

Features and Insights of Gender Equity Legislation in Higher Education in the United States

Chen Zhang^{1,*}

¹University of Zurich, Zurich, Switzerland.

*Corresponding author email: chen.zhang@uzh.ch

ABSTRACT

The effectiveness of gender equality in higher education in the United States is closely related to various legislation promoting gender equality in higher education. Through the investigation and review of relevant legislation, we find that the legislation on gender equality in higher education in the United States has experienced three stages, the initial stage, the development stage and the questioning stage, and the following characteristics have emerged in the process of legislative evolution: the focus of legislation has evolved with time, the content of legislation has been gradually refined, and legislation has balanced equity and efficiency. This has inspired developing countries to speed up the construction of a legal system for higher education, raise public awareness of gender equality, strengthen the implementation of the Higher Education Law and promote gender equality in access to higher education. This paper will have theoretical enlightenment and practical significance for the research of higher education in developing countries.

Keywords: Gender Equity Legislation, Higher Education, the United States.

1. INTRODUCTION

Achieving equality in education is the common ideal of all countries around the world and the value orientation of future educational reform and development. In the pursuit of equality in education, countries all over the world have made unremitting efforts. The United States, which is known for its legal supremacy, insists on governing the country by legislation and promotes the development of things through the effect of legislation [1]. National legislation has played an important role in developing gender equality in access to higher education in the United States through the federal enactment of laws on gender equality in higher education. A review of U.S. history reveals that students who reached the threshold of college tended to be the children of middle-class families, and those who received an elite education tended to be white males. Above middle-income families, white groups, and males are considered to be the main components of the advantaged groups in higher education [2]. The opposite group is referred to as the disadvantaged, and the education of the disadvantaged did not come to national attention until after the end of World War II [3]. In order to protect the vulnerable groups, meet their educational needs and

eliminate the inequality in higher education, the U.S. federal government enacted a series of policies to improve the higher education system through legislation and promote gender equality in access to higher education, thereby promoting social equality. This paper analyzes the legislation of the US government to promote gender equality in higher education and explores the enlightenment of these laws to promote gender equality in higher education.

2. THE HISTORY OF GENDER EQUITY LEGISLATION

2.1. Post-World War II to the 1970s

In 1957, when the Soviet Union successfully launched the Sputnik satellite, the United States realized the importance and urgency of training high quality and high-performance personnel to serve national security [4]. In 1958, the United States introduced the National Defense Education Act, in which Title II of the Act included the provision of low-interest loans to students pursuing higher education [5]. Federal low-interest loans are available to students, both men and women, to complete their college studies as long as they are eligible for admission to higher education. The

legislation targets not male students, not a few elite college students, but all financially disadvantaged students at higher education institutions. In 1965, the federal government of the United States promulgated the Higher Education Act, providing financial aid to students in need in all colleges and universities [6], which had a significant impact on gender equality in access to higher education and further expanded the opportunities for American male and female students to receive higher education.

In 1964, the Civil Rights Act was introduced in the United States, legislatively ending the long-standing system of racial segregation in the United States [7]. The Civil Rights Act dealt primarily with racial segregation. It did not explicitly address gender equality in access to higher education. Still, it helped to develop gender equality in access to higher education to some extent and had a profound impact. In order to eliminate racial and gender discrimination against minorities and women in employment and education, and to improve their social survival [8], President Kennedy signed Executive Order 10925 in 1961, which first proposed the "Affirmative Action". The Affirmative Action program was first introduced by President Kennedy in 1961 when he signed Executive Order 10925, and by President Johnson in 1965 when he signed Executive Order 11246, which marked the beginning of the Affirmative Action program. Unfortunately, however, neither of these Executive Orders included gender. Through the efforts of women's organizations, in 1967, President Johnson amended Executive Order 11246 by signing Executive Order 11375 [9], which specified that contractors should take affirmative action to ensure that applicants are not treated differently based on race, creed, color, sex, or national origin in their applications, treatment during employment, and promotions [10]. Although not explicitly directed to the field of higher education, Executive Order 11375 became a powerful legal weapon for American women against gender discrimination within the field of higher education in *Sandler v. University of Maryland* [11]. As a collection of policies and measures related to civil rights, affirmative action plans oppose gender discrimination in education and employment through various provisions. Women also fight for access to higher education through these gender equality protection provisions.

2.2. 1970s to mid-1990s

The period of legislative development to achieve gender equality in access to higher education. In 1972, the Title IX Education Amendments were introduced in the U.S. Congress. This was the first specific legislation on gender legislation in higher education in the United States to eliminate gender discrimination in education and promote gender equality [12]. In terms of scope, the impact of the Act on student gender equity was

extensive, and the Act made a qualitative leap forward by providing a fundamental solution to gender discrimination in higher education.

In 1974, the federal government introduced the Women's Educational Equity Act. This specific act sought to promote gender equity in education in the United States by providing funding for women's education and conducting gender education equity programs [13]. Specifically, the legislation had three purposes. First, to promote gender equity in U.S. education; second, to improve educational equity for women who suffer multiple discrimination because of gender, race, religion, language barriers, disability, or age, and to promote their equal rights in education; and third, to provide financial support to education departments and institutions to meet the requirements of the Education Amendments of 1972. To achieve the legislation's goals, the federal government has also established a special division within its Department of Education with specific responsibility for the implementation of the legislation.

Compared to the previous stage, the legislation on gender equality in access to higher education has developed rapidly and is highly targeted, ranging from macro-policy to micro-measures, and is highly operational. Rather than subordinating legislation on gender to legislation on ethnicity, legislation at this stage explicitly provides for the guarantee of women's right to education, and in particular, provides expressly for the guarantee of women's right to higher education. In contrast, gender equality in the learning environment for women has been improved in schools, teachers and other types of work.

2.3. Mid-1990s to present

Since 1991, the long-standing male dominance in access to higher education has been disrupted. Educational activities to promote gender equality in access to higher education have been challenged during this period. Some argue that legislation providing preferential treatment for women in higher education violates the right to educational equality for male students and leads to reverse discrimination against them.

In late 1996, the State of California adopted the California Civil Rights Initiative, which determined that the state would no longer discriminate or give preference to any individual or group of individuals based on race, sex, color, or national origin for participation in programs in the areas of public employment, education, and engineering [14]. The following year, the UC Board of Regents announced that the University of California would eliminate racial and gender preferences and inequalities in future admissions, making the University of California the first

public institution in the United States to publicly announce the abolition of affirmative action policies [15]. In 1997, influenced by the Hopwood decision, Texas created the top 10% program [16], which provides that any high school graduate in the state can be admitted to any college as long as they rank in the top 10% of their high school class [17]. In other words, preferential treatment based on factors such as gender and race was abolished. In 2000, Florida also introduced a 100 percent plan for college admissions, indicating the state's abolition of affirmative action programs [18]. Although only a few states have announced the repeal of affirmative action, many colleges and universities have begun to balance the gender ratio in admissions by relaxing admissions standards for male students and rejecting some female students with passing grades [19]. Even into the 21st century, challenges against affirmative action have never ceased. The American public believes that the skewed admissions policies of some colleges violate the spirit of the Civil Rights Act and create reverse discrimination against white ethnic or male groups. It therefore strongly demands that colleges not give preference to minority and female students in admissions based on race and gender [20]. Since the 1970s, legislation on gender equality in access to higher education has developed rapidly. It has been implemented with remarkable effectiveness, guaranteeing equal treatment and even preferential admission of female students to higher education, which means that male students may not be admitted under the same conditions, thus creating the exact opposite of the previous paradox of gender-equal access and guaranteeing equal access to higher education for female students. As a result, legislation to ensure equal access to higher education for girls has been questioned.

3. FEATURES OF GENDER EQUITY LEGISLATION

3.1. The focus of legislation has evolved with the times, and efforts have been made to pursue gender equality in access to schools.

The above review of legislation shows that the focus of legislation has been contemporary. The legislative concerns of each period are not separate and independent, but rather complementary and complementary, constantly pursuing and working towards the goal of gender equality in access to higher education.

In the 1960s, the launch of the Soviet Satellite caused a panic in the United States authorities about how the Soviet Union could take the lead in launching satellites when the United States could not. The US government blames a shortage of high-level scientific and technological talents and poor quality of education. Therefore, in order to catch up with the Soviet Union,

the United States introduced the National Defense Education Act and the Higher Education Act to help those who could afford it to receive higher education and improve the quality of higher education talent development to provide sufficient talent for national security and social development [21]. During the same period, racial issues were very prominent throughout the United States and involved all areas of society, including education. In order to alleviate racial tensions, the United States enacted the Civil Rights Act, whose implementation not only promoted equality in employment and educational opportunities between races but also increased women's access to higher education [7]. In the mid-1960s, the second feminist movement emerged, and in response to women's needs, the U.S. government began to In the 1970s, the Ninth Amendment to Education and the Women's Equality Act were introduced, rapidly advancing the process of gender equality in access to higher education in the United States. Minority students and female enrollment opportunities continued to increase [13]. As women's access to education expanded and even surpassed men's, new inequalities in access emerged. The United States Government and colleges and universities shifted their focus to equal access for men. They attempted to regain gender parity in higher education access through measures such as repealing affirmative action plans and eliminating racial and gender preferences in admissions.

3.2. Timely amendment of bills to strengthen the enforcement and monitoring of higher education laws

According to social development needs, the United States has constantly enacted and revised legislation to promote gender equality in access to higher education, and different actions complement each other. At the same time, the content of the law is detailed and clear and is operable. In response to the issues of national security, the black movement, and the feminist movement, the United States has introduced bills on gender equality in access to higher education and revised and supplemented them according to the social development situation, which not only makes the laws articulated, complementary, and operable to ensure that the law continues to be enforced and that it is as effective as possible, contributing significantly to gender equity in access to higher education in the United States, while also facilitating the process of mass and universal access to higher education in the United States [22]. In the past, the laws of many developing countries mainly were in principle. They lacked detailed rules and regulations on the implementation process, which reduced the strength and efficiency of implementing the laws. The lack of monitoring of the performance of the laws made the implementation of the laws much less effective. It is urgent to develop and revise the legislation in time for the new changes in the

process of higher education construction and development, and at the same time to implement the rule of law, strengthen the implementation and monitoring of higher education laws, give full play to the effect and role of higher education-related laws, and provide guarantee for the high-quality development and leapfrog development of higher education.

3.3. Education on gender equality and awareness-raising on gender equality

One of the critical reasons the United States has been able to establish a sound legal system in terms of gender equality in access to higher education is the strong awareness of gender equality among the American public. In fact, in the early days of the United States, the profound cultural tradition and concept of the inferiority of men and women became the root cause of gender discrimination in education and employment. Even the law and policymakers did not have a clear sense of gender equality. With the growing feminist movement and women's organizations taking the initiative to participate in activities and promote the construction of gender equality legislation and the courage to use legislation to protect the actual rights and interests of women, the traditional biased attitudes and perceptions of women rooted in the minds of the American public have been significantly changed, and the awareness of respect for women and gender equality has gradually become popular in society[21]. In addition, it is common for students in the United States to file lawsuits in court for not being admitted to colleges and universities because of gender and racial preferences in admissions policies, which is rare in other countries. Therefore, we should promote equity and equality in education by educating the masses about gender equality or incorporating gender equality education into the legal mechanism to effectively change the public's stereotypical and wrong way of thinking and gender bias, raise public awareness of gender equality, and further emancipate women.

4. CONCLUSION

This paper examines the legislative process of gender equality in American higher education, describing its characteristics and implications for developing countries. However, gender as an analytical perspective gives us a different account and explanation of gender inequality in higher education from other disciplines. However, the feminist gender perspective is only a tool for exploration and should not be the dominant approach to higher education research. As a critical and controversial perspective, we should treat it properly and not rely solely on the perspective and power of one discipline to solve the complex problems within higher education, but should analyze gender equality issues through a multidisciplinary perspective

and strive for comprehensiveness and objectivity. This paper will have a certain reference value for higher education research in other countries, especially in developing countries.

REFERENCES

- [1] Hummel, P., Braun, M., Tretter, M., & Dabrock, P., Data sovereignty: a review, *Big Data & Society*, 2021, 8(1), 2053951720982012.
- [2] Warren, C. A., *Urban preparation: Young Black men moving from Chicago's South Side to success in higher education*, Harvard Education Press, 2021.
- [3] Wilson, J. T., *Academic science, higher education, and the federal government, 1950-1983*, University of Chicago Press, 1983.
- [4] Brown, J., " A Is for Atom, B Is for Bomb": Civil Defense in American Public Education, 1948-1963, *the Journal of American History*, 1988, 75(1), pp.68-90.
- [5] Kessinger, T. A., *Efforts toward educational reform in the United States since 1958: A review of seven major initiatives*, *American Educational History Journal*, 2011, 38(1/2), 263.
- [6] Walsh, J., *Congress: Higher education act including scholarship for needy passed in final days of session, 1965*.
- [7] Wiecek, W. M., & Hamilton, J. L., *Beyond the Civil Rights Act of 1964: Confronting structural racism in the workplace*, *Louisiana law review*, 2014, 74(4), pp.1095-1160.
- [8] Solórzano, D. G., & Yosso, T. J., *A critical race counterstory of race, racism, and affirmative action*, *Equity & Excellence in Education*, 2002, 35(2), pp.155-168.
- [9] Bryan, K. S., *Recovery of Back Pay under Executive Order 11. 246*, *S. Cal. L. Rev.*, 1978, 52, pp.767.
- [10] US Department of Health, Education and Welfare. Office of the Secretary, *Higher Education Guidelines: Executive Order 11246*, US Department of HEW, 1972.
- [11] Liu, Chunling, *The System and Practice of Preventing Sexual Harassment in Colleges and Universities in the United States---Key Obligations of Colleges and Universities under Title IX*, *Women's Studies Series*, 2018, (1), 111.
- [12] Chamberlain, E., Cornett, H., & Yohanan, A., *Athletics & title ix of the 1972 education amendments*. *geo. j.*, *Gender & L.*, 2017, 19, 231.

- [13] Stromquist, N. P., Sex-equity legislation in education: The state as promoter of women's rights, *Review of Educational Research*, 1993, 63(4), pp.379-407.
- [14] Volokh, E., The California civil rights initiative: An interpretive guide, *UCLA L. Rev.*, 1996, 44, 1335.
- [15] Hu Xiaojin, "Affirmative Action" and Reverse Discrimination: Centering on Relevant U.S. Supreme Court Decisions, *Journal of Nanjing University*, 2008, 45(2), pp.45-51.
- [16] Long, M. C., Saenz, V., & Tienda, M., Policy transparency and college enrollment: did the Texas top ten percent law broaden access to the public flagships? *The ANNALS of the American Academy of Political and Social Science*, 2010, 627(1), pp.82-105.
- [17] Lisa M. Dickson, Does ending affirmative action in college admissions lower the percent of minority students applying to college? 2006, 25(1), pp.0-119. doi:10.1016/j.econedurev.2004.11.005
- [18] Long, M. C., Affirmative action and its alternatives in public universities: what do we know? *Public Administration Review*, 2007, 67(2), pp.315-330.
- [19] Inside Higher Ed, Higher Education News, Events and Jobs, 2005. [online] Available at: <<http://www.insidehighered.com/>> [Accessed 28 October 2021].
- [20] Jackson, L. R., The influence of both race and gender on the experiences of African American college women, *The Review of Higher Education*, 1998, 21(4), pp.359-375.
- [21] Kabeer, N., Gender equality and women's empowerment: A critical analysis of the third millennium development goal 1., *Gender & Development*, 2005, 13(1), pp.13-24.
- [22] Bowen, W. G., Kurzweil, M. A., Tobin, E. M., & Pichler, S. C., *Equity and excellence in American higher education*. university of Virginia Press, 2005.