37 Words: Title IX and Fifty Years of Fighting Sex Discrimination

Katherine Homminga

CITATION


SHERRY BOSCHERT'S BOOK, 37 WORDS: TITLE IX AND FIFTY YEARS OF FIGHTING SEX DISCRIMINATION, SERVES as a unique look through the evolution of Title IX. Through 16 chapters and a notes section, Boschert takes us from the infancy of Title IX in 1969 through its 50th birthday in June 2022. Throughout the book, Boschert introduces the reader to significant principals in the life of Title IX over its 50-year history. Chapter 1 begins in 1969 where Bernice Sandler, generally recognized as the godmother of Title IX, was in the process of finishing a doctoral degree. During a job interview, Sandler was informed that the department did not hire women. Recognizing this as discrimination, she began to research the Equal Pay Act of 1963. While conducting her research on the Equal Pay Act, Sandler unearthed Executive Order 11375 (1967) which prevented gender discrimination in government contracts. She realized that colleges and universities often had government contracts, thus Executive Order 11375 (1967) should be applied to those contracts. With that realization, Sandler took those first steps into a decades long journey of establishing educational equity for women. Sandler’s life and contributions to Title IX are woven throughout the book as a unifying theme. In the chapter titled Sexual Harassment, we meet Pamela Price, a plaintiff in the Alexander v. Yale (1977) case, who later became a lawyer who took on Title IX cases. Diane Milutinovich, an athletic coach at Fresno State University, is introduced in the Enforcement chapter which focuses on how Title IX was applied in athletic settings. Boschert also included the entirety of the Title IX text which allows the reader to gain a better understanding of the struggles documented in the book.
Readers of varying interests will find Boschert’s book to be an accessible read. She infuses legal and educational aspects while also exploring the historical impact of the first 50 years of Title IX. Boschert expertly navigates five decades of varying interpretations assigned to Title IX. An important aspect mentioned in the book, which needs to be further explored by those working in the fields of student affairs and Title IX, is intersectionality. More cases are coming forward that involve intersection discriminations. Without providing details, Boschert asserts that advancements resulting from Title IX have benefited white girls and women more than girls and women of color.

Boschert writes in such a way that the historical events presented in the book are accessible to readers with little knowledge of Title IX. As in other areas of life, it is important for us to learn about the history and background of something to help inform our present use. This serves to remind those of us who work in student affairs that who Title IX serves can change over time. The protections offered by Title IX have evolved and changed as the needs of the participants in higher education have changed. For Bernice Sandler, Title IX meant that she would have the opportunity for employment in higher education as more than just a department secretary. Pamela Price needed Title IX to provide protections against sexual harassment and sexual assault. Diane Milutinovich required equality and equity for women athletes in educational environments. As the needs of the students change, so will the protections of Title IX. We are beginning to see Title IX protections afforded to transgender students. In 37 Words, Boschert provides historical context for many of the situations that students are facing today in higher education. It documents some of the mistakes that colleges and universities have made in the last half a century which allows schools to see what has worked and what has not worked.

The stories of persons involved in Title IX court cases often highlight the human experience masked by litigation. Some of the most important information for the field is presented in the last chapter, The Next Fifty Years, which states that “ninety percent of colleges and universities are violating Title IX by discriminating against women athletes.” (Boschert, 2022, p. 281). While acknowledging progress, Boschert is quick to assert much remains to be accomplished.

Student affairs professionals and Title IX have become deeply integrated in aspects of daily life around campus ranging from residence halls to academic advising to student run programs. Many of the programs that are discussed in the book, including Know your IX (https://www.knowyourix.org) and End Rape on Campus (https://www.endrapeoncampus.org), were created by student survivors with the assistance of faculty and staff. Current faculty and staff at universities can use these as examples of ways they can assist and support students on their campuses. Many of the victories that Title IX has gained have come from outside activists applying pressure to the government.

With their knowledge of college student development, student affairs professionals are the best positioned to develop and implement new programs and policies to support an intersectional Title IX. Student affairs professionals will find information about how colleges and universities have handled (or not handled, as the case may be) the implementation of Title IX, as illustrated by the story of Temple University arguing that the athletics department did not receive federal funds therefore, they did not fall under the umbrella of Title IX.
Those who work in student affairs and Title IX still face uphill battles in addressing inequities found in higher education. The future of Title IX and sexual assault prevention will need to find a way to merge sexual assault prevention programming with other anti-discrimination programming. Boschert’s 37 Words serves as a guidebook for how far we have come and how far educators still must go to achieve equity in education.

References

Alexander v Yale, 631 F.2d 178 (2d Cir. 1980)