

## THIRTY YEARS OF TITLE IX: A REVIEW OF GENDER EQUITY IN AMERICAN EDUCATION

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### INTRODUCTION

Since its adoption 30 years ago, Title IX has remained a highly controversial, much publicized, and largely misunderstood educational policy. The recent review instituted by the Bush Administration and the U.S. Department of Education of Title IX standards in relation to equal opportunity in athletics has invigorated opponents and resulted in increased press coverage. The Commission was created in response to pressure from opponents who argue that Title IX has resulted in an unfair elimination of athletic opportunities for boys and men in educational institutions. The challengers cite a number of examples, including the loss of over 400 college wrestling programs in the last 10 years, to argue that male opportunities are lost as the result of creating opportunities for females who, they claim, have proven to have little interest in sport.<sup>1</sup> The Commission on Athletic Opportunity held town meetings throughout the country in the fall of 2002 and released its report in January 2003. The report recommended changes to Title IX requirements; however, Education Secretary Rod Paige rejected the specific recommendations that women's groups and NCAA President Myles Brand argued would weaken Title IX.<sup>2</sup> Presently, Title IX is facing other challenges, including a lawsuit filed last year by the National Wrestling Coaches Association that claims that Title IX discriminates against men by decreasing athletic opportunities for men.<sup>3</sup>

Undeniably, Title IX changed the face of athletics and resulted in increased participation rates for women. Consequently, Title IX becomes the scapegoat in cuts to male programs; however, limiting the discussion of Title IX to only its influence in athletics minimizes the intent and effect it has had on education for women in the United States. This paper provides a comprehensive evaluation of the gains made possible by Title IX and the work left to be done in order to achieve gender equity in education.

### TITLE IX

Title IX, as signed by Richard Nixon in 1972, simply states, "No person 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."<sup>4</sup> In 1974, Congress directed the

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Department of Health, Education, and Welfare to clarify the law by issuing regulations, which were approved by Congress in 1975 and gave educational institutions three years to comply.<sup>5</sup> The Department of Education's Office of Civil Rights now administers Title IX.<sup>6</sup> Athletics are but a small section in a lengthy document that requires nondiscriminatory practices in admissions, recruitment, programs, employment, curricula, learning environment, testing, and facilities and protects the rights of married, parenting, or pregnant students.<sup>7</sup> Additional regulations and court cases have resulted in changing interpretations of Title IX. In 1979, HEW clarified the policy concerning athletics and instituted the three-part test for compliance in athletic programs.<sup>8</sup> In 1984, the Supreme Court ruled that Title IX only applied to programs directly receiving federal aid; as a result, Title IX no longer covered most athletic programs. In 1988, overriding a veto by then-president Ronald Reagan, Congress passed the Civil Rights Restoration Act, which extended Title IX protection to all operations of any education institution receiving any federal aid.<sup>9</sup> Today, Title IX continues to be applied to all ventures undertaken by educational institutions receiving federal funding.

#### TITLE IX GAINS

Title IX and the accompanying regulations have had far-reaching and considerable effect on education, women, and society as whole. With just a few hard to find exceptions, the media coverage of Title IX primarily discusses increased sports participation by girls and women. The extensive media coverage of athletics is largely because of the controversy and the substantial and visible gains and successes in this area. In 1971, only 295,000 high school girls participated in varsity athletics, accounting for only 7 percent of high school athletes. In 2001, almost 2.8 million high school girls participated in varsity athletics, representing 41.5 percent of high school athletes.<sup>10</sup> This increase of 847 percent demonstrates the enormous impact of Title IX on athletics. College women also made significant gains moving from 30 thousand to 150 thousand athletes and now account for 43 percent of all college athletes.<sup>11</sup> In the past 30 years, funding for college women has increased from just two percent of the athletic budget and nearly no scholarships to 42 percent of the budget and numerous scholarship opportunities.<sup>12</sup>

Increased opportunities in sports for women have had immeasurable influence on women and society. The President's Council of Physical Fitness and Sports found in a 1997 study that girls who participate in sports are healthier, exhibit more self esteem and self confidence, are more successful in school, and are less likely to become pregnant, dropout or use drugs or alcohol.<sup>13</sup> The benefits extend to women's opportunities in other sectors of society. According to Women's Equity Resource Center, "Eighty percent of female managers in Fortune 500 companies have a sports background."<sup>14</sup> Further, the U.S. women's victory in the World Cup in 1999, countless Olympic Medals, and the development of women's professional leagues in

basketball and soccer can be directly traced to Title IX and the increased opportunities for women in athletics. The impact of Title IX on women in sport is incalculable, but it is only part of the Title IX success story. Moreover, despite the significant inroads made in sport, this paper will demonstrate later that women are still far from receiving the equal athletic opportunities required by Title IX.

In spite of the impact on athletics, the most momentous influence of Title IX has been in college and professional education for women. Prior to Title IX, many colleges and universities excluded women, and those who did admit women used quota systems, on campus housing requirements, and daunting admissions criteria to limit the number of women admitted. Admissions committees operated under the belief that female students represented a misuse of resources since they distracted male students from their studies and only attended college to find a husband.<sup>15</sup> In 2001, over 70 percent of female high school graduates pursued post-secondary education, they accounted for 54 percent of all college students, they received 56 percent of bachelor degrees, and 30 percent of all young women graduated from college.<sup>16</sup> Most impressive have been women's gains in professional programs. In 1970, less than 9 percent of medical degrees were awarded to women; today, women earn over 44 percent of medical degrees.<sup>17</sup> In fact, in fall 2001, for the first time, the University of Minnesota Medical School admitted more women than men, and, in 2002, Deborah Powell became the first female dean of the program.<sup>18</sup> In 1996, women received 43.5 percent of all dental degrees, a marked increase from 1 percent in 1972.<sup>19</sup> The percentage of women earning law degrees increased from 7 percent in 1971 to 38 percent in 1996, and in 2001, women entering law school outnumbered men.<sup>20</sup> Women receiving doctorates increased from 16 percent in 1972 to 42 percent in 1998, and women faculty members at colleges and universities increased from 18 percent to 37 percent.<sup>21</sup> The increased numbers of women receiving advanced education and employed in the professions have had and will continue to have an influence on society; however, in spite of these gains, significant obstacles persist and equal educational opportunity remains an unmet goal.

Title IX also prohibits sexual harassment in the schools and, in recent court rulings, obligates schools to respond to sexual harassment and may even hold schools liable for inadequate responses.<sup>22</sup> Title IX protects students and employees of federally funded educational institutions, and the law has been used in many cases to address harassment claims. Further, pregnant, parenting, and married students have increased opportunities for education.<sup>23</sup>

## REMAINING INEQUITIES

Despite the tremendous progress made toward gender equity in education over the past 30 years, considerable obstacles to equal opportunity still exist. Title IX represents a significant step, but, without monitoring and enforcement, Title IX's real effect has only come as a result of complaints, lawsuits, or the threat

of potential lawsuits. Despite the media attention, complaints about noncompliance in athletics are but a small fraction of Title IX complaints received by the Department of Education's Office for Civil Rights. In 2001, only 99 athletics-related complaints (26 college and 73 high school or elementary) were received out of the over 4,500 complaints filed.<sup>24</sup> The majority of complaints cite sexual harassment and unequal access to academic courses and disciplines. The lack of monitoring and enforcement has left significant barriers in almost every area, including athletics. Race and class result in additional barriers that further limit the influence of Title IX for girls and women of color, those living in poverty, and those without access to quality schools. These barriers keep women from exploring and attaining their true potential. Examining the work that remains to achieve gender equity in each area provides a rare view of Title IX and one on which recommendations for the future can be based.

## ATHLETICS

The National Collegiate Athletic Association fought Title IX throughout the 1970s and 80s but, within the last decade, has worked to support Title IX. Following a 1992 NCAA study on equity in intercollegiate athletics, the organization now includes gender equity as part of its certification.<sup>25</sup> Despite the tremendous gains for women in athletics and opponents' claims about Title IX providing women with opportunities at the cost of male athletic programs, women still significantly lag behind men in high school and college athletics and most schools remain noncompliant with Title IX.

The Office for Civil Rights utilizes a three-part test to determine whether an athletic program is compliant with Title IX. Schools need only pass one part of the test to be in compliance. The first part, referred to as "proportionality," requires that the percentage of female students be proportional within five percentage points to the percent of female athletes. The second part allows schools to prove that they have a history and a consistent and continuing practice of adding sports for women. The third part allows schools to make the case that the athletic interests of women at the institution are being fully met. A survey of the student body is usually used to pass this part. Most schools use the second test to show compliance with Title IX regulations.<sup>26</sup> Two-thirds of the Title IX complaints arise in schools using the third test to pass; the remaining complaints are made against schools using the proportionality test.<sup>27</sup>

In 2000, female students comprised 54 percent of the students in colleges, but only 23 percent of Division I colleges offered athletic opportunities for women within five percentage points of the percentage of female students enrolled.<sup>28</sup> Inequities also remain in expenditures. At Division I and Division II colleges, male athletes receive 58 percent of the new funding, 36 percent more in athletic scholarships, and 26 percent more money per

athlete.<sup>29</sup> The inequities experienced by female athletes are heightened in coaching and administrative staffs and salaries for various athletic programs.

Opportunities for female coaches and administrators have not improved at the same rate as athletic opportunities for women. In 2002, only 44 percent of the head coaches for women's intercollegiate athletics were female, a drop from nearly 48 percent in 1996.<sup>30</sup> Women's basketball is the exception, holding relatively steady for over a decade with women coaching nearly 63 percent of the teams.<sup>31</sup> At the same time, women only coach two percent of male intercollegiate teams.<sup>32</sup> Further, coaches for women's sports are paid significantly less than those who coach men's sports.<sup>33</sup> The dearth of opportunities for women intensifies in administrative positions. In intercollegiate athletics, 83 percent of athletic directors, nearly 88 percent of sports information directors, and 72 percent of athletic trainers are men.<sup>34</sup>

Despite documented inequities and numerous lawsuits, no institution has lost federal funding because of a Title IX violation, and in 2001, the Office of Civil Rights performed only two Title IX reviews of athletic programs.<sup>35</sup> The lack of enforcement requires that those in need of Title IX protection pursue their own cases in the courts or seek help from advocacy groups willing to take on the fight. In 1993, the California Chapter of the National Organization of Women filed suit against the California State University system citing a drop in female participants from 36 percent to 30 percent.<sup>36</sup> The parties entered into a consent decree that required that female participation and scholarships must be within five percentage points and expenditures on women's programs within 10 percentage points of female-student enrollment.<sup>37</sup> By 1996 participation increased 41 percent, scholarships 42 percent, and expenditures 38 percent.<sup>38</sup>

Noncompliance and the lack of enforcement continue to limit women's athletic opportunities. Athletics and academics are the areas that have shown the most visible and measurable change in the last 30 years, and, yet, academics like athletics suffers from noncompliance and the lack of enforcement.

## ACADEMICS

### ACCESS

As noted earlier, women's access to undergraduate and professional education is another area of noticeable and substantial gains. Although the opening of educational programs and opportunities to women has had notable influence on education and society, field and career choice remains strongly sex segregated. Girls take many more upper-level math and science courses than 30 years ago, but rates decline with every level of education. Women are found most typically in traditional fields, earning 75 percent of education degrees, 74 percent of psychology degrees, and 67 percent of English degrees in 1998; however, even in these traditional fields, the number of women receiving doctorates drops to 63 percent in education and 59 percent in English.<sup>39</sup>

Meanwhile in nontraditional fields, women earned less than a third of bachelor's degrees in mathematics, computer science, and physical and earth sciences, and only 17 percent of degrees in engineering.<sup>40</sup> In fact, from 1984 to 1998, women have lost ground in computer science, dropping from 36 to 27 percent of all bachelor degrees in the field.<sup>41</sup> These trends continue in advanced education with women in 2001 earning 26 percent of doctoral degrees in mathematics, 16 percent in computer science, 12 percent in engineering, and no doctoral degrees in engineering-related technologies.<sup>42</sup>

The lack of women in these fields is particularly unfortunate considering the career opportunities these fields offer to women. Shortages of qualified workers in the technology field cost the industry billions a year, and the shortage is predicted to increase in the future.<sup>43</sup> By 2010, the Department of Labor estimates that nearly 75 percent of future jobs will require computer skills; meanwhile, female students accounted for only 33 percent of the spaces in high school computer courses.<sup>44</sup> At the same time, initiatives at a few institutions have had success increasing the number of women studying math, science, technology, and engineering, including a 500 percent increase in the number of women enrolled in first-year computing classes at Carnegie Mellon University.<sup>45</sup> Unfortunately these programs remain rare, and most women still face barriers and discrimination that hold them back, particularly in math, science, and technology. Societal gender roles, testing, hostile environment, including faculty biases and harassment, contribute to the dearth of women in these fields and continue to limit opportunities for girls and women.

## LEARNING ENVIRONMENT

Societal gender roles shape the aspirations and expectations of women and contribute to how they are tracked, tested, and treated in educational settings.<sup>46</sup> Societal notions of masculinity and femininity are systemic and influence both male and female teachers, co-workers, and employers. Using gender as a basis for career choice happens very early in a child's development, oftentimes prior to entering formalized education.<sup>47</sup> For example, girls are influenced by the cultural construction of technology and computers as masculine and negative, in that the work is perceived as tedious, sedentary, and antisocial.<sup>48</sup> Women interested in, training for, or working in nontraditional fields violate cultural norms and, as a result, they are targets for contempt and harassment. Studies have shown that women pursuing education and working in nontraditional fields are much more likely to experience harassment.<sup>49</sup>

Progress has been made in limiting the influence of gender stereotypes in the classroom. Where once males received the majority of attention in assignments, discussion, and extracurricular activities, female students now receive more equitable treatment. Critics claim that the increased attention for female students has led to decrease in the quality of instruction for male students and call for education reforms including same-sex education.<sup>50</sup> Despite gains and criticism that claims women are now favored in the

classroom, societal gender roles persist and contribute to problems in the learning environment.

Despite the progress, male students remain more active and more assertive, and thus continue to attract more attention, both positive and negative, from teachers and professors. Female students receive less attention, including less individual assistance.<sup>51</sup> The tendency to punish male students more harshly and publicly contributes a negative disposition to the educational environment, discouraging some male students and demonstrating that gender equity in education benefits all students.<sup>52</sup> Female students do receive higher grades in all levels of education, but they and others contribute their success to pleasing teachers and conforming to classroom norms.<sup>53</sup> Further, Karen Arnold's study on high school valedictorians found that female valedictorians lose confidence in their abilities during college, while male valedictorians remain confident in their intelligence. By college graduation, not one female valedictorian rated herself at the top of her peer group in intelligence.<sup>54</sup> Although generally more successful in high school and now the majority of college students, female students continue to be clustered in less prestigious colleges and in traditionally female majors.<sup>55</sup>

Teacher biases and gender-related expectations also contribute to declines in self-esteem and opportunities for female students. In a recent AAUW study, 71 percent of male teachers continued to believe that male students were more interested and had more natural talent in technology-related areas and that success by female students was the result of hard work or luck.<sup>56</sup> Low expectations and negative treatment experienced by females in nontraditional fields extends to the behavior of their male peers in the classroom. Male students not only receive more attention and praise for their work, particularly in math, science, and technology courses, but they also infringe on educational opportunities by controlling access and harassing female students who are interested in and wish to use the technology.<sup>57</sup>

Among high school students, use of computers is fairly equal, but female students are more likely use computers for word processing and males for problem solving. Further, female students are five times less likely to pursue a career in technology.<sup>58</sup> Girls enter school with less technology experience and report receiving no information about careers in technology.<sup>59</sup> Only 37 percent of students in advanced computer science courses were girls, and, in some states, the percentage was below 20.<sup>60</sup> Among 1998 SAT takers, 57 percent of the males had a computer course in high school, while only 43 percent of the females did.<sup>61</sup> In 1994, the U.S. Department of Education found that male students were more likely to have taken computer courses in high school; significantly, female students outnumbered male students only in data entry courses.<sup>62</sup>

The result of teacher bias, gender expectations, and trends is that girls are less confident and less adept in technology and other nontraditional fields. For example, girls exhibit less confidence in math skills than boys, and the gap widens with each year in school.<sup>63</sup> Significantly, teaching methods developed

to increase the performance of young girls in math, science, and technology have been effective in teaching boys and have been well received by teachers.<sup>64</sup>

Research indicates that gender equity issues related to field and career choice continue in higher education. From faculty resistance to deliberate sabotage, women who pursue math, science, or technology degrees in college face a hostile environment.<sup>65</sup> Harassment, late lab hours in dangerous areas, male faculty and student reluctance to work with women ostensibly because of competence concerns, and the lack of role models in the curriculum or in real life sends a negative message to women interested in these fields.<sup>66</sup> Of course, the problem is circular. The lack of women entering these fields leads to a dearth of female role models and little if any progress toward these fields becoming more female friendly. Without adequate role models or support, many women do not pursue these fields or, if they do, they are more likely to not complete their degree or leave the field.<sup>67</sup>

These problems carry over into the highest levels of education. Women pursuing doctorates in nontraditional fields endure contempt, harassment, lack of support, and fewer resources than male students and colleagues. A survey at the Massachusetts Institute of Technology uncovered the inequities that female faculty and researchers faced, finding that women faced “patterns of difference.”<sup>68</sup> The difference included lower salaries, lack of access to resources, and exclusion from administrative or other power-related positions.<sup>69</sup> Resulting changes have led to increased productivity and morale among women at MIT, even though women still have not held a significant administrative position.<sup>70</sup> The years required to pursue a doctorate coupled with the gender barriers lead women to relinquish their pursuit of advanced degrees. Women who do leave academic jobs find a more welcoming environment in industry, where qualified personnel are increasingly hard to find.<sup>71</sup>

## CURRICULUM

Curriculum remains a significant barrier to gender equity in education. Teachers continue to base instruction on textbooks, and studies show that students spend between 80 to 95 percent of classroom time using textbooks.<sup>72</sup> Title IX shed light on sexist textbooks and other curricular materials, and those patterns continue today. For example, general high school and college history textbooks contain little information about women’s involvement in history, implying that women were of little importance. When asked to name famous women from American history, most college students can only list fewer than five.<sup>73</sup> Most history texts continue to include the erroneous information about Eli Whitney’s invention of the cotton gin and not mention Catherine Littlefield Greene (the cotton gin was her creation, but she had Whitney patent the device for her because it would be easier for a man to get a patent and would save her from the ridicule of her peers).<sup>74</sup> Perhaps the most pressing issue is that the inventor the cotton gin has been determined to be important historical

information that every student should know, while significant changes brought about by the women's rights and woman suffrage movement, the first women to run for president, or the first woman in Congress are deemed not important. Not surprisingly, biases also exist in math, science, and technology curricula. Particularly troublesome is the lack of female characters in math and science textbooks (only 12 percent) and the gendered roles they perform (typically mothers and princesses).<sup>75</sup> Further, math problems continue to have female characters using math for sewing while male characters use math for construction.<sup>76</sup>

Despite Title IX and the increased attention on issues of gender equity in education, teacher education curricula have not significantly changed in the past 30 years. Teacher education textbooks devote only three percent of their content to issues of gender equity and strategies for addressing these issues in the classroom.<sup>77</sup> Title IX is covered but usually only in relation to athletics, disregarding Title IX's broad protection for all students and teachers.<sup>78</sup> Such omissions are particularly questionable in teacher education programs populated mostly by young women. Most telling is the exclusion of Title IX protection in relationship to education careers and salaries. As a result, teachers are not provided the basic information needed to protect students, colleagues, and themselves from discrimination and harassment.

## TESTING

Biases in testing also contribute the problem. Title IX requires that tests be valid predictors of success in testing areas and must measure what they claim to measure. Tests that do not meet these guidelines or produce disparate scores based on sex are in violation of Title IX; however, the gender gap persists in standardized tests used at every level of education.<sup>79</sup> The gap has narrowed, but it continues particularly in math and science achievement tests and increases with each level of education.<sup>80</sup> Explanations for the gap include: continuing bias in test question content, the timed, multiple-choice format—a method more fitted for socialized male behavior—and the SAT penalty for guessing.<sup>81</sup> Although such tests are represented as predictors of success, female students receive higher grades in both high school and college, calling the results and the continued use of such tests into question. Still, these tests are used to limit female access to higher education and scholarships.<sup>82</sup> Aptitude tests also contain biases that result in women scoring higher on clerical and health related careers.<sup>83</sup> Following National Institute for Education guidelines for gender equity, career interest assessment tools were revised in the late 1970s. Even with revisions, gender differences persist and, despite interpretation instructions cautioning that jobs are not gendered, the tests continue to be used to guide career choices.<sup>84</sup>

## GENDER CARRER TRACKS

Vocational or career education programs face these issues as well. Although career education programs have received increasing attention from school boards across the country, gendered education has continued to be a problem. Title IX legally opened all vocational programs to women, and the 1978 reauthorization of the Perkins Act required that each state have a sex-equity coordinator to improve equity and access for women. Without funding, states did very little, but in 1984, Congress required that states spend a specific percentage of their grant money on programs to increase opportunities for women. By 1997, the number of programs had tripled, providing more access for women and specific help for single parents.<sup>85</sup> In 1998, Congress eliminated support for these programs, and the cut in funding has setback equity initiatives and services to students, including childcare, training, transportation, and tuition assistance.<sup>86</sup> Further, Title IX itself has rarely been enforced in career education programs. The few Title IX compliance reviews that were undertaken uncovered problems of harassment, access to facilities, gendered career tracking, and sexist recruitment materials. They resulted in changes, but the small number investigations limits the ability of Title IX to fully address inequities.<sup>87</sup>

Presently, much like 30 years ago, women and men are concentrated in programs that are traditional for their respective sexes. In Connecticut in 1999, carpentry, electronics, and automotive programs were 85 percent male, and hairdressing and fashion programs were 96 percent female.<sup>88</sup> Studies from other states report similar statistics.<sup>89</sup> Employment statistics from 1995 show that women account for 96 percent of private household employees and one percent of auto mechanics and carpenters.<sup>90</sup> These patterns continue into associate and bachelor degree programs and into employment, where women are employed in 96 percent of nursing jobs, three percent of computer science jobs, and less than one percent of engineering jobs.<sup>91</sup> In managerial positions, women continue to be grouped into gendered fields, holding 80 percent of health care management positions compared to only six percent of the construction management positions.<sup>92</sup> Similarly in sales where the percent of men and women is nearly equal, women account for 83 percent of apparel sales positions and only 31 percent of security and financial services sales positions.<sup>93</sup> As a result of previous government programs, many states and school districts attempted to revamp the vocational model and provide students in technology-related fields with access to the latest technologies as well as industry-sponsored certification.<sup>94</sup> Some of these programs specifically target training young women for nontraditional technical careers, but much more needs to be done in this area. The gap in technology-related fields is also quite apparent in associate degree programs, with 12 percent of the male students and only two percent of female students in technology programs.<sup>95</sup> Further, traditionally female fields receive less technological support and fewer updates in technology.<sup>96</sup>

Unfortunately, as Stitt-Gohdes notes, tracking of students in career paths is primarily “driven by *who* the student is *vis-à-vis* gender, race, and

class, rather than *what* the student is seeking.”<sup>97</sup> The result is women are tracked into and caught in low-paying jobs. Occupational gender differences are most pronounced for those with the lowest levels of education. In 1995, the occupational gender difference index was 52.3 for high school graduates, 61.1 for associate degree holders, and 37.2 for college graduates (an index rating of zero represents equity).<sup>98</sup> The gender tracking in vocational and associate degree programs results in placing women in traditional, lower-paying fields. Women are employed as over 90 percent of teacher’s aides, nurse’s aides, and hairdressers; these occupations had an average salary in 2000 between \$18-21,000, 36 percent less than men without a college degree.<sup>99</sup> Women in nontraditional fields earn 20-30 percent more than women in traditional female fields; for example, female carpenters, plumbers, and electricians earned an annual salary in 2000 between \$35-42,000.<sup>100</sup> Further, even though more women are employed, women are still kept from the highest levels. Only six Fortune 500 companies are headed by women, few women have been elected to national or other offices, and no woman has been nominated by a major political party to run for president.<sup>101</sup>

#### PREGNANT, PARENTING, AND MARRIED STUDENTS

Title IX protection in academics includes pregnant, parenting, and married students. Prior to Title IX pregnant girls were typically expelled from school and were not allowed to return if they became mothers.<sup>102</sup> In the years since Title IX prohibited discrimination against pregnancy, motherhood, or marriage, more opportunities exist in high school, vocational, and higher education; however, discrimination still exists. Since 1997, the Office of Civil Rights has devoted attention to the issue of pregnant and parenting students and has initiated a program to enforce Title IX. Other advocacy groups have developed initiatives to create and sustain programs, and some school districts have addressed the situation, improved programs, and expanded support.<sup>103</sup> Still, the Office of Civil Rights does not keep specific track of Title IX complaints related to pregnant and parenting students nor do they require states to submit statistics or report on their programs.<sup>104</sup> Independent research shows that pregnancy and motherhood still result in decreased educational opportunities and considerably higher dropout rates. Teen mothers typically do not complete high school and end up with annual incomes of less than half the poverty rate.<sup>105</sup> Teen mothers face particular problems with their own self-esteem as well as lowered expectations from teachers and parents. Many teen mothers are actively discouraged from certain classes and career paths. Typically financial aid for post-secondary education does not take childcare into consideration, and women with children are forced to hold jobs or depend on family or friends to care for their children.<sup>106</sup> Pursuing an education is difficult for parenting students, and the difficulty, lack of support, and lowering of their career expectations leads to dropping out or pursuing lower paying careers that do not allow for them to support their children.<sup>107</sup>

## EMPLOYMENT

Prior to Title IX, women working in educational institutions faced a myriad of issues, ranging from the lack of tenure, slow promotion, smaller salaries, and lack of access to administrative positions, particularly in higher education.<sup>108</sup> Although improvements in these areas have been significant, women are far from full employment equity in education. In the early 1970s, women made up 68 percent of elementary and secondary teachers, 22 percent of elementary principals, and only 4 percent of high school principals.<sup>109</sup> Significant numbers of women have yet to break into administrative positions. In 1994, the percentage of women increased to 73 percent of teachers and 35 percent of principals.<sup>110</sup> Further, salary inequities exist at all levels. In 1994, female public elementary school teachers earned 92 percent of males, and only 72 percent in private institutions.<sup>111</sup> Public elementary principal is the only category with no significant gender difference in salary.<sup>112</sup>

The position of women in higher education is similar. In the early 1970s, women accounted for only 18 percent of college and university faculty, with most women working at colleges serving primarily women; for example, 40 percent of the faculty at teacher colleges was female.<sup>113</sup> By 1999, female faculty had only grown to nearly 37 percent, with female faculty accounting for 50 percent of two-year college faculty and only 26.2 percent of faculty at private four-year research institutions.<sup>114</sup> Women also lag behind in rank. Female faculty account for over 50 percent of lecturers or instructors, 45 percent of assistant professors, 35.8 percent of associate professors, and 20.8 percent of full professors.<sup>115</sup> As noted earlier, female faculty are clustered in traditional areas and gaps are much larger in math, sciences, and technology. This gender disparity extends to wages. Female assistant and associate professors receive only 92 percent of what similarly positioned males earn. After promotion the gap widens, and female full professors earn only 88 percent of what male full professors earn.<sup>116</sup>

Gender disparity in higher education includes administrative positions. In 1998, nearly 80 percent of college presidents were men.<sup>117</sup> The percentage of presidency positions doubled from 9.5 percent in 1986 to 19 percent in 1999, and, by 2001, women held 22 percent of college presidencies.<sup>118</sup> Women's colleges continue to provide the greatest opportunities for women in administrative and positions. Women who are in administrative positions in co-educational colleges tend to be in charge of external affairs or student services.<sup>119</sup>

## SEXUAL HARASSMENT

Title IX prohibits sexual harassment within an educational institution. This protection includes harassment by an employee or student and requires educational institutions to take action in response to a sexual harassment claim. In 1996 the Office of Civil Rights clarified the policy, requiring set procedures,

action on complaints, and the implementation of policies to prevent harassment.<sup>120</sup> Recent Supreme Court rulings found that while educational institutions could not be held accountable for sexual harassment of which the institution did not have prior knowledge, institutions could be held liable for student-to-student sexual harassment if they knew of the harassment and did not take action.<sup>121</sup>

Despite the guidelines and interpretations by the Supreme Court, sexual harassment continues and is common, affecting male and female students at every level of education.<sup>122</sup> The majority of Title IX complaints involve sexual harassment, including 70 percent at elementary and secondary schools and 59 percent in colleges.<sup>123</sup> The American Association of University Women found in a 2001 study that 81 percent of students have experienced some form of sexual harassment, 25 percent experience it frequently, 90 percent of students have witnessed it in their schools, and female and male students experience nearly similar levels of harassment.<sup>124</sup> The results were consistent with an earlier 1993 study and demonstrate the prevalent problem of sexual harassment in the schools. Sexual harassment has a negative influence on the educational environment and on student performance and opportunities. The effects of sexual harassment include feeling upset, avoidance of the person, activities, or school, participating less in class, and lack of attention in class.<sup>125</sup> Even students not directly involved in an incident of sexual harassment find it disturbing and distracting.

Awareness of sexual harassment has allowed students to more readily identify the behavior, and most schools have implemented policies and taken action in cases of harassment.<sup>126</sup> Unfortunately despite knowledge and policies, students remain reluctant to report incidences of sexual harassment, and, when reported, studies indicate that concerns continue to be dismissed, particularly when involving a male student as the victim.<sup>127</sup>

## CONCLUSION

In the past 30 years, Title IX has significantly increased educational and professional opportunities for women. Despite the tremendous progress, Title IX has not, as the law requires, eliminated gender-related discrimination, denial, or exclusion from education. Evaluating the gains and remaining inequities demonstrates that Title IX must be strengthened and enforced. Specifically, Title IX must be retained in athletics and fortified through enforcement until institutions fully comply with the law. The Office of Civil Rights must be proactive and require educational institutions to submit data that demonstrates how they have upheld Title IX requirements. Although much has been gained through the courts, rather than placing the burden of Title IX enforcement on victims of discrimination willing to bring lawsuits, the OCR must take action, fully investigate complaints, and enforce the law. Title IX should be enforced in the way it was intended through the wording of the law, the HEW regulations, and the Office of Civil Rights requirements. Federal

funding should be withheld from all educational institutions in violation of Title IX. Such enforcement would result in increased compliance and increased opportunities for all students.

Finally, society must be educated as to the full extent of Title IX protection, the gains that women have had as a result, and the barriers that remain. The influence of Title IX on education and society cannot be overestimated, and, yet, this story is not told. Media coverage focuses on opponents bemoaning the loss of male athletic opportunities and implies that Title IX only covers athletics; meanwhile, the widespread noncompliance and remaining work in athletic opportunities for women are not covered. Other areas of Title IX triumphs and continued struggles are completely obscured. In 30 years, the face of education and society has changed, but significant inequities remain. Title IX needs public support and enforcement to eliminate the remaining barriers and achieve gender equity in American education and society. Knowledge of Title IX will allow individuals to know what the law requires of educational institutions and provide an instrument to redress inequities they may experience. Educating the public builds support that is critical in withstanding and preventing challenges to Title IX. Continuing the work and fulfilling the goals of Title IX is dependent on public awareness and support.

The tremendous gains and accomplishments made possible by Title IX should be celebrated, and the remaining work should be a challenge for us all as we strive toward equitable educational opportunities for all. Gender is but one issue facing education; race and class barriers persist and result in great inequities in educational opportunity. Vouchers, education cuts by many states, same-sex education, and Title IX challenges are all obstacles in the struggle for educational equity. Public support, vigilance, and action are essential, so that in another 30 years equal opportunity in education can be a reality.



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