

Summary of the Congressional Briefing Statement
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Well thank you, I'm delighted to be here and in listening to the speakers and realizing that Kim was a math major, I actually realized that I am bringing diversity to this panel because I was an English major. But that actually does play into my sense of admiration for the women at this table and others who have persevered to overcome the barriers that have been placed in their way of succeeding in math and science and engineering and other non-traditional fields for women. And in addition makes me personally outraged as a beneficiary of the kinds of developments that Dr. Jameson discussed that fully half our nation's populous is facing all of these obstacles to contributing their talents to all of the exciting science and technology developments that are going on even as we speak.

I want to talk just very briefly about some of the things that could be done to address this situation, and in particular some of the things that could be done by the government, which I think has a special responsibility in this situation. Dr. Nelson's data demonstrate the pervasiveness of the problem, and the extent of the underrepresentation. I think other studies have shown that this underrepresentation results from discriminatory practices and barriers that need to be addressed.

There was a study done at MIT, as many of you know, back in 1999, which showed that female faculty there faced persistent what they called patterns of difference in things like wages, in access to resources, in what was called substantive power at the university. There was a study conducted at Princeton just last year that basically echoed those same findings and found increasing barriers to women's success in the university community in these non-traditional fields. There have been numerous cases over the years in which women have alleged harassment, wage disparities, failures to promote or to grant tenure based upon sex, and these kinds of cases have been brought over the course of the last several decades and don't seem to be slowing down. So clearly we are confronting barriers that are alive and well in the university community.

Now, as most of you know those kinds of barriers can amount to discrimination that is unlawful. As Kim mentioned, there are a number of statutes that apply in this context that bar discrimination on the basis of sex. Title IX, of the Educational Amendments of 1972, which is now 32 years old, bars sex discrimination across the board in educational activities that are federally funded including employment. Title VII of the Civil Rights Act of 1964, and this is the 40th anniversary year of Title VII, bars sex discrimination by employers who have more than 15 employees. There are executive orders and other statutes that also bar discrimination by federal contractors. So one possibility to address these barriers is for individuals simply to file suit, to challenge the discrimination to which they've been subjected.

But I think that puts the burden in the wrong place. We should not be leaving it to the individuals who are the victims of discrimination to be the ones asserting their rights to protections of the civil rights law. Government has the authority and the mandate to do more here, and that includes a whole host of federal agencies that are the lead enforcement agencies for the statutes I just talked about. The Equal Employment Opportunity Commission, the Department of Labor, the Department of Justice, and the Department of Education, and in particular the Office for Civil Rights there. Unfortunately the performance of these agencies has been pretty disappointing.

As many of you in this room know, Senator Wyden just a year ago sent a letter to OCR, the Office for Civil Rights at the Department of Education, following up on a letter sent by more than 200 mathematicians, scientists, engineers, clinicians, professors protesting the pervasive underrepresentation of women in math, science, and engineering, and asking that the Secretary of Education investigate to determine whether these patterns were the results of violations of Title IX. Senator Wyden got a response back from the customer service representative at the Department of Education noting that in the Office for Civil Rights, that statistical disparities alone do not constitute discrimination, and that the Office for Civil Rights would be happy to hear from constituents who had specific evidence of discrimination, but otherwise would do nothing. They also threw in for good measure a guide that OCR had prepared to practices that could increase representations of women and other underrepresented minorities that had been prepared in the 1980s. So clearly, there is more that these agencies need to be doing, they are authorized to and must conduct compliance reviews, process complaints, ask universities to provide data of the sort that Dr. Nelson had to go to extraordinary lengths to collect, so that both the universities themselves and the enforcement agencies can pinpoint what's going on in different departments on different campuses around the country.

Congress can also play a role in ensuring that the enforcement agencies do their job. They can hold oversight hearings. The authorizing committees have the authority to call in the administrators of these agencies and find out what they are doing to address these kinds of gaps. They can also ask for government studies of what these agencies are doing, and in fact Senator Wyden and Senator Boxer together sent a request to the General Accounting Office last fall of 2002 requesting that the GAO evaluate the actions of a number of scientific agencies, NSF, NASA, Department of Energy, and the Department of Education to enforce Title IX in the math, science, and engineering disciplines and my understanding is that report will be ready some time this spring and I think would be a good springboard to have Congress really investigate what are these agencies doing and is what they are doing sufficient to close these gaps.

Another thing that Congress can be doing is to mandate further investigations of the scope and the source of the problem and then publicize the results. And again, Senator Wyden has been a leader in this field and conducted several hearings in the summer and fall of 2002 which address this problem. He also included in the NSF appropriations bill language that mandates that the NSF conduct studies of the treatment of female faculty from sort of cradle to the grave, hiring, retentions, allocation of resources, use of graduate students, receipt of editorships or departmental positions, leadership of laboratories, time

to tenure, and things like that. Senator Wyden has also requested a study on differences in federal funding because, of course, the grant agencies bear some responsibility here for making sure that their monies go to universities that are applying the funds in equitable ways. In both cases, the results of these studies will be made available to Congress, and Congress can again use its vast authority to conduct oversight and publicize these results to make the public aware of what a significant issue this is.

I think another thing Congress could do is to mandate universities to systematically collect the kind of data that NSF is compiling on a regular basis, so that the universities themselves and members of the public can evaluate where there are barriers, where women and minorities and people of color are not getting adequate representation among the ranks of the faculty and can actually address it. Another thing Congress can do and has done in the past is act to encourage more women and people of color to enter these non-traditional fields, and there are a number of proposals that have been made in the past, and Eli mentioned one that will be reauthorized as part of the Higher Education Act.

There will also be pending this year, a proposal to create something called the Patsy T Mink Fellowship Program. As many of you know Patsy Mink was the prime House sponsor of Title IX 32 years ago, and these fellowships will be federally sponsored grants to women and people of color who are pursuing non-traditional disciplines and intend to go on to teach in institutions of higher education. So I think there is more work to be done in that way to try to use the federal government's financial resources to eliminate some of the barriers that women and people of color are facing.

I guess the bottom line is that the government needs to make a commitment to addressing this serious issue because, as Kim said, we cannot allow another generation of women who major in the sciences, and the women like me who benefit from all of those who major in the sciences, to be denied the opportunities that they should be able to achieve without any discrimination or artificial barriers that limit their success. Thank you.