

GOVERNMENT ACTION ON WOMEN IN THE SCIENCES

Some members of Congress have been actively engaged in investigating the problem of women's underrepresentation in the sciences. The Government Accountability Office has also investigated the problem, and has found that government enforcement agencies are not doing all they should be to ensure compliance with Title IX. Additional action by enforcement agencies, Congress, and colleges and universities themselves is necessary to ensure that women have equal opportunities in the sciences.

Government Investigations Have Revealed the Scope of the Problem:

Congress has explored the extent of, and reasons for, underrepresentation. In 2002, Senator Ron Wyden of Oregon chaired three hearings before the Subcommittee on Science, Technology and Space of the Senate Committee on Commerce, Science, and Transportation.¹ Senator Wyden also won passage of legislation requiring the National Science Foundation (NSF) to report on whether it is meeting its goals to expand opportunities in the sciences for women, minorities, and people with disabilities;² this report should be released in 2005.³ In 2003, Senator Wyden, along with 203 concerned scientists, mathematicians, and engineers, sent a letter to Secretary of Education Rod Paige, asking him to investigate to “make certain the disparities we see in the numbers of women and men in our nation’s institutions of science education are not the result of violations of Title IX.”⁴ However, the Department of Education declined to investigate the disparities.

A Government Accountability Office (GAO) study showed that government agencies must do more to enforce Title IX. In response to a request from Senator Wyden and Senator Barbara Boxer of California, the GAO investigated the adequacy of steps taken by government agencies that fund work in the sciences to enforce Title IX in the fields of math, science, and engineering.

¹ *Title IX and Science Hearing: Hearing Before the Subcommittee on Science, Technology and Space of the Senate Committee on Commerce, Science, and Transportation*, 107th Cong. (2002); *Hearing on NASA and Education: Hearing Before the Subcommittee on Science, Technology and Space of the Senate Committee on Commerce, Science, and Transportation*, 107th Cong. (2002); *Hearing on Women in Science and Technology: Hearing Before the Subcommittee on Science, Technology and Space of the Senate Committee on Commerce, Science, and Transportation*, 107th Cong. (2002).

² Senator Ron Wyden, *Title IX and Women in Athletics*, Computing Research News Vol. 15 No. 4, at 1 (Sept. 2003), available at <http://www.its.caltech.edu/~westclub/TITLEIX.pdf>. see P.L. 107-368, 116 Stat. 3034 (codified at 42 U.S.C. § 1885c note).

³ The Committee on Equal Opportunities in Science & Engineering is required to release a report every two years in which it reports on its activities. Senator Wyden’s amendments required the next report to include particular information on NSF’s activities to encourage the full participation of women, minorities, and persons with disabilities in the sciences, among other things. The 2004 Biennial report should be released in 2005. See <http://www.nsf.gov/od/ceose/start.htm> (showing release dates of previous biennial reports).

⁴ Letter from Concerned Scientists, Mathematicians, Engineers to Secretary of Education Rod Paige (Jan. 27, 2003), http://wyden.senate.gov/leg_issues/letters/letter_sec_paige.html.

In July 2004, the GAO issued a report that shows that the government is not doing enough to ensure compliance with Title IX by its grantees.⁵ Although Title IX regulations require that agencies that administer federal grants investigate complaints and conduct periodic compliance reviews of their grantees, the GAO report found that government agencies have not adequately fulfilled these responsibilities. For example, although the Departments of Education and Energy, along with NASA and NSF, awarded almost \$5 billion in grants for the sciences in Fiscal Year 2003, they conducted no compliance reviews of sciences grantees in that year. In fact, neither the Department of Energy, NASA, nor NSF has *ever* conducted a Title IX compliance review; it has been nearly a decade since the Department of Education last engaged in such a review.⁶

Enforcement Agencies, Congress, and Schools Must Act to Address the Problem:

Enforcement agencies must conduct prompt overview investigations, and should use all the tools at their disposal to stop discriminatory practices. Title IX regulations require agencies that administer federal grants to conduct regular compliance reviews of their grantees; agencies must begin to fulfill this requirement. If the enforcement agencies discover that grant recipients maintain discriminatory practices, the agencies should use appropriate sanctions to ensure that the practices are modified and that the discrimination is remedied.

Congress should continue to investigate the problem and use its oversight power to ensure that federal agencies are enforcing Title IX. Each government agency is overseen by a Congressional committee. These oversight committees must make sure that the agencies are doing all they can—and all they are required to do—to enforce Title IX and other civil rights laws that guarantee equality of opportunity. Specifically, the relevant oversight committees should require the Departments of Education and Energy, NASA, and NSF to perform compliance reviews of their grantees, as they are obligated to do.

Congress should also explore other solutions that would increase the numbers of women in the sciences. Congress might, for example, consider legislation to encourage women to enter the sciences and progress to advanced levels in these disciplines, or to provide incentives for doctoral candidates to seek faculty jobs. Bills that were proposed in the current session of Congress include the “National Science Education Incentive Act,” H.R. 3064, which would amend the Internal Revenue Code to encourage stronger math and science programs at elementary and secondary schools by giving a tax credit to help with the cost of undergraduate tuition for math and science teachers.⁷ Similarly, the “Graduate Opportunities in Higher Education Act of 2003,” which passed the House in October 2003, would, among other things, direct the Secretary of Education to give priority to institutions of higher education to prepare math and science faculty who can train math and science teachers for service in elementary and secondary schools.⁸

⁵ United States Government Accountability Office, *Women’s Participation in the Sciences Has Increased, but Agencies Need to Do More to Ensure Compliance with Title IX* (July 2004), available at <http://www.gao.gov/new.items/d04639.pdf>.

⁶ *Id.* at 7, 11, 12.

⁷ H.R. 3064, 108th Cong. (2003).

⁸ H.R. 3076, 108th Cong. (2003).

Colleges and universities should investigate obstacles to women’s advancement in the sciences and adopt practices that will open doors. Universities should monitor their hiring and promotion practices, collecting comprehensive data on the treatment of their faculty. They should use these data to identify departments or job categories where women and people of color are underrepresented, and should investigate practices that may be creating artificial barriers. Universities should also take proactive steps to recruit and retain women and people of color in the sciences. For example, the GAO’s recent report recommended that universities consider allowing junior faculty to adjust the tenure clock when they have children; reduce the teaching load for urgent family issues; provide on-site child care; create an inclusive hiring process; study the status of women faculty; address the “climate” on campus; fund additional education; and allow flexible work schedules.⁹ Universities should implement these or other programs that will break down barriers to women’s opportunities, enhance the diversity of science departments, and enrich the university community as a whole.

⁹ *Id.* at 27.