

# The Godmother of Title IX

FIFTY YEARS AFTER THE LAW'S PASSAGE, THE LEGACY OF BERNICE SANDLER ED.D. '69 ENDURES THROUGH THE MILLIONS OF GIRLS AND WOMEN WHOSE LIVES SHE'S CHANGED

BY KAREN SHIH '09 PHOTO COLLAGES BY LAUREN BIAGINI

**IN THE SAME YEAR** the U.S. landed a man on the moon, Bernice “Bunny” Sandler Ed.D. '69, a married mother of two and owner of a new doctoral degree, couldn't even land a job.

As she applied for research and teaching jobs, one interviewer called her “just a housewife who went back to school.” Another said he couldn't hire women because they would stay home when their children were sick—never mind that Sandler's daughters were in high school. But it was the rejection from her own school, the University of Maryland's College of Education, where she taught part-time throughout her graduate studies in counseling, that stung most.

She asked why she wasn't considered for one of the seven open positions in the department, and a male faculty member said: “Let's face it. You come on too

strong for a woman.”

Sandler could have gone home and cried—and she did, at first. She could have blamed herself—and she did that too, regretting how she spoke up during staff meetings and class discussions. But it was a time when men held nearly every position of power at the university and outnumbered women eight to one among faculty at the biggest school on campus; when female students still were subjected to curfews and dress codes and steered to majors like home economics. She realized her failure to find work wasn't about her qualifications, but her gender.

She never did secure a faculty job. Instead, Sandler launched a battle that spanned classrooms, Congress and national stages to create, pass and defend the groundbreaking federal legislation formally known as Title IX of the

Educational Amendments of 1972, opening doors for millions of girls and women to achieve educational, athletic and professional equality. The “Godmother of Title IX,” as she became known, spent the rest of her career, until her 2019 death, raising awareness of and advocating for enforcement of the law.

“She was phenomenal, a force of nature—so outspoken and adamant about women's rights,” says Georgina Dodge, vice president for diversity and inclusion at UMD, who served on the board of the Association of Title IX Administrators with Sandler for six years.

The law, now widely known for its impact on women's sports, not only improved opportunities in education, including admissions and hiring, but also offered recourse for victims of sexual harassment and assault, as well as

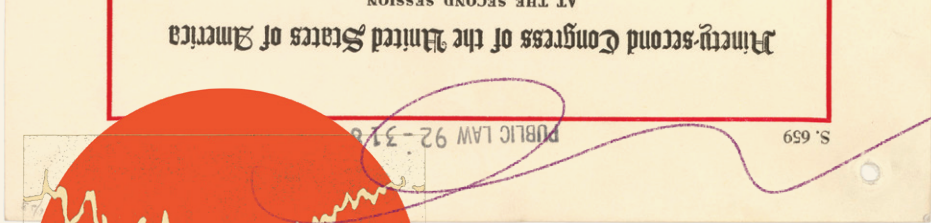
Above left: Sandler at a protest seeking Title IX enforcement in the 1970s; left: Sandler with U.S. Rep. Patsy Mink (D-Hawaii), a co-author of Title IX, and Sandler's “Wonder Woman” license plate; far right: Terp women's basketball star Vicky Bullett '89 goes up for a rebound in 1986.

CLOCKWISE FROM CENTER: SANDLER PORTRAIT FROM AIP EMILIO SEGRE ARCHIVES FROM PHOTOS.COM; Sandler with U.S. Rep. Patsy Mink (D-Hawaii), a co-author of Title IX, and Sandler's “Wonder Woman” license plate; far right: Terp women's basketball star Vicky Bullett '89 goes up for a rebound in 1986. COURTESY OF DEBORAH JO SANDLER AND EMILY SANDERS.

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protections for pregnant students. “It was really a game changer,” says National Organization for Women President Christian F. Nunes. “Dr. Sandler stood up in a time when women were so often silent and didn’t challenge the status quo. She empowered women to enter spaces where they deserve to be.”

CURFEWS AND QUOTAS

For the first two-thirds of the 20th century, a woman’s college degree could often be like a fashion accessory: optional, decorative and useful only in the sense that it could help a gal get a husband. The tired joke was that ladies were in school only to get an “M.R.S.,” and their educational opportunities reflected that idea.

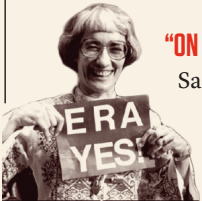
They were expected to enter traditionally female fields like K-12 teaching and nursing; they were barred from more lucrative and typically male domains like engineering or business. And it wasn’t just in the classroom that women were held to strict standards. At UMD, like many colleges, female students needed special permission to leave their dormitories after 8 p.m. and had to follow a restrictive dress code that forbade shorts, slacks, jeans and sportswear.

When it came to sports, the focus was on recreation, rather than competition. Though Adele Stamp, UMD’s first dean

of women, championed tennis, rifle shooting and basketball starting in the 1920s, female students were limited to contests between classes, with few opportunities for intercollegiate matches, says Anne Turkos, university archivist emerita. Teams didn’t have funding to hire coaches, so seniors often led their peers. On the national level, even when a female athlete like Donna de Varona won two gold swimming medals at the 1964 Olympics, she still couldn’t compete in college—because varsity teams and athletic scholarships existed only for men.

Women were particularly shackled in graduate education; medical and law schools set strict quotas—usually 5% or less—on women’s admissions, and few companies were willing to hire the handful who earned degrees. For example, Sandra Day O’Connor, the first female Supreme Court justice, graduated third in her class from Stanford Law School in 1953 and was offered a job as a legal secretary.

It was in this constrictive and demoralizing environment that Sandler tried to begin a career in academia.



“ON THE BASIS OF SEX”

Sandler’s lifelong nickname, “Bunny,” belied her tenacity in the face of blatant unfairness. Growing

up in Brooklyn, New York, she was outraged that boys could operate the slide projector in school or serve as crossing guards when girls couldn’t. She recalled how her college application stated frankly that girls needed higher grades and test scores to be admitted. “Nobody complained. Nobody even saw this as wrong. I remember thinking, I’m just going to have to work harder,” Sandler said in a 2013 talk.

But even after she earned her doctorate, the sexist job rejections made her realize her story was just one anecdote in a much broader tale of injustice encompassing all women seeking to advance their education and careers.

“Knowing that sex discrimination was immoral, I assumed it would also be illegal,” Sandler wrote in her 1997 reflections on the 25th anniversary of Title IX. She examined law after law to find out if that was true, only to see that many contained loopholes exempting educational institutions, students or faculty members from antidiscrimination statutes.

Finally, she discovered Executive Order 11246, which prohibited federal contractors from discrimination in employment based on race, color, religion and national origin—and it had been amended in 1968 to include sex.

“Even though I was alone, I shrieked aloud with my discovery,” she wrote. The connection was clear: Most colleges had federal contracts; therefore, they could not discriminate against women and preserve that funding.

She took this explosive information to the Department of Labor. She joined the Women’s Equity Action League (WEAL). She showed her findings to members of Congress. In 1970, WEAL filed a class-action lawsuit against universities across the country—including UMD—and charged Sandler with collecting information from women in academia about admissions quotas, financial aid, hiring practices, promotions and salary differences to support their case. She worked with U.S. Rep. Edith Green (D-Oregon), who chaired the House subcommittee on higher education, to shape legislation explicitly prohibiting sex discrimination in employment and education. Sandler was told explicitly not to publicly lobby for the bill with WEAL beyond its initial testimony, to avoid



Top: Women protest for the enforcement of Title IX; center: Sandler, middle, with U.S. Sen. Birch Bayh (D-Indiana), right, who co-authored Title IX; bottom: President Richard Nixon in 1969 with members of the Citizens’ Advisory Council on the Status of Women.

attracting negative attention. The stealth strategy worked. Two years later, on June 23, 1972, President Richard Nixon signed Title IX into law. It states, in part: “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.”

THE LEGACY OF TITLE IX

Walk onto a college campus in the U.S. today, and it’s easy to see that the gender balance has shifted. Since the late 1970s, female students have outnumbered male ones, making up about 57% of the college population as of 2019, the National Center for Education Statistics (NCES) reports. Now free to pursue all majors, women at UMD make up a third of the undergraduates studying engineering and nearly half of all students in the College of Computer, Mathematical, and Natural Sciences.

“Life chances depend on education. If we discriminate against women in K-12 or higher education, we are setting the foundation for lifelong disparities,” says UMD Provost and Senior Vice President Jennifer King Rice, who served as dean of the College of Education decades after Sandler couldn’t get hired there.

For many, Title IX remains synonymous with women’s sports, where opportunities have grown exponentially. Girls’ participation in high school sports is 10 times greater than in 1972, according to the NCES. In college, the NCAA reports that women now make up nearly half of all Division I athletes. And while it’s still more common for men to coach women’s teams, women are starting to make inroads into men’s sports, like WNBA star Kristi Toliver ’09, an assistant coach with the Dallas Mavericks.





Toliver is the latest in a long line of female Terps breaking gender barriers. The university established a women's varsity basketball team in 1971, before the passage of Title IX, and the team competed in the first nationally televised women's game, in 1975.

Today, UMD is a national powerhouse in women's sports. The basketball team won the NCAA tournament in 2006 and is consistently ranked in the top 20, and the lacrosse and field hockey teams have a combined 21 national titles, with women's lacrosse most recently winning the NCAA championship in 2019.

Field hockey's Missy Meharg M.A. '90, the university's winningest coach, recalls not being allowed to play ice hockey when she was growing up in the 1970s. But today, her student-athletes have gone on to play professionally and represent their countries in the Olympics; become doctors and entrepreneurs; and create clubs and camps for new generations of girls.

"Now we're embarking on a new team house and stadium for [lacrosse] Coach [Cathy] Reese and I," says Meharg. "Maryland doesn't just meet the numbers for women's sports—we're thriving and leading every day."

Nationally, numerous lawsuits over the years have also expanded Title IX to include sexual harassment or assault within sex discrimination, requiring schools to address complaints and to

add protections for whistleblowers who expose gender-based discrimination. The law now also includes safeguards for pregnant and parenting students so they can make up assignments while attending doctor's appointments, for example.

"Title IX is a powerful tool," says Neena Chaudhry '93, general counsel at the National Women's Law Center, who worked on several of these Supreme Court cases. "We need to continue raising awareness, so if people realize something's not fair, we can use the law to help them."

### A LIFELONG FIGHT CONTINUES

In 1972, "I was extraordinarily naïve," Sandler wrote. "I believed that if we passed Title IX, it would only take a year or two for all the inequities based on sex to be eliminated. After two years, I upped my estimate to five years, then to 10, then to 25, until I finally realized that we were trying to change very strong patterns of behavior and belief, and that changes would take more than my lifetime to accomplish."

She served for 20 years as director of the Project on the Status and Education of Women at the Association of American Colleges and became a senior scholar at the Women's Research and Education Institute. She also gave thousands of speeches, imparting her wisdom to new generations.

She countered the rudeness and hostility she faced throughout her career with humor and dignity. Sandler was rarely seen without her "Uppity Women Unite" pin, and handed them out at the grocery store as well as black-tie dinners at the White House.

One of her two daughters, Emily Sanders, recalls accompanying her to receive the Rockefeller Public Service Award in Washington, D.C., in 1976. Backstage, a male honoree said to her,

"You don't deserve this award. You have ruined men's sports, especially college football. Women like you are ruining everything." Sandler simply responded, "Thank you for the compliments."

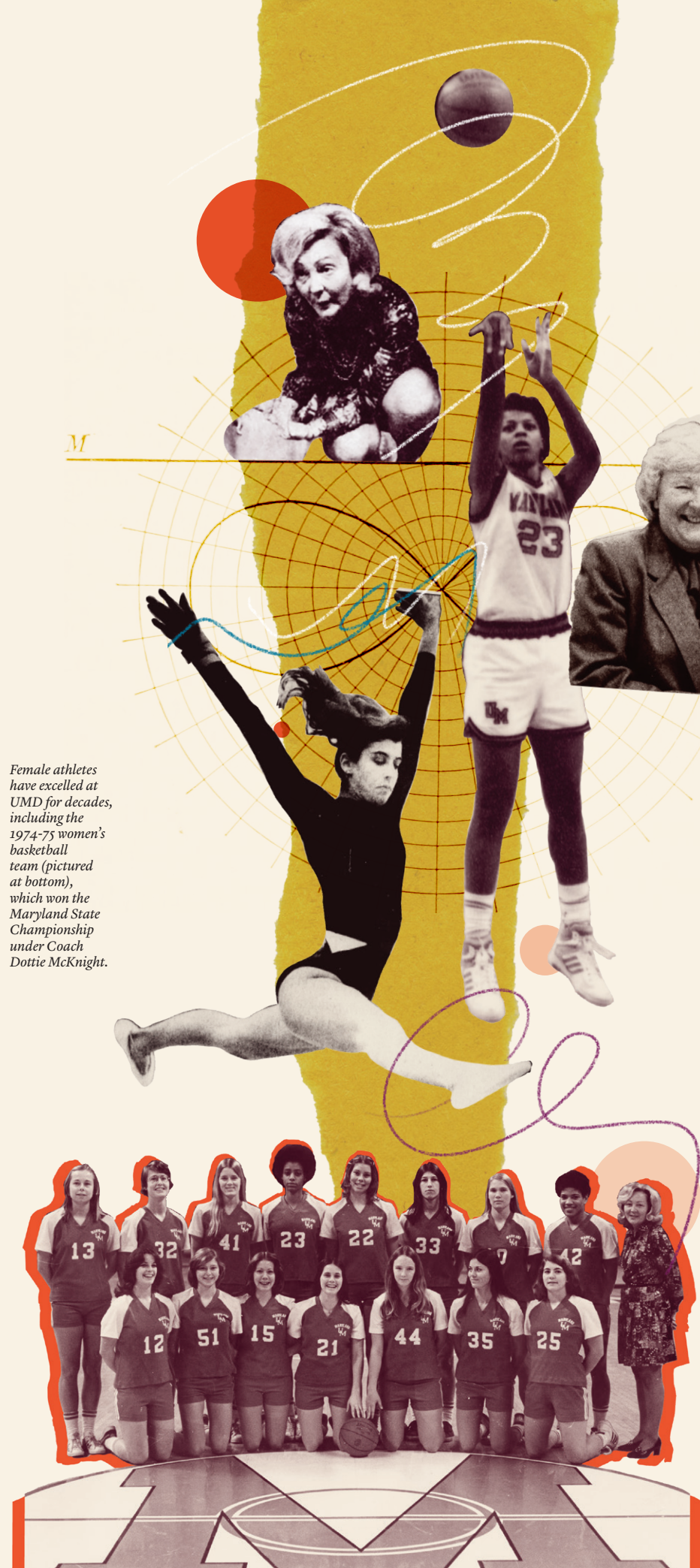
"She knew that many of the women in the suffrage movement never got to see the fruits of their labor," says Sanders. "The women who came before her had an even tougher road, and that gave her calmness and perspective."

That perspective is critical as advocates tackle new and ongoing challenges. In athletics, though 3.5 million high school girls participated in sports in 2018, that's still fewer than the number of boys who played in 1971, before the passage of Title IX, reports the Women's Sports Foundation (WSF). The gap is even wider for girls of color, which keeps them from reaping the health, educational and employment benefits of playing sports. In college athletics, WSF reports that men in NCAA Division I and II still receive \$240 million more in scholarship funding annually, and just last year, a viral Instagram post revealed dramatically unequal weight room set-ups for women and men playing in the NCAA basketball tournament.

In higher education, female students and faculty alike are stymied by the "chilly climate," a phrase Sandler coined to describe the subtle but persistent ways that women are treated unequally. These include professors calling on men in class more often, trivializing women's contributions and downplaying reports of sexual harassment. The consequences are stark: Though women make up 60% of all higher education professionals, just 24% of the highest-paid faculty members and administrators are women, according to the Eos Foundation.

"We've moved the needle in significant ways, but there's so much work to be done," says Dodge. "Bunny's left a lasting legacy for us to build on." **TERP**

*Female athletes have excelled at UMD for decades, including the 1974-75 women's basketball team (pictured at bottom), which won the Maryland State Championship under Coach Dottie McKnight.*



## Terp Athletes Reflect on Title IX

From passionate coaches urging on players from the sidelines to university-branded team buses for traveling to competitions to athletic scholarships that make a college education possible, women's sports now have resources that were unfathomable before Title IX. Several standout Terps reflect on its impact on their lives and careers.

### Dorothy "Dottie" McKnight, 1964-76

ASSISTANT PROFESSOR OF PHYSICAL EDUCATION; COORDINATOR FOR WOMEN'S ATHLETICS AND COACH OF THE FIELD HOCKEY AND WOMEN'S LACROSSE AND BASKETBALL TEAMS

"When I got to Maryland in 1964, they didn't have formal teams or coaches, just interest groups. I loved to coach, so I stepped up. We met with other schools once a year to set up a playing schedule, very informally," says McKnight. By the time Title IX regulations were issued in 1975, "I remember being exhausted—it was such a battle for me to even get a state car to take our players to a game."

When Title IX was passed, that meant not only scholarship opportunities for players, but funding for coaches and staff. "The last time I got paid to coach sports was when I taught high school," she says. "I was excited that people could have that kind of position and make it financially worthwhile for them."

### Vicky Bullett '89

TERP WOMEN'S BASKETBALL PLAYER; OLYMPIC GOLD MEDALIST

"I have six brothers. I grew up in West Virginia, and my dad was the only breadwinner. They told me, 'Work hard in school, Vick, because we can't afford to send you to college.' Who knows where I'd be if I didn't have the opportunity to get a scholarship?" says Bullett, who became one of the most decorated Terp basketball players, while winning at the 1988 Games in Seoul.

Her career took her to Europe and the WNBA, as well as coaching at the college level. Today, she's the athletic director for the Boys and Girls Club back in her hometown.

"Working with young kids every day, I share with them what I've achieved, and tell them how Title IX gives you those opportunities. Knowledge is power," she says.

### Bonnie Bernstein '92

TERP GYMNAST; SPORTS JOURNALIST

"I was pretty singularly focused on being a sports journalist from an early age," says Bernstein. "Without the opportunity to start soccer when I was 5 or gymnastics when I was 7, I wouldn't have decided to pursue my dreams."

Bernstein worked as a reporter for ESPN and CBS for nearly 20 years, and today produces sports documentaries through her company, Walk Swiftly Productions.

"Most student athletes don't go pro. I'm grateful that Coach Bob Nelligan enabled us to reach our athletic goals, but also placed equal emphasis on our academics. My incredible education teed me up for professional success."

