder.¹⁷ Even with the passage of the Civil Rights Act of 1964—which supposedly

prohibited discrimination in employment on the basis of race, color, sex, national origin, and religion—unchecked prejudice remained a barrier for women nationwide as the decade ended.¹⁸

In 1969, Bernice Sandler had just completed her doctorate degree at the University of Maryland (UMD) while working there as a part-time lecturer.¹⁹ Previously, Sandler had earned a Bachelor's degree in Psychology and a Master's in Clinical and School Psychology from Brooklyn College, New York City's first coeducational liberal arts institute.²⁰ Yet when she applied for a full-time position at UMD, she was rejected, despite seven job openings in her department and her outstanding qualifications.²¹ When Sandler asked a male colleague why she hadn't been considered for any of the positions, he responded, explaining, "But let's face it. You come on too strong for a woman."²² Within the next months, she experienced two more instances of rejection at UMD, during which she was called "just a housewife who went back to school" and told she couldn't work full-time because she'd stay home if her children were sick.²³ After these conversations, Sandler's reaction was one of doubt: had she indeed come on too strong and spoken too much at staff meetings and on the issues discussed with her fellow faculty?²⁴ It wasn't until her husband defined the incident as "sex discrimination," an unfamiliar notion, that Sandler took action.²⁵

To start, Sandler researched laws associated with discrimination in employment, and not long after, she discovered that Titles VI and VII of the Civil Rights Act had left female faculty entirely vulnerable to discrimination.²⁶ While Title VI only prohibited discrimination on the basis of race, color, and national origin in institutes receiving federal financial assistance, faculty was exempted from Title VII, which specifically banned discrimination in employment; additionally, the Equal Pay Act of 1963 held the exemption of all professional women.²⁷ It was a perfect storm united against the female faculty of higher education. Even more surprisingly, Sandler soon stumbled across another piece of legislation: Executive Order 11375, signed by President Lyndon Johnson in 1968, had amended earlier Executive Order 11246—of which prohibited discrimination in employment on the basis of race, color, religion, and national origin—to include "on the basis of sex."²⁸ Evidently, hundreds of colleges and universities were in regular violation of a newly-amended Title VII.²⁹

A Means to an End of Sex Discrimination in Academia

Bernice Sandler soon joined the Women's Equity Action League,³⁰ (WEAL) an organization dedicated to battling sexism through legislative action.³¹ She became its chairman of the Action Committee for Federal Contract Compliance in Education³²—and its one and only committee

member.³³ Embarking on her pursuit to right higher education's wrongs, Sandler contacted the Office of Federal Contract Compliance at the Department of Labor, where she was put on the line with Director Vincent Macaluso.³⁴ Immediately, Macaluso explained to Sandler how he had been awaiting a call like hers, as he was well-aware of the nationwide Executive Order violation, and discreetly instructed her to file complaints regarding the Executive Order to his very office.³⁵

Sandler heeded Macaluso's advice. In the fall of 1969, she composed a report regarding sex discrimination at her university and submitted it to WEAL; the report examined the University of Maryland's imbalance between sexes in faculty and the UMD women's struggle to receive promotions and equal salaries.³⁶ The following January, WEAL filed its first administrative class-action complaint against every college and university in the country that received federal funding, claiming that they were all in violation of Federal Order 11246, as amended by President Johnson.³⁷ In the coming months, Sandler submitted over 250 data-backed charges against various colleges and universities to the federal government, as would numerous other female faculty and students who had been discriminated against.³⁸

This massive influx of charges against the colleges and universities of America snared the attention of House of Representative member Edith Green, a long-time advocate of women's equality.³⁹ In response to Sandler, WEAL, and thousands of other women, Green, the chair of the Special Subcommittee on Education, introduced a bill and held the first-ever congressional hearings on women's employment in higher education in June of 1970.⁴⁰ Later described as "horror stories" by Sandler,⁴¹ the testimonies of dozens, beginning with Sandler's herself, painted a startling portrayal of the injustices occurring on campus: on the stand, one female professor explained that while she worked alongside her husband at a university, she did so without pay because the institution could only afford to compensate one of them.⁴²

The passage of the bill from Green's hearings was a quiet revolution over the next two years. Coauthored by Green and Patsy Mink, a fellow Congresswoman who had struggled to find equity in her education,⁴³ the bill that later became Title IX amended the Civil Rights Act by prohibiting sex discrimination in federally funded institutions.⁴⁴ Despite the bill's controversial nature, most boards of higher education turned a blind eye to it, deeming it inconsequential when sex discrimination was allegedly "nonexistent on campus."⁴⁵ And so it went. Green and Mink pushed the bill through the House, and influential Democratic Senator Birch Bayh (see **Appendix A**) soon tacked on his support.⁴⁶ Bayh's endorsement was especially key as he led the bill through the Senate with little pushback—

it was only asked by a Senator that women be excluded from playing football before the bill was passed.⁴⁷ At last, two years after the hearings, President Richard Nixon signed Title IX of the Education Amendments of 1972 into law, having no inkling of how far Title IX would go in breaking barriers for women.⁴⁸

The Consequences of Title IX in the Seventies

Although Title IX was relatively unheard of before its passage, it was hardly without impact: overnight, it made former hiring and admissions practices of higher education illegal.⁴⁹ With the law's passage, the Department of Health, Education, and Welfare (HEW) began working to see Title IX's implementation through.⁵⁰ HEW's extensive regulations and investigations led to significant reform when institutions were pressured and federally ordered to practice affirmative action.⁵¹ Furthermore, Sandler and WEAL continued lobbying for change and began providing institutions with instructions on how to bring about new opportunities for women.⁵² Issues included anything from treatment of faculty to admissions and financial aid to female pregnancies on campus.⁵³ Title IX also made it possible for women to take up cases against colleges and universities when discriminated against, whereas before they had held no legal leverage to do so.⁵⁴ As these improvements took hold, new practices regarding faculty gradually surfaced, including the use of unbiased hiring committees—made up of both men and women⁵⁵—and more equal gender pay and promotions.⁵⁶

The feminist movement was making great advances in career equality for women, and in the late 1970s, more groups would continue breaking down discrimination using Title IX.⁵⁷ The U.S. Commission on Civil Rights, for one, was able to revoke federal funding from any institution that didn't follow the law.⁵⁸ WEAL continued its fight, not only publishing guides but also extensive studies dealing with women's numbers at colleges and universities.⁵⁹ New activist groups, both big and small, became exceedingly involved in the seventies as light shed on higher education revealed disparities that simply had not been noticed before.⁶⁰ While Sandler's original intent had been to end discrimination in employment, many activists noted the problems women faced in other areas—namely athletics.⁶¹ Title IX was utilized particularly well in this aspect due to its ability to be easily proven: virtually no girls played varsity sports nor did they obtain athletic scholarships.⁶² Thus, Title IX became a law widely associated with women in sports, though it was written for an entirely different purpose.⁶³ Even so, Bernice Sandler and various organizations continued breaking down discriminatory barriers, but now looked to a broader horizon.

Title IX's Legacy

Title IX made age-old practices illegal but also changed the way that young girls perceived their futures.⁶⁴ Formerly, girls were often restricted to housewifery and menial careers, but Title IX allowed girls to become the masters of their fates, as now higher education was mandated to treat them equally.⁶⁵ In 1972, women received just seven percent of law degrees and nine percent of medical degrees; in 2002, thirty years later, women earned nearly half of them.⁶⁶ Furthermore, from 1968 to 2008, the number of women aged 25-34 with college degrees tripled—and continues to climb today.⁶⁷ As mentioned previously, the more degrees awarded to women, the more females available to teach in higher education. In 1970, less than twenty percent of college faculty were women, and a mere three percent of college presidents were women; in 2006, percentages in faculty had doubled (see **Appendix B**) and thirty percent of college presidents were women.⁶⁸

In the 1980s, women began using Title IX to combat sexual harassment on campus.⁶⁹ Debatably the facet of discrimination that has the farthest to go, sexual harassment covers threats, slanders, and assaults, the latter of which is a criminal offense.⁷⁰ Along with faculty, admissions, and athletic discrimination, many organizations today take on sexual harassment in higher education, enforcing Title IX both in schools and in federal courts.⁷¹

Described as “the legislative equivalent of a Swiss Army knife,”⁷² Title IX boasted an impact that nobody could have imagined in 1972. With the initial barrier of employment inequity in higher education broken, and the multiple fissures from that, women of the twenty-first century can enjoy all of the benefits that being a man brought fifty years ago—or at least in theory.⁷³ Though opportunities in employment have been greatly expanded by Title IX, some women still experience discrimination in something known as the “Chilly Climate.”⁷⁴ Essentially, the euphemism denotes the negative atmosphere that can surround females in male-dominated environments.⁷⁵ With a majority of higher education faculty still being male, some female professors of today are met with disparaging attitudes and ingrained beliefs, and hence labor to find their place at work.⁷⁶ Nonetheless, Title IX has and will continue to make great strides regarding women’s equity in higher education, as it and those who champion the law fight to break down more discriminatory barriers for women.

Inspired by Bernice Sandler’s unjust experiences at the University of Maryland, Title IX fundamentally transformed women’s opportunities in higher education. Although initially written to change the ways of employment, Title IX had wide-reaching effects in its application. From the ability to go to school to the right to play the same sports as

men to targeting sexual harassment, the Educational Amendment broke down numerous barriers preventing women from the same freedom of opportunity that men possessed. While women still face discrimination in modern-day society, Sandler's Title IX acts as a bright light to a better future that women have persevered in fighting for—or as Sandler, the Godmother of Title IX would say, “We’ve come a long way, baby, but not far enough.”⁷⁷

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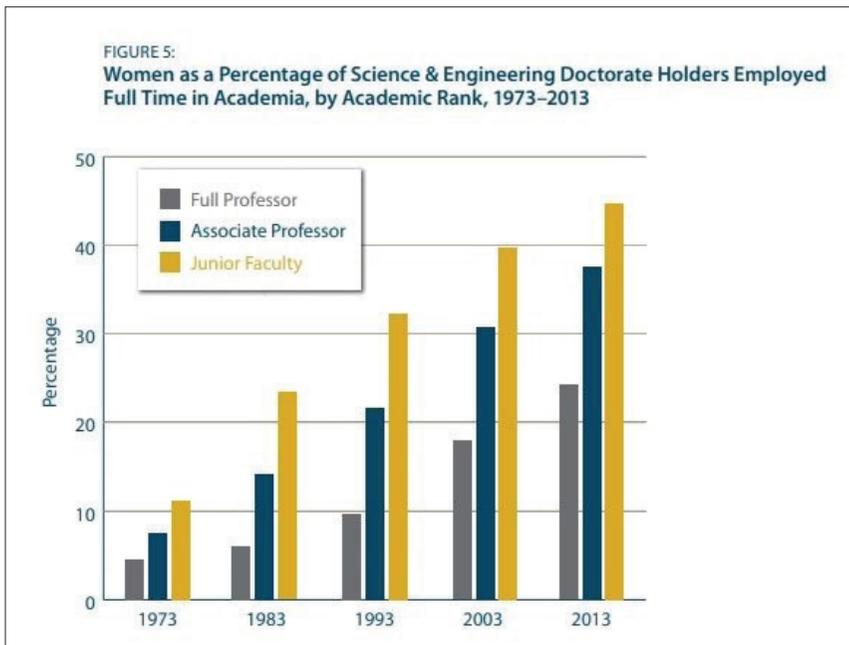
Appendix A



Bernice Sandler, (middle) commonly nicknamed “Bunny,” and friends greet Senator Birch Bayh (right). Bayh’s support and push for Title IX would advance the bill’s movement through Congress, as it in turn made it to the desk of President Richard Nixon.

“Bunny with Birch Bayh.” National Women’s Hall of Fame, www.womenofthehall.org/women-of-the-hall/voices-great-women/bernice-resnick-sandler/bunny-w-birch-bayh/.

Appendix B



As illustrated, since Title IX’s passage in 1972, female faculty numbers have drastically risen as women continue to advance their status as educators, particularly in STEM fields; previously, women were largely barred from learning and teaching these subjects. On the other hand, as women’s numbers remain under fifty percent, such statistics prove we still have a ways to go.

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Chaudhry, Neena. Telephone interview. 28 Feb. 2020.

Neena Chaudhry is the General Counsel and Senior Advisor for Education at the National Women's Law Center in Washington D.C. Presently, she and her team are one of the primary forces behind Title IX's implementation. Over the years, they've worked on numerous court cases using the law, actively seeking to bring about reform in higher education. During our phone interview, Ms. Chaudhry broke down today's process of using Title IX, from when issues are addressed in the schools, to when suits are brought into court, if need-be. Our conversation was highly-informative, and it was a great resource for understanding how Title IX is used in modern-day life.

Deneen, Linda. Personal interview. 12 Feb. 2020.

Linda Deneen is a former faculty member at the University of Minnesota Duluth. She got her job in the 1980s, hired to its then-recently-formed computer science department. Ms. Deneen's career was an equitable one, as she described being faced with virtually no discrimination amid her employment. Such an experience depicts the positive change that was taking place in the seventies and eighties. At one point during our interview, Ms. Deneen described how after a few years of work, she began receiving more pay than her husband, who worked at the university as well, albeit for not as long. Her pay raise greatly reflects the transformation many higher education institutes underwent at the time.

Dunkle, Margaret. Telephone interview. 10 Feb. 2020.

Shortly after the passage of Title IX, Margaret Dunkle began working with Bernice Sandler to see through its implementation. She was a member of the Association of American College's Project on the Status and Education of Women at the time. Along with many others of the women's movement, Ms. Dunkle made remarkable efforts regarding Title IX, including becoming the first Chair of the National Coalition for Women and Girls in Education and writing forward-looking analyses; two of her papers can be found later in the bibliography. Amidst our phone interview, Ms. Dunkle provided great amounts of information on a wide range of my project. She not only retold the story of how Title IX came to be, but also offered insight on its many impacts, and pointed out something that I had not thought of before: if more women were able to earn their Ph.D.s, then more women had a chance at becoming professors of higher education.

Kane, Mary Jo. Telephone interview. 18 Feb. 2020.

Mary Jo Kane is a Professor in the School of Kinesiology, and the Director of the Tucker Center for Research on Girls & Women in Sport at the University of Minnesota. Throughout her career, she has been critical in the University's implementation of Title IX. Although my project isn't based on athletics, as Title IX is so often associated with, Professor Kane helped to shed light on why athletics has become such an integral part of the law. During our interview, she explained the history of Title IX and athletics, which came about in the mid-seventies when women began noticing the blatant differences between men and women's privileges in sports. It wouldn't have felt right to ignore this fundamental aspect of Title IX, even though it isn't my focus.

Tsai, Bilin. Personal interview. 17 Feb. 2020.

Bilin Tsai worked as a chemistry professor at the University of Minnesota Duluth (UMD) for many years, having just retired recently. After receiving a job at UMD in 1976, Professor Tsai took up many positions over the years, from department head to the College of Science and Engineering Associate Dean; she is also responsible for the foundation of UMD's Women's Studies minor and has taken other measures to warm up the classroom towards women. During our discussion, Professor Tsai explained the use of unbiased hiring committees that became widespread in the seventies, one of which she was a part of at the time. Additionally, though not included in my paper, she recounted the change in women's numbers in the science department at UMD: at the beginning of her career, she was the only woman in her department of fifteen, while at the end, women numbered nearly half.

Books

The Carnegie Commission on Higher Education. *Opportunities for Women in Higher Education*. McGraw-Hill, 1973.

This publication covers women on campus both as students and faculty members and provides information on anything from professions, enrollment rates, and women in graduate and professional schools. I found the chapter on "Women as Faculty Members and Academic Administrators" especially fruitful. Within the chapter, examinations of female faculty at various higher educational settings can be found. During my reading, I discovered numbers on women's meager employment rates at colleges and universities; the latter of which generally employed even fewer females as faculty in the early 1970s.

Sandler, Bernice, and Shoop, Robert. *Sexual Harassment on Campus: A Guide for Administrators, Faculty, and Students*. Allyn and Bacon, 1997.

During the 1980s, issues with sexual harassment were first exposed on campus. And only to be expected, Bernice Sandler soon got involved, just as she had with athletics earlier. In her comprehensive study on sexual harassment, coauthored by Robert Shoop, Sandler wrote on the origins of sexual harassment and strategies to combat it. Used in my paper was the book's preface, which explained how reformers began noting harassment on campus.

Sandler, Bernice; Silverberg, Lisa; and Hall, Roberta. *The Chilly Classroom Climate: A Guide to Improve the Education of Women*. The National Association for Women in Education, 1996.

A euphemism for the unwelcoming environment women often faced in the classroom, the "Chilly Climate" still exists in some places today. While Sandler broke through countless barriers with Title IX, it must be said that women do not always stand on equal playing fields with men in the twenty-first century. Sandler's book on the Chilly Climate reflects this, though written over twenty years ago, as she defines the Chilly Climate and gives in-depth directions on how to fight against it.

Congressional Hearings

United States. Cong. House. Special Subcommittee on Education of the Committee on Education and Labor. Discrimination Against Women. Hearings, Jun. 17, 19, 26, 29, 30, 1970. 91st Cong. 2nd session. Google Books, <https://books.google.com/books?id=WUGjxXucCWQC>.

A complete transcript of Edith Green's hearings on female faculty discrimination, the Discrimination Against Women inquiries spanned over the second half of June 1970. With Bernice Sandler later describing these testimonies as "horror stories," it is evident that they truly were. While Sandler herself testified first, she was followed by numerous other women. In my paper, I utilized one woman's story of extreme discrimination, a case in which she had taught without pay because her university couldn't afford to pay both her and her husband, a fellow professor.

Letters

Dunkle, Margaret. "A Matter of Simple Justice." Received by President Richard Nixon, 15 Dec. 1969, From the Archives of Margaret Dunkle [PDF].

Before Ms. Dunkle worked with Bernice Sandler, she worked on the President's Task Force on Women's Rights and Responsibilities. In her report to the president, Ms. Dunkle identifies injustices occurring in higher education, noting how colleges and universities required women to have higher test scores and grades to be accepted. She suggests what can be done about this and references the Civil Rights Act, though Title IX had yet to amend it. Ms. Dunkle was very nice in sending this booklet over email from her archives following our interview.

Griffiths, Martha. "Esch Amendment." Received by Carl D. Perkins, Schlesinger Library, Radcliffe Institute, Harvard University, 8 June 1970, Boston, Massachusetts.

Stored at the Schlesinger Library on the History of Women in America, Congresswoman Martha Griffiths wrote this letter to fellow House member Carl D. Perkins. While the letter's focus deals with the Esch Amendment, a piece of legislation that would've amended the Civil Rights Act to allow discrimination regarding pensions and retirement, Griffiths's letter also does a fine job of defining the Civil Rights Act and what it protected citizens against. This letter was retrieved through the Schlesinger Library's online scanning service.

Hannon, Sharron. "1970 Study of Chicago Career Women." Received by Bernice R. Sandler, Schlesinger Library, Radcliffe Institute, Harvard University, 11 September 1970, Boston, Massachusetts.

A letter written to Sandler for her research on sex discrimination in employment, Hannon's study analyzes women's reasons for working, their various occupations, and their opinions on the feminist movement's advances in equal employment. As noted in one of the letter's surveys, sixty-percent of all women surveyed agreed: the movement was indeed making valuable advances in this area, and would continue to. This notion is mentioned in my paper. This letter was also retrieved through the Schlesinger Library's online scanning service

Sandler, Bernice R. "Project on the Status and Education of Women." Received by Professor Eric F. Goldman, *Alexander Street*, ProQuest, 25 Feb. 1976, documents.alexanderstreet.com/d/1005577059.

Written to Eric Goldman for a book he planned to publish on Title IX, Bernice Sandler recounted much of her story to him in her letter, Project on the Status and Education of Women. She specifically wrote about her discovery of the problems pertaining to Titles VI and VII—and how they left women wide open and vulnerable to discrimination as higher education faculty. The recounting of this little-known law that Sandler had discovered was used in my paper's description of her research on sex discrimination in university faculty employment.

Oratories

Boschert, Sherry. *Bernice Sandler on Title IX at Fresno State*. YouTube, 24 Jan. 2015, www.youtube.com/watch?v=dhXnVvXZgis.

While at Fresno State, Sandler spoke with a group of girls who formed a coalition to improve school policies on sexual harassment. In fact, Sandler asked the filmmaker to publish it, so that other schools may see what she has to say about Title IX and sexual harassment. As Sandler and the others discuss the implications of Title IX regarding sexual harassment, the Godmother of Title IX makes a point to define sexual assault as an illegal act. The ramifications of this offense are now enforced with Title IX. This key idea was used in the brief overview of sexual harassment within my paper.

Boschert, Sherry. *The Godfather of Title IX*. YouTube, 23 June 2015, www.youtube.com/watch?v=Npf-CTr3Rwk.

Described as the “Godfather of Title IX,” in comparison to Sandler being the Godmother, Vincent Macaluso prompted Sandler to initiate her long stream of complaints to the federal government. At ninety-three years old, in this video he recounts the small yet critical role he played in Title IX’s creation, as he quietly instructed Sandler on how to go about filing such complaints. A few years later, Sandler would have filed hundreds. Although his identity stayed anonymous for years, at this time Macaluso has revealed it was he who helped Sandler.

Creighton University. *We’ve Come a Long Way, Baby, but Not Far Enough: Progress and Problems of Women in Higher Education*. YouTube, 13 Mar. 2013, www.youtube.com/watch?v=BbbYBCgauWM. This was where Sarah thought that Sandler would be the author, not Creighton, if it is her speech.

In her oratory, Sandler presents how life was for women before and after Title IX. She speaks on how discrimination was hardly acknowledged in the sixties; more so, those who practiced it claimed it wasn’t a problem. She continues on through the passage of Title IX to the present day, where discrimination in higher education has been largely destroyed, though not entirely. The closing quote to my paper, the title of this video epitomizes the essence of Title IX: “We’ve come a long way, baby, but not far enough.”

PublicResourceOrg. *Interview With Congresswomen Martha Griffiths and Patsy Mink*. YouTube, National Commission on the Observance of International Women’s Year 1975, 1974, www.youtube.com/watch?v=AYpbLCC_2dl.

To provide background information on Patsy Mink, another important force in Title IX’s creation, this video was consulted. Following her rejection from medical school due to her sex, Mink pursued law and later Congress, where she fought for women’s equity for her entire career. To extend the family tree of Title IX, Mink is commonly referred to as the Mother of Title IX, which would later be renamed the Patsy Mink Equal Opportunity in Education Act. (Dunkle, Margaret. Telephone interview. 10 Feb. 2020)

Raffel, Norma K. “The Women’s Movement and Its Impact on Higher Education.” WEAL, Jan. 1973, ERIC, files.eric.ed.gov/fulltext/ED074886.pdf.

As written in a transcript of a speech given at the annual meeting of the Association of American Colleges San Francisco, Norma Raffel, President of WEAL, delivered a powerful oratory in January of 1973. As mentioned in my paper, when the issues that surrounded Title IX became important to many in the 1970s, more women’s groups, both local and national, sprang up. Within her speech, she addresses such groups, giving them recommendations on how to proceed in fighting for women’s equity.

Periodicals

Bayh, Birch. "Personal Insights and Experiences Regarding the Passage of Title IX." *Cleveland State Law Review*, vol. 55, no. 3, 2007, pp. 463-471, Cleveland State University, engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=1192&context=clevstlrev.

Another of the central forces behind Title IX, Birch Bayh wrote about his part in the law's passage along with what inspired him to do it in the *Cleveland State Law Review*. Democratic Senator Bayh had previously pushed for women's rights in the ERA; with it stalled, he moved on to adding his support for the up-and-coming Title IX amendment. His insight on the 1972 law proves how passionate Bayh was towards it, as he tirelessly pushed it through the Senate. He only compromised once, when he was forced to exclude women from football in a revision of the bill.

BlackChen, Marsha. "To Lead or Not to Lead: Women Achieving Leadership Status in Higher Education." *Advancing Women in Leadership*, vol. 35, 2015, pp.153-159, Semantic Scholar, pdfs.semanticscholar.org/1818/849611e155287f6c4d1b0d1913d65879487a.pdf.

"To Lead or Not to Lead" offers a look into the academic climate in which women currently exist. Although in theory, nothing holds women back from taking up leadership positions in higher education, the truth is much harsher. In her research paper, BlackChen examines the various causes of women's struggle to exert power in their positions and level up, of which include lack of empowerment and being a minority in faculty. This resource was used to introduce the barriers women still face today.

Fishel, Andrew. "Organizational Positions on Title IX: Conflicting Perspectives on Sex Discrimination in Education." *The Journal of Higher Education*, vol. 47, no. 1, 1976, pp. 93-105, Ohio State University Press, www.jstor.org/stable/1978716?origin=JSTOR-pdf&seq=1.

"Organizational Positions on Title IX" examines comments submitted by women, teachers, students, and national civil rights commissions across the country on how to enforce Title IX. Fishel references HEW (the Department of Health, Education, and Welfare) on multiple occasions, as it was key when it came to Title IX's enforcement. Information on what HEW was and what it did was used in my paper.

Fleishman, Sandra. "Panel Informed Sexists 'Hard to Change'." *The Diamondback*, 19 Mar. 1971, p. 8.

Retrieved through the University of Maryland's digital library archives, this news article reflects on the panel Sandler moderated at the University, known as, "Woman: Low Man on the Economic Totem Pole." The article references Sandler's charge against UMD, among other steps she took to bring about reform on campus. This piece also mentions an early instance of the Health, Education, and Welfare Department's enforcement of affirmative action, which is what in particular I took away for my paper.

Lewis, Alan. "Female Treatment Investigated." *The Diamondback*, 15 Apr. 1970, p. 2.

Another article written in the University of Maryland's *The Diamondback* newspaper, Lewis's column offers a basic overview of Sandler's interactions with the University of Maryland. In the article, Lewis writes that "Mrs. Sandler [claimed] this case [was] only one instance in the general pattern of discrimination against women at the University," going on to explain that her report and her charges would form the base of a civil rights investigation. I noted the mention of a violation of Title VII within the article, which wasn't something I had come across previously, so this piece was useful in the way that it tied the Executive Order and Title VII (which is what the E.O. amended) together.

Sandler, Bernice R. "About Women on Campus." National Association for Women in Education, vol. 7, no. 1, Winter 1998, ERIC, files.eric.ed.gov/fulltext/ED432207.pdf.

Similar to *The Chilly Classroom Climate*, "About Women on Campus" describes the causes of deep-rooted discrimination in the workplace. Though they are my own, I felt that the phrases, "disparaging attitudes" and "ingrained beliefs" summed up this article well, as it heavily discusses men's adamant refusal to see female colleagues as their equals.

Sandler, Bernice R. "Title IX: How We Got It and What a Difference It Made." *Cleveland State Law Review*, vol. 55, no. 4, 2007, pp. 473–489, Cleveland State University, engagedscholarship.csuohio.edu/cgi/viewcontent.cgi?article=1193&context=clevstrev.

Time and time again, I found myself referencing this source as I felt Sandler retold her story so thoroughly within it. Written in 2007, Sandler also covers details ranging from the typical college environment of the sixties to the uproar those colleges faced after 1972. This source was invaluable in the way that it worked as a guideline for my project and helped me establish where I wanted to go with the short-term and long-term impacts, ultimately leading me to many other sources.

Sandler, Bernice R. "'Too Strong for a Woman'—The Five Words That Created Title IX." *About Women on Campus*, 1997, www.bernice-sandler.com/id44.htm.

Another in-depth summary of Sandler's involvement with Title IX, this article was the very one that inspired me to name my project what I did. From it, I found the narration of Sandler's rejection from three separate jobs, her immediate reaction, and the research that followed. This piece was one that I felt was useful to reference frequently for fact-checking, as it was written by Sandler herself.

Sandler, Bernice. "University Down on Women." *The Diamondback*, 16 Feb. 1970, p. 9.

Bernice Sandler's article written for *The Diamondback* analyzes various sexist notions formerly practiced at the University of Maryland, of which include a tendency to turn away female applicants for full-time positions and a resistance to give tenure to the women who do teach. As Sandler wrote, "In my own department . . . there has never been a woman with tenure, and one of the tenured male faculty continues to tell women students that they ought not to consider a professional career." Such a quote exemplifies the University's prejudice towards female faculty; the article's information about tenure, or lack thereof, was utilized in my paper.

Non Periodicals

Dunkle, Margaret, and Sandler, Bernice. Sex Discrimination Against Students: Implications of Title IX of the Education Amendments of 1972. *Association of American Colleges*, Carnegie Corp. of New York, 1975, ERIC, files.eric.ed.gov/fulltext/ED119586.pdf.

Ms. Dunkle and Bernice Sandler wrote this paper together for the purpose of aiding colleges in amending their practices. Their extensive handbook covers any and all of the issues a female student or faculty member might face, and how to go about resolving these issues. Their piece was one of many put out at the time by various organizations, revealing the initial push that was felt by many institutions to reform.

Sandler, Bernice R, and Hall, Roberta M. *The Campus Climate Revisited: Chilly for Women Faculty, Administrators, and Graduate Students*. Project on the Status and Education of Women Association of American Colleges, Oct. 1986, ERIC, files.eric.ed.gov/fulltext/ED282462.pdf.

An early source touching on the Chilly Climate, Sandler and Hall do well in their description of former conditions women faced in the classroom and as professors. Ironically, many of these issues are the same as the ones that continue to hold back women today. Nonetheless, they again tell of how these issues can be fought against and prevented, though these strategies were not mentioned in the early parts of my paper.

Reports

Mickelson, Susan. "Women Graduates. A Statistical Survey of the Proportion of Women Earning Degrees in Higher Education in the U.S." WEAL, Aug. 1975, ERIC, files.eric.ed.gov/fulltext/ED116517.pdf.

As mentioned, many organizations began studies on women's demographics in academia following Title IX's passage. After enough complaints made by women surfaced, WEAL launched a full-scale, nationwide study to report on women's numbers as students and as faculty of varying subjects; previously, some schools were able to get by in discriminating against women, as there were no numbers for proof. Once such a report was completed, it became easier to prove discrimination on campus using these often-alarming statistics. With men outnumbering women significantly in most fields, WEAL and other organizations had their work cut in half as new, statistical proof came about.

Nuñez, Louis. "Enforcing Title IX: A Report of the United States Commission on Civil Rights." U.S. Commission on Civil Rights, Thurgood Marshall Law Library, University of Maryland School of Law, 1980, Baltimore, Maryland, www2.law.umaryland.edu/marshall/usccr/documents/cr12en27.pdf.

The U.S. Commission on Civil Rights began working with Title IX soon after HEW; a particularly powerful idea I noted within this report was the Commission's ability to revoke federal funding from higher education institutes in violation of Title IX. Again, the report depicts the growing change in America, as the federal government buckled down on regulations in discrimination and women's movements garnered more influence.

Sandler, Bernice R. "*Sex Discrimination at the University of Maryland.*" A Report Prepared for The Women's Equity Action League, 1969, ERIC, files.eric.ed.gov/fulltext/ED041565.pdf.

As written in the copy of her very first report filed to WEAL, following Macaluso's advice, Sandler reviews the climate for women at the University of Maryland. Looking from both the perspectives of female students and faculty, she employs statistics and experiences to reveal the truth of sex discrimination at UMD. Her report would quickly motivate WEAL to act against institutions nationwide, and Sandler herself would continue in writing such reports.

Title IX and Sex Discrimination. US Department of Education (ED), 10 Jan. 2020, www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html.

Taken from the U.S. Department of Education's page is an exact quote from the Title IX legislation. Sometimes described as a simple law that is only thirty-seven words, the truth of the matter is that Title IX is infinitely more complex. With countless details amending the Civil Rights Act, among other things, Title IX is in fact hundreds of words long. However: it is widely agreed upon that these thirty-seven words represent the most important aspects of the law.

Secondary Sources

Books

Busch, Elizabeth Kaufer, and Thro, William E. *Title IX: The Transformation of Sex Discrimination in Education*. Routledge, Taylor and Francis Group, 2018.

Accompanied by a timeline, this text has a useful breakdown of Title IX's progress. As stated in the book, on January 31st of 1970, WEAL filed its first class-action lawsuit against all federally-funded colleges and universities of America; from there, it was apparent that the lawsuit (pushed for by Sandler) acted as a springboard for the events that would soon follow, including Edith Green's hearings.

Chamberlain, Mariam K. *Women in Academe: Progress and Prospects*. Russell Sage Foundation, 1988.

The "Historical Backgrounds and Overview" chapter of this book proved to be of great worth as it excellently summarizes early higher education in America and women's first opportunities to receive it. Within, the institution Oberlin College came up, which I was surprised to see opened its doors to women two-hundred years following the establishment of Harvard University, America's first place of higher learning. Having such information available in my earliest section really goes to show how far women have come in academia.

Melnick, R. Shep. *The Transformation of Title IX: Regulating Gender Equality in Education*. Brookings Institution Press, 2018, E-book.

Though it's a rather obvious idea, Title IX allowed women to begin taking up cases and suing universities. Yet before, women had little power to stand up against discrimination, so this obvious idea is also a powerful one. Melnick, in his writing, agrees, explaining the importance of women's need to fight back as he references various lawsuits filed on the basis of Title IX.

Meyers, Marian. *Women in Higher Education: The Fight for Equity*. Hampton Press Inc., 2012.

Utilizing a broad perspective on women's education equity with little mention of the Educational Amendment, Meyers mentions Title IX just once: "...made it illegal to hold potential female Ph.D. candidates to higher admission standards than males," (3). Still, the word "illegal" leaves an impact on her readers, as we realize the implications of the law. Her explanation is simple and truthful, and the exact sort of protection American women were looking for.

Congressional Hearings

United States. Cong. Senate. Committee on Health, Education, Labor, and Pensions. *Forty Years and Counting: The Triumphs of Title IX*. Hearings, June 19, 2012. 112th Cong. 2nd session. Print.

Retrieved from the Government Documents section at the University of Minnesota Duluth, the transcript of Senate Committee's hearings offers much insight on the present-day ramifications of Title IX. As one Senate member suggests, Title IX has broken down barriers for girls not only in schools, but also in their minds. Girls of today know that if they work hard, they may do anything they wish with their futures.

United States. Cong. Senate. Committee on Health, Education, Labor, and Pensions. *Title IX: Building on 30 Years of Progress*. Hearings, June 27, 2002. 107th Cong. 2nd session. Print.

Also retrieved from the University of Minnesota Duluth, members of the Senate once again reflect on Title IX's universal impacts, though ten years earlier. Taken from the transcript include some astonishing statistics on how female graduates from law and medicine have multiplied, in turn making for more female professors at the ready.

Periodicals

Kiernan, Denise. "The Little Law That Could." *Ms. Magazine*, 2001, pp. 19–25.

After having interviewed Bernice Sandler, writer Denise Kiernan retells her interviewee's story. With a focus on the Edith Green court hearings, Kiernan describes the process Title IX went through, from fledgling bill to full-blown law. Within the article, Sandler is written to have described the hearings as "horror stories"—though the hearings did not receive much national attention, considering the Title IX bill slipped through Congress soon enough and to the president's desk. With the law's passage, Sandler explained to Kiernan, "He's not thinking Title IX is a big deal. It's just a little thing that's in there."

Parker, Patsy. "The Historical Role of Women in Higher Education." *Administrative Issues Journal: Connecting Education, Practice, and Research*, vol. 5, no. 1, 2015, pp. 3–14., ERIC, files.eric.ed.gov/fulltext/EJ1062478.pdf.

Throughout my research, I found that women's higher education prior to the 1960s was not well-documented. But again, previously women had not been overly-associated with it. Yet having stumbled across this research article, offering a look farther back at education than I had seen before, I immediately took note of it. "The Historical Role of Women in Higher Education" covers everything from when women were first invited to college to their increased role as teachers during WWII, with explanations as to why their numbers have been higher some times than others.

"The Triumphs of Title IX." *Ms. Magazine*, Fall 2007, pp. 42-47, Feminist Majority Foundation, www.feminist.org/education/TriumphsOfTitleIX.pdf.

Another article that compared the differences on campus between 1970 and more recently, this piece's statistics reveal the effect on faculty and college president demographics Title IX has had. Published by the Feminist Majority Foundation, these statistics and the accompanying writing celebrate how far women have come as faculty, students, and athletes.

Reports

Schwartz, Robert A. "American Educational Research Association." US Department of Education, *Historical Struggles and Opportunities for Women in Education Leadership*, 1996, pp. 5–7, files.eric.ed.gov/fulltext/ED395552.pdf.

As the Dean of Women was the first position of power in higher education awarded to females, it seemed vital to include. Schwartz's report explains the creation of the Deans, as well as their eventual fall as they became assistants to the college deans years later. In a male-dominated environment, the Deans of Women were necessary for the vitality of young girls on campus—though in the long run, they held little power.

United States Department of Justice. "Equal Access to Education: Forty Years of Title IX." June 23, 2012, www.justice.gov/sites/default/files/crt/legacy/2012/06/20/titleixreport.pdf.

With the newest higher education employment and admissions statistics largely from 2012, the fortieth anniversary of Title IX, I accessed the Justice Department's website for additional statistics on women with college degrees. This stark difference in percentages from the last forty years, which even shows men dropping below women in number of earned bachelor's degrees, again depicts Title IX's groundbreaking impact.

Websites

Alexander, Kerri Lee. *Bernice Sandler*. National Women's History Museum. 2019. www.womenshistory.org/education-resources/biographies/bernice-sandler.

When first researching "Breaking Barriers in History," I had decided I wanted to do my History Day project on something involving women advancing women's opportunities. On the National Women's History Museum's website, I was able to find a "Breaking Barriers" list of women. I soon stumbled across Sandler's name and became intrigued. This website served as an excellent jumping-off point, and from it I took some of Sandler's biographical information.

Seelye, Katharine Q. "Bernice Sandler, 'Godmother of Title IX,' Dies at 90." *The New York Times*, The New York Times Company, 8 Jan. 2019, www.nytimes.com/2019/01/08/obituaries/bernice-sandler-dead.html.

Just last year, Bernice Sandler died at ninety years old. The New York Times delivers a worthy obituary of her, retelling her story and describing Title IX as "the equivalent of a Swiss Army knife." Although there are many sources out there that retell Sandler's impact well, it felt important to include her obituary within the bibliography, and the Swiss Army knife metaphor seemed appropriate to include in my paper.

Steenbergen, Candis. "Women's Equity Action League." *Encyclopædia Britannica*, Encyclopædia Britannica Inc., 18 Dec. 2015, www.britannica.com/topic/Womens-Equity-Action-League.

Without WEAL, Sandler alone would've been unable to do what she did. Britannica provides a scrupulous look into WEAL's history. Created in the 1960s, WEAL quickly grew into a powerful force that shaped many women's futures, and even after Title IX, it continued working to improve other aspects of women's lives until its end in the 1990s. Its page on Britannica provided information for a brief explanation of WEAL.

"*Title IX - The Nine*." American Civil Liberties Union, www.aclu.org/other/title-ix-nine.

According to the ACLU, nine particular individuals should be acknowledged for their work with Title IX, though there are certainly hundreds more throughout the country who have broken barriers for women with the law. Included on the list are Bernice Sandler, Birch Bayh, Patsy Mink, and Edith Green. This website was utilized to discover a little bit more regarding Green, as I had with Bayh and Mink previously. With all of these figures and their backgrounds so important to Title IX, it was necessary that I know a little about each one personally to best understand their motivations.

"Title IX." *The United States Department of Justice*, 6 Aug. 2015, www.justice.gov/crt/title-ix#1.%20Overview%20of%20Title%20IX:%20Interplay%20with%20Title%20VI,%20Section%20504,%20Title%20VII,%20and%20the%20Fourteenth%20Amendment.

The Justice Department's website includes a lengthy history on Title IX and its applications—which as shown, are truly numerous. As explained by the Justice Department, Title IX became a law that amended the Civil Rights Act, which was Sandler's primary focus at the time, after she realized the issues of Titles VI and VII, along with the Executive Order.

Appendix Graphics

“Bunny with Birch Bayh.” *National Women's Hall of Fame*, www.womenofthehall.org/women-of-the-hall/voices-great-women/bernice-resnick-sandler/bunny-w-birch-bayh/.

As formerly explained, Bayh was a prime supporter of Title IX, and that support was what allowed it to become a law so quickly. Along with allowing the reader a glimpse at Bernice Sandler, the photograph reveals Bayh's strong support of the feminist movement, as he is seen being handed—or handing—a paper illustrated with the female gender symbol.

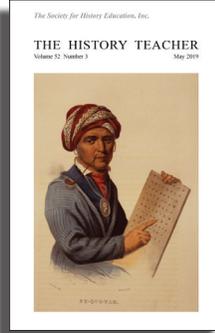
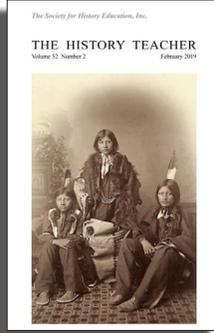
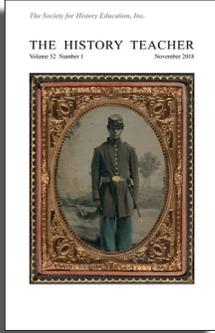
National Science Foundation. “Women as a Percentage of Science & Engineering Doctorate Holders Employed Full Time in Academia, by Academic Rank, 1973–2013.” *The National Coalition for Women and Girls in Education*, 2016, www.ncwge.org/TitleIX45/Title%20IX%20at%045-Advancing%20Opportunity%20through%20Equity%20in%20Education.pdf.

While many charts with the likes of this one exist out there, I found this one especially applicable to my focus. From early on in history, women have had trouble navigating the fields of science and math, and these statistics reflect well on the change that has happened since then. Additionally, with women's numbers still lower than desired, the bar graph also shows progress yet to be made.



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