

SWE Public Policy Initiatives for Women in Engineering

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Outline

SWE's Public Policy and Priorities:

- 1) Application of Title IX to STEM Programs
- 2) Government Relations and Public Policy



Application of Title IX to STEM Programs



The Title IX Statute

**Title IX, enacted in 1972, prohibits
discrimination on the basis of gender (20
U.S.C. § 1681(a)):**

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 Title IX Statute

Comprises

- The statute
- Implementing regulations found in Code of Federal Regulations, volume 34, part 106
 - Available at www.gpoaccess.gov/cfr (type "34CFR106" in search box)
- Various other interpretive documents issued by federal agencies such as the Department of Education
 - see, e.g., August 2004 "Dear Colleague" letter
- Any judicial decision interpreting the law
 - very little in the academic context



The Title IX Statute (continued)

Operates like a contract

- Between an educational institution and the federal government
- Government gives money in exchange for a promise not to discriminate

Institutional liability under Title IX requires notice of a violation, followed by the institution's refusal to work toward correcting an identified defect

Applies to

- Students, as well as to faculty and other employees
- Men, as well as women



What It Is ... What It Is Not

What it is ...

- A way to ensure that members of one gender are not unfairly discriminated against in educational programs and activities.

What it is not ...

- Title IX is NOT a guarantee of proportional representation of women and men in educational programs and activities.
 - A lack of proportional representation is not, in and of itself, a violation of Title IX
 - But, a lack of proportional representation may be evidence of a Title IX violation



Title IX and the Athletics Paradigm

The athletics paradigm has conditioned us to believe (incorrectly):

- That Title IX promotes proportional representation of women and men in educational programs
- That litigation is the best way to resolve Title IX violations
- That for women to gain, men must lose

Significant differences between athletics and academics make it difficult to translate the enforcement scheme that has developed for athletics into the academic paradigm:

- Separate-but-equal approach in athletics
- Equality in athletics usually involves a distribution of resources
- An evaluation of an athletic program's gender equity compliance focuses on equality of result, whereas an evaluation of an academic program's gender equity compliance focuses on equality of process



What Constitutes a Title IX Violation?

Not every difference between men and women is a Title IX violation.

To find a Title IX violation requires that the educational institution in some way contributed to, sanctioned or refused to stop the discrimination.

- Professors, employees or other students themselves cannot violate Title IX
- Educational institutions have a variety of responsibilities under Title IX that depend on the type of discrimination at issue:
 - Institutions may not make decisions based on gender.
 - Institutions may not maintain policies that disproportionately exclude individuals of one gender unless they can show the necessity for the policy.
 - Institutions must act to prevent harassment or other discriminatory actions by individuals, must address accusations promptly and must act to remedy the harassment or other discriminatory action.



2004 GAO Report on Title IX & STEM

Assessed how funding agencies were discharging their monitoring obligations under Title IX

- Found almost no effort on part of funding agencies to verify Title IX compliance at recipient institutions

Also looked at what the data showed about women's participation in STEM fields

- Noted that perhaps as much as 90 percent or more of the discrepancy between the salaries paid to male and female faculty members can be explained "by differences in experience, work patterns, seniority, and education levels"
- But failed to examine whether institutional practices drove women to select different work patterns, for example, to deal with other issues such as caring for family members





2004 GAO Report (continued)

Explored reasons why funding agencies received very few Title IX complaints

- Individuals did not know that Title IX applied to educational institutions beyond athletics
- Individuals feared retaliation for filing complaints

Raised other interesting questions, including:

- Does granting leave for both male and female faculty members after the birth of a child further disadvantage women?
- Do well intentioned efforts to include women on various university committees unfairly burden them when compared with men?



Enforcement vs. Compliance

Enforcement: when the government comes in and tells educational institutions what they must do.

Compliance: when educational institutions assess themselves for compliance with the law and make necessary changes on their own.



Title IX Enforcement

Can occur in a variety of ways

- Lawsuits
- Funding agency reviews
 - Initiated by the agency
 - In response to a complaint filed with an agency
- Reporting legislation
 - Exists in the athletic context, but not currently in the academic context

Each can cause problems for educational institutions

Government involvement takes time to see results



Title IX Compliance

Key to successful compliance efforts is educating constituencies of their rights and obligations

- Students and faculty/employees should know their rights under the law, and should know how to enforce those rights
- Educational institution should know its obligations under the law, and should be able to prove that it is discharging those obligations

Allows an educational institution to solve problems in ways that fit the institutional mission



Title IX Compliance (continued)

Educational institutions must be aware of and comply with four simple regulations:

- Assure funding agencies that programs and activities comply with Title IX
- Designate at least one employee to coordinate Title IX compliance efforts
- Establish a Title IX grievance procedure
- Disseminate information regarding the institution's Title IX nondiscrimination policy

2004 GAO report indicates that institutions typically meet the first requirement, but either do not meet, or cannot prove that they meet, the others.



Title IX Applies to Students in ...

Admissions

- Both preferences and limits
- Can't apply different standards to men and women, but may adjust standards to allow more women (or men) to satisfy them

Academic Program Opportunities

- Retention, enrollment by program
- Access to courses, research opportunities
- Counseling





Title IX Applies to Students in...

Housing

Financial aid

Health insurance and benefits

Marital and parental status

Sexual harassment

Athletics



Title IX Applies to Faculty/Employees in...

Recruitment

Hiring

Promotion, tenure, compensation, benefits

- Importance of collegiality to the tenure process
- Lab/office space

Health insurance and benefits

Marital and parental status

Sexual Harassment



Next Steps

Education to raise awareness of

- Rights of students, faculty and employees to enforce the law
 - Including, importantly, protection from retaliation for enforcing these rights
- Obligations of educational institutions to comply with the law
- Obligations of funding agencies to ensure that educational institutions comply with the law



Society of Women Engineers Government Relations & Public Policy Overview



Why Public Policy and SWE?

In line with SWE's mission

Increase impact of SWE member efforts and resources

Opportunities to combine SWE's messages with other compatible organizations



SWE Government Relations and Public Policy Goals

SWE members

- To educate SWE members about public policy happenings
- To provide tools to participate in public policy
- To have SWE volunteers engaged in public policy at the federal level

Others

- To educate other professional societies and policy makers on how Title IX can be applied to STEM fields.



Society of Women Engineers General Position Statements

Science, Technology, Engineering, and
Mathematics (STEM) Education and the Need
for a U.S. Technologically-Literate Workforce

The Application of Title IX to the Science,
Technology, Engineering, and Mathematics
(STEM) Fields



Dissemination

Co-signers

Congressional Briefings and testimony

Roundtable

Co-sponsorship of events



Recent Activities

September 26, 2006 Briefing: *Are More Women and Diversity Needed in the STEM Workforce?*

February 28, 2007 Roundtable: *Gender Equity in Science, Technology, Engineering, and Mathematics (STEM) Fields*

June 19, 2007 Testimony: House Education and Labor Committee on Application of Title IX to STEM Fields

- Peggy Layne, P.E., past SWE President testified on behalf of SWE.
- An archived webcast can be found at:
<http://edlabor.house.gov/hearings/hellc061907.shtml>

June 28, 2007 Briefing: *The Importance of the Diversity Issue to the Competitiveness and Innovation Debate?*

October 18, 2007 Briefing: *The Leaky Science and Engineering Pipeline: How Can We Retain More Women in Academia and Industry?*

March 8, 2008: *Congressional Visit Day*



House Diversity and Innovation Caucus

Co-chairs are:

- Rep. G. K. Butterfield (D NC)
- Rep. Ruben Hinojosa (D TX)
- Rep. Mike Honda (D CA)
- Rep. Eddie Bernice Johnson (D TX)
- Rep. Zoe Lofgren (D CA)
- Rep. Silvestre Reyes (D TX)

Formally announced by Reyes on 6/28/07.

Johnson introduced the Gender Bias Elimination Act of 2007





Retention in Industry and Academia

One year anniversary of the release of the *Beyond Bias and Barriers*

- Women are a small portion of the science and engineering faculty members at research universities, and they typically receive fewer resources and less support than their male colleagues.
- The representation of women in leadership positions in our academic institutions, scientific and professional societies, and honorary organizations is low relative to the numbers of women qualified to hold these positions.
- It is not lack of talent, but unintentional biases and outmoded institutional structures that are hindering the access and advancement of women.

SWE Retention Study shows industry parallels to academia's *Beyond Bias* research



Recommendations from Testimony before the House Education and Labor Committee

Conduct oversight hearings and call for enhanced agency enforcement, particularly an increase in the number and frequency of compliance reviews conducted by the U.S. Department of Education's Office for Civil Rights to ensure that federally-funded education programs provide equal access and opportunity to all students. Then make those reviews available to the public to ensure transparency of process.

Authorize and fund a comprehensive public education campaign to raise awareness of Title IX and the importance of gender equity in education among students, parents, teachers, and administrators.

Increase funding for programs that focus on attracting and retaining women and girls to non-traditional and STEM careers and removing institutional barriers to their success.





Congressional Visit Day

Senator Durbin Office

NASA – led to Title IX Workshop for Federal Employees

Cathy's Airport Meetings



Upcoming

How to Talk to Your Representative

SWE National Conference

Webinar with ASME

NASA Workshop



Discussion

Fostering change...

