

## Remembering Dr. Bernice Sandler, Champion of Title IX

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Dr. Bernice Sandler, a prominent activist for gender equality, passed away on January 5, 2019, at the age of 90. Dr. Sandler is well known for her efforts to increase gender equality in education. She was also a vital figure in the development and implementation of Title IX of the Education Amendments of 1972.

Dr. Sandler began her advocacy in the late-1960s, when inequality between men and women in education and in the workforce was common. Several educational institutions limited the number of women hired, disqualified married candidates, or did not hire women at all. Women professors were challenged on their credentials more than male professors, and they were not consistently addressed as “Dr.” Many institutions barred female students from male-dominated academic departments. In athletics, men’s facilities, among other things, were superior to women’s. According to Dr. Sandler, it was openly known that female students typically needed higher grades and test scores in order to be accepted by institutions. See Dr. Sandler’s *Title IX: How We Got It and What a Difference it Made*, Clev. State L. Rev. (2007).

Aside from her observations, Dr. Sandler experienced her own challenges as a woman in academia. When she asked a male colleague why she was not considered for several open teaching positions, he replied, “you come on too strong for a woman.” The male hiring researcher for another position to which Dr. Sandler applied told her that he did not hire women because women often have to stay home with sick children. Similarly, an employment agency categorized and dismissed Dr. Sandler as “just a housewife who went back to school.” Dr. Sandler’s experiences as a woman in education sparked her early campaign efforts to ensure gender equity in education. These efforts eventually led to the passage of Title IX in 1972. After Title IX was enacted, Dr. Sandler continued her activism for decades as a speaker, author, and educator.

Since its passage, Title IX has transformed the educational environment by increasing equal opportunities for women in a variety of ways. In career education, women and men are free to pursue career training in any field they desire; women can learn to be welders and men to be nurses. Pregnant students are entitled to equal access to education, including reasonable accommodations when needed. Institutions must give female and male student-athletes equitable access to participation opportunities, scholarships, facilities, and benefits. Title IX also prohibits sexual harassment and sexual assault and creates obligations for institutions, not only with respect to the conduct of their employees, but also their students.

Today, Dr. Sandler’s activism remains a vital foundation for educational institutions to ensure gender equality. To assist educational institutions in complying with Title IX, our Higher Education team provides a variety of services, including:

- Crafting policies and procedures that comply with Title IX, the Campus SaVE Act, and applicable state laws;
- Conducting investigations into allegations of sexual assault and other types of sexual misconduct;
- Providing advice and counsel to institutions in implementing their policies and procedures when facing allegations of sex discrimination and sexual misconduct to avoid litigation;
- Training investigators, hearing and appeal officers, faculty, coaches, staff, and students on their rights, duties, and obligations under the law and the institution’s policy;
- Conducting audits of compliance with gender equity requirements in athletics and providing advice and counsel on how to reach compliance when necessary;
- Representing institutions before the Office for Civil Rights and in litigation relating to alleged violations; and
- Providing advice and counsel with respect to accommodating pregnant and parenting students and ensuring gender equality in academic areas traditionally dominated by one sex.

Dr. Sandler’s passing gives us an opportunity to look back on how far we have come. Whether in the classroom, in the lab, or on the playing field, Dr. Sandler’s work has assured greater opportunity and equality across the country.

Please contact any Higher Education or Collegiate and Professional Sports attorney for information about

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