

The Title of Equals:
How Title IX got rid of gender discrimination in schools

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It is the 1970s. A student went to the University of Wisconsin for her Freshman year. In high school, she was the top woman in her class and was captain of the first women's basketball team for her school. Now, she is excited to go to college, hoping to play basketball for her school and even take science and math classes to become an engineer. When she got there she was very disappointed to find out that there were no sports for her to play at the school. She went to the administration to ask for a women's basketball team. The administration responded with laughter. She was told to become a cheerleader if she wanted to be active. This angered her. Then she went to her classes and right away was bullied and treated unfairly by both the staff and students. Shortly through her first year she dropped out of her science and math classes and focused on nursing. She was not the only one. Every day, women were treated with little respect and were not given equal rights. One law would change it all.

Title IX is the law against sex discrimination in athletics and education.¹ It was enforced in 1972 in the Educational amendment.² It's goal was to provide equal opportunities for men and women in education and sports. This also meant that each activity for both women and men had to be treated equally where they both got the same transportation to their event, and they both got the equipment that was needed for the sport. This would end up upsetting many people and loopholes would be found to not follow it. The fight for Title IX would take a while to make it an official law even after the Educational amendment was enforced.

¹ The Congress definition of Title IX is "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."

² "Title IX and Sex Discrimination." Title IX and Sex Discrimination. Accessed November 05, 2016. http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html.

In the late 1960s to the early 1970s sports for women were just beginning to come up as an idea in schools across the country. Dr. Bill Marshall was an athletic director for the University of Wisconsin and F and M college.³ He talked about how sporting programs were when he worked for the University of Wisconsin. “When I grew up there were no sporting teams at the high school or through the high school”, he said. “If girls wanted to be active they became a cheerleader, or they went to one night a week sport sessions.”⁴⁵ Even the colleges did not have that much of a sporting program for women. “Very few colleges in the midwest had any kind of collegatact activity,” Marshall recalls about his experience in Wisconsin. “My institution”, he said “there first varsity team happened in the mid 1970s probably even the late 1970s”.

Education for women was hard to get also. Most women would chose jobs that were known as female jobs at the time. “The professional jobs for women involve becoming a secretary, being a housewife.” Bill explained about the jobs women could get. “My wife wanted to be was going to be a veterinarian ec. She wanted to be a veterinarian, but she couldn’t because there were no school in Wisconsin, so she became a nurse.”⁶

Finally, in 1970 people had enough. Women teachers wages’ had huge gaps compared to the wages of men. Also, students in school were noticing more of a gender bias in their classes. Due to budgets, there were schools that would not let girls join any extra science programs or let boys join any home ec classes. The whole country was noticing and that angered many parents and workers. The Congress tried to focus of the gender bias, but they did not do anything about

³ At F and M college he was the head of the athletic board and helped create championships for women.

⁴ At F and M once a week women were allowed to go swimming. On other days it was strictly male.

⁵ (Marshal, Bill). Personal interview with the author. Lancaster, PA Oct. 8 2016

⁶ (Marshal, Bill). Personal interview with the author. Lancaster, PA Oct. 8 2016

the discrimination. That was until advocacy groups started to file lawsuits against colleges, universities and even some high schools. Congress noticed this, but they could not find a solution for the problem. They thought that the schools could fix the problems themselves. In the summer of 1970 Congress would get lawsuits filed against them. They sent these lawsuits to a hearing at the House Subcommittee on Education in Oregon. The was chaired by Edith Green.⁷ She came up with the idea of passing a law saying that schools have to make sure that don't have sex discrimination and classes have to be offered to both males and females, also known as Title IX. She sends this idea to Congress. It would get rejected.⁸

People started to hear the idea of Title IX. States were trying to get the law into their state. The first state to fight for Title IX in congress was Indiana. Senator Birch Bayh⁹ introduced it to the senate in 1971. He got the help from the University of Indiana to talk the senate to add in Education. Bayh tried to stress that the reason the economic struggles for women was that women were struggling in finding a good education. He also said that the government should serve it's purpose and try to end discrimination for women. His debate would get the senate to vote for Title IX without much of a debate. Finally, on June 23, 1972 Title IX was signed by Richard Nixon saying "No person in the United States shall on the basis of sex, be excluded

⁷ Edith Grey was born in 1910 and died in 1987. In 1955 she was elected to Congress and served nine terms. She started almost every educational amendment. She is most known for coming up with the idea of Tile IX.

⁸ By Contrast, However, It Is Generally Held That Title IX Does Not Incorporate the Procedural Requirements of Title VII. For a More Detailed Discussion of the Relationship between Title IX and Title VII, See Chapter IV(b) of This Manual. Section 5 of That Chapter Discusses the Joint Rule Issued by the Department of Justice and the Equal Employment Opportunity Commission, Which Sets Forth Procedures That Federal Agencies Are to Utilize When Processing Title IX Employment Cases. "Title IX." U.S. Department of Justice. Accessed November 05, 2016. <https://www.justice.gov/crt/title-ix>.

⁹ Birch Bayh was born in 1928. He was part of the US senate from Indiana from 1962-1981 and was part of the Indiana State Legislation from 1954 to 1962. He is known for lowering the voting age from 21 to 18, author of the Twenty Sixth amendment and for placing Title IX into office.

from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”The first law in 1972 was not a forced law and many schools found ways to get around it. The only thing that the first version of Title IX said was that Federal Aid¹⁰ had to be provided to both genders and there had to be some sort of education and athletic program in the school. It never said that schools had to switch over to Title IX.¹¹ Even though this was true more opportunities opened up to women. In 1972 two years after F and M became opened it’s doors to women, sporting teams for women were starting . In addition, after Title IX was enforced 46% more women got chances to go to college. It also allowed men to start cheerleading and figure skate which was not allowed before Title IX.

When this happened schools had to find money to create sporting teams.¹² Schools like F and M didn’t have a huge budget to begin with and know they had to form as many teams as they had for males. Marshal came up with the response for F and M. “The response was to stop all JV men’s teams.” Dr. Marshal said. “ We put together a guideline of okay when you get to a certain amount of interest numbers, whether you put together a bible schedule together, whether we have coaches that we can appoint in charge and that started. In ten years period we went from no varsity teams for women to eleven and I did that without virtually any budget increase.”¹³

¹⁰ Federal Aid is given to students who want to go to college, but their family’s income isn’t enough to provide for their college schooling. The Federal Aid will provide some of the cost to the student. Title IX doesn’t let the school take away Federal Aid from a student based on their gender.

¹¹ This means that all schools had to protect students from discrimination. Schools still didn’t have to offer any programs that weren’t already offered. When schools did though they did have to respect the new program as much as they did all the other programs.

¹² When it was heard that schools might offer sporting programs women athletes kept asking to provide a sport. Some schools accepted this request while others found ways not to contribute to the request.

¹³ (Marshal, Bill). Personal interview with the author. Lancaster, PA Oct. 8 2016

At F and M while the male athletes were upset about the changes, the coaches had more of a struggle getting use to the idea of coaching a women's team. With the women's teams starting up coaches were needed in the school and they needed a place to practice. Dr. Marshal was the one to tell the coaches about the change. He got some mixed emotions from the coaches. "The coaches were probably more reluctant to accept the fact that they have to share," Marshal said about the coaches. He talked about how the basketball coach had to share his court with the women's basketball team. The men's basketball coach was upset by this and was reluctant about it. They worked it out though and both teams got to practice. The feud with women team's and the coaches quickly dissolved.¹⁴

When Title IX first became into law there were women teams starting, but there was no championship. Men would play for the National Collegiate Athletic Association (NCAA). That is why in 1972 the Association of Intercollegiate Athletics for Women (AIAW).¹⁵ The AIAW was a female version of the NCAA that brought championships to the women sport teams. "It was the companion or was conceived to equal to the NCAA." Dr. Marshal said. The only difference with the leagues was how much money was provided. In the NCAA they got TV sponsors and Corporate sponsorships, so they did not have to worry about finding money for their sport. This was not the case for the AIAW. Dr. Marshall recalls how hard it was to help the women's athletics get to their championship games and championships. "I would have to go to my boss and say give me an extra 10,000 dollars, the women's soccer team is going to New York for a tournament. That didn't go very well with the administration." Marshal remarks. The school came up with a solution. "In our conference the Mid- Atlantic conference, schools were

¹⁴ (Marshal, Bill). Personal interview with the author. Lancaster, PA Oct. 8 2016

¹⁵ The AIAW was an all women run college program. They formed championships for women athletes with almost no money provided.

suffering the same financial problems we were suffering here”, he said. His idea was, “ Why don’t we start at the local levels and become the first conference in division three, and we did.” That became the first successful league in Pennsylvania for women’s tournaments under the AIAW. ¹⁶

While all of this was going on, the United States was trying to get Title IX enforced into all schools. While there were some schools that had improved in gender discrimination, it had still be yet to be resolved. Not all schools were offering women’s athletics and those who were were not offering an opportunity for both genders or providing the equipment for all activities. There was also people questioning the need for Title IX. On May 20, 1974 Senator Towers sent out a letter called the Tower Amendment. The letter questioned the need for women’s sports and said, “funding should go to the more popular sports.” It stated that “if a sport was making money for the school it didn’t have to abide to Title IX.” This letter was shot down.¹⁷ Only a couple month after that Senator Javits tried to pass a law that called the Javits Amendment trying put the last piece of Title IX into piece, 34 C.P.T Part 106. This law stated that gender discrimination was prohibited and gave a three year window for all school to abide to it. It was passed, but did not affect most schools. Other laws were trying to get passed to allow intercollegiate athletics to be treated equally and provide a safe education to each gender in schools. Finally, on July 21,

¹⁶ (Marshal, Bill). Personal interview with the author. Lancaster, PA Oct. 8 2016

¹⁷ Foundation, By Women's Sports. "History of Title IX - Women's Sports Foundation." Womens Sports Foundation. Accessed November 05, 2016.

<https://www.womenssportsfoundation.org/home/advocate/title-ix-and-issues/history-of-title-ix/history-of-title-ix>.

1978¹⁸ all school in the United States had to follow Title IX, and if they did not follow they would be punished. ¹⁹

The new and improved Title IX that came out made schools have the same number of women playing as sport as the same number men playing a sport.²⁰ The only way that they could get out of the law was to give a survey year round to the students, show that they are trying to interest the school but don't have enough people interested or having the not as popular gender at the school join the crew to make the balance. Dr. Marshal gave an example of this by saying what the University of Wisconsin did. They had 120 men involved in football and 40 on junior varsity, so they got 130 to 140 women to help out on the football crew.²¹

After 1978 gender discrimination was not as much of an issue. Because of this, job opportunities opened for both genders. Men were able to work in the fashion department. Women were allowed to join science, technology engineering and math or STEM jobs. Also, women were able to join the olympics. In fact, in 2012 America called the Olympics the Title IX Olympics because more women one then men. Jobs were made easier then because of this law.

Throughout the years, schools and the government got into conflict about the new law. Even in the 21st century America is still trying to make the law better. Though Title IX is not

¹⁸ The new Title IX was signed by General Ford. It stated that all schools have to have the same amount programs offer to both genders and all programs have to be available to both genders.

¹⁹ Foundation, By Women's Sports. "History of Title IX - Women's Sports Foundation." Womens Sports Foundation. Accessed November 05, 2016.

<https://www.womenssportsfoundation.org/home/advocate/title-ix-and-issues/history-of-title-ix/history-of-title-ix>.

²⁰ This did not mean equal pay. If a program cost \$120 and another cost \$60 they both would not be under violation unless there was one where the program did not have everything covered.

²¹ (Marshal, Bill). Personal interview with the author. Lancaster, PA Oct. 8 2016

completely perfect, it is making progress in our schooling system. Most schools are not bias to gender and make it easy for anyone to be the top of their class. There are more sports in schools and job are becoming more co-ed. There is even a women running for president. With the progress America has made this country is well on it's way to becoming an equal country.

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IX Does Not Incorporate the Procedural Requirements of Title VII. For a More Detailed Discussion of the Relationship between Title IX and Title VII, See Chapter IV(b) of This Manual. Section 5 of That Chapter Discusses the Joint Rule Issued by the Department of Justice and the Equal Employment Opportunity Commission, Which Sets Forth Procedures That Federal Agencies Are to Utilize When Processing Title IX Employment Cases. "Title IX." U.S. Department of Justice. Accessed November 05, 2016. <https://www.justice.gov/crt/title-ix>.

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