



University of Kentucky
UKnowledge

Law Faculty Scholarly Articles

Law Faculty Publications

1996

Reflections on the Limitations of Rational Discourse, Empirical Data, and Legal Mandates as Tools for the Achievement of Gender Equity in American Higher Education

Susan J. Scollay
University of Kentucky College of Education

Carolyn S. Bratt
University of Kentucky College of Law

Follow this and additional works at: https://uknowledge.uky.edu/law_facpub



Part of the [Education Law Commons](#), and the [Law and Gender Commons](#)

[Right click to open a feedback form in a new tab to let us know how this document benefits you.](#)

Recommended Citation

Susan J. Scollay & Carolyn S. Bratt, *Reflections on the Limitations of Rational Discourse, Empirical Data, and Legal Mandates as Tools for the Achievement of Gender Equity in American Higher Education*, 84 Ky. L.J. 903 (1995-96)

This Article is brought to you for free and open access by the Law Faculty Publications at UKnowledge. It has been accepted for inclusion in Law Faculty Scholarly Articles by an authorized administrator of UKnowledge. For more information, please contact UKnowledge@lsv.uky.edu.

Reflections on the Limitations of Rational Discourse, Empirical Data, and Legal Mandates as Tools for the Achievement of Gender Equity in American Higher Education

Notes/Citation Information

Kentucky Law Journal, Vol. 84, No. 4 (1995-96), pp. 903-940

Reflections on the Limitations of Rational Discourse, Empirical Data, and Legal Mandates as Tools for the Achievement of Gender Equity in American Higher Education

BY SUSAN J. SCOLLAY*
AND CAROLYN S. BRATT**

TABLE OF CONTENTS

INTRODUCTION	904
I. THE FIRST HUNDRED YEARS	905
II. "FIRST WAVE": INITIAL INVESTIGATIONS OF GENDER IN THE ACADEMY	909
III. LEGAL EFFORTS TO SECURE GENDER EQUITY ON CAMPUS	911
IV. "SECOND WAVE": A CONTEMPORARY CASE STUDY OF GENDER IN ONE UNIVERSITY	913
V. "SECOND WAVE": A COMPARATIVE ANALYSIS OF NINE INSTITUTIONAL INVESTIGATIONS OF GENDER	921
A. <i>Methodology</i>	922
B. <i>Characteristics of the Studies and the Universities</i>	922
1. <i>Scope and Type of Study</i>	922
2. <i>Institutional History</i>	923
3. <i>Origins of the Study</i>	924
4. <i>Degree and Type of Top Level Administrative Involvement</i>	924
C. <i>Recommendations for Institutional Change</i>	925
D. <i>Negative Outcomes</i>	927

* Associate Professor of Educational Administration and Educational Policy Studies, University of Kentucky College of Education. B.A. 1968, University of California at Santa Barbara; Ph.D. 1979, Kansas State University.

** W.L. Matthews, Jr. Professor of Law, University of Kentucky College of Law. B.A. 1965, State University of New York at Albany; J.D. 1974, Syracuse University.

E. <i>Factors Influencing the Likelihood of Success</i>	929
1. <i>Institutional Leadership</i>	930
2. <i>Grassroots Commitment</i>	933
3. <i>Other Internal Influences</i>	934
4. <i>External Context</i>	937
VI. CONCLUDING REFLECTIONS	939

INTRODUCTION

Scholars and academicians implicitly accept and subscribe to the notion that reasoned discourse supported by empirical data is at the core of the academic enterprise. Theoretically, then, organizational change within the academy ought to be attainable through the use of rational processes based upon the systematic collection, analysis, and interpretation of data to define the scope of the problem and to identify logical solutions. However, the centuries-long attempt to achieve gender equity for women in institutions of higher education belies the truth of that belief in the power of reason as a catalyst for reforming American higher education.

Beginning with the Seneca Falls Convention in 1848, moving through the mid-twentieth century's flurry of legal initiatives, and including two waves of scholarly studies and investigations of sexism on campus, the dominant characteristic of all the efforts to achieve gender equity in American colleges and universities has been reliance on reasoned discourse and data-based argumentation. Yet, today, only sixteen percent of all college and university presidents are women¹ and less than one in four private research university faculty are women² while well over fifty percent of all students are women.³

This paper is a reflection on the limited successes achieved in the almost 150 years since the Seneca Falls Convention using traditionally accepted academic approaches to eradicate sexism in the academy. The

¹ JUDITH G. TOUCHTON, AMERICAN COUNCIL ON EDUC., WOMEN PRESIDENTS IN U.S. COLLEGES AND UNIVERSITIES 1 (1995).

² National Ass'n of Women in Educ., *Women Faculty: This is Progress?*, ABOUT WOMEN ON CAMPUS at 1, 2, Fall 1995. See also Martha S. West, *Women Faculty Frozen in Time*, ACADEME, July-Aug. 1995, at 26, 26-29.

³ In fact, women have constituted the majority of both the undergraduate and graduate student populations since 1980. NATIONAL CENTER FOR EDUCATION STATISTICS, U.S. DEP'T OF EDUCATION, NO. 115, DIGEST OF EDUCATION STATISTICS 208, Table 203 (1994) [hereinafter EDUCATIONAL STATISTICS].

origins of the thoughts, ideas, and opinions offered here are found in the work of the Senate Council Ad Hoc Committee on the Status of Women at the University of Kentucky ("UK"). That work represents one of several contemporary efforts to use reasoned discourse predicated on empirical data to stimulate progress toward gender equity on campus. As such, and placed in its historical context, the experience of this UK committee is a case study in the long tradition of efforts to use logic and reason to attain equal opportunities for women in higher education. When combined with the recent efforts of eight other similar universities, the UK experience highlights the limitations of the traditional academic approach to bringing about gender-related organizational change. Equally important, when viewed collectively, these nine institutional change efforts illuminate various elements of the deeply entrenched, nonrational sensibilities present on campuses that limit the effectiveness of reasoned discourse, empirical data, and even legal mandates as tools for the achievement of gender equity.

This Article briefly traces the early history of women's struggle to secure access to educational and employment opportunities in America's colleges and universities.⁴ A synopsis of the findings of the "First Wave" of investigations in the late 1960s and early 1970s of gender in the academy⁵ provides a context for the various legal strategies undertaken to secure gender equity in academia during the same time period.⁶ In the late 1980s a "Second Wave" of studies on gender on campus emerged. The results and implications of both a single institutional case study⁷ and a nine institution comparative study⁸ are reported and analyzed.

I. THE FIRST HUNDRED YEARS

The *Declaration of Sentiments* adopted by the 1848 Women's Rights Convention held in Seneca Falls, New York, established the baseline for measuring efforts to achieve gender equity in American higher education:

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration. He closes against her all the avenues to wealth and distinction which he

⁴ See *infra* notes 10-35 and accompanying text.

⁵ See *infra* notes 36-41 and accompanying text.

⁶ See *infra* notes 42-52 and accompanying text.

⁷ See *infra* notes 53-86 and accompanying text.

⁸ See *infra* notes 87-95 and accompanying text.

considers most honorable to himself. As a teacher of theology, medicine or law, she is not known . . .⁹

As late as the mid-nineteenth century, women were not only prohibited from being "teachers of theology, medicine or law," the doors to the college classrooms in which these subjects were taught were closed to them as well.

At the time of the Seneca Falls Convention, only three private, single-sex seminaries¹⁰ and the collegiate program of Oberlin College, which became coeducational in 1837, offered any type of higher education opportunities to women.¹¹ The first public universities to open their doors to women did so just prior to the Civil War. For example, the University of Iowa began admitting women four years after its founding in 1856, and the University of Washington was established as a coeducational institution in 1862.¹² The "first real colleges for women" (Vassar in 1865 and both Wellesley and Smith, in 1875) did not open their doors until after the Civil War.¹³ It was not until the end of the nineteenth century that the most prestigious institutions of higher education began to offer programs for women. Typically, these elite colleges and universities established coordinated colleges operated by, and dependent upon, the all-male administration and faculty of the primary institution. For example, in 1889 Columbia University opened Barnard College for women and in 1894 Harvard University created Radcliffe College. The latter was intended primarily to "accommodate the demands of the wives, sisters, and daughters of Harvard Alumni."¹⁴

Under such circumstances, it is not surprising that in the late 1800s, American colleges and universities did not hire women as faculty or administrators. When the schools did admit women, one woman was employed in a professional position to protect and supervise the women

⁹ BARBARA A. BABCOCK ET AL., *SEX DISCRIMINATION AND THE LAW: CAUSES AND REMEDIES* 1-2 (1975).

¹⁰ Troy Female Seminary, founded in 1821; Hartford Seminary, opened in 1832; and Mount Holyoke Seminary, started in 1837. Elizabeth L. Ihle, *Historical Perspectives on Women's Advancement in Higher Education Administration* 3 (1991) (a paper presented at the Annual Meeting of the American Educational Research Association, in Chicago, Ill.).

¹¹ *Id.* at 5.

¹² *Id.* at 6.

¹³ *Id.* at 3.

¹⁴ *Id.* at 4.

students.¹⁵ Often those who filled these positions were single faculty women with titles "such as Lady, Principal, Matron, or Head."¹⁶ Most likely, the first woman with the title of Dean of Women was Elizabeth Powell Bond hired by Swarthmore in 1890.¹⁷ The University of Chicago soon followed by naming Alice Freeman Palmer as its first Dean of Women in 1892, and Elizabeth Mosher became the first Dean of Women at the University of Michigan in the same year.¹⁸ Adelia Johnston, who had been employed by Oberlin in 1870 as the "head of the 'female department' was named Dean of Women in 1894,"¹⁹ and Lucy Sprague, a 1900 graduate of Radcliffe, became the first Dean of Women at the University of California, Berkeley in 1906.²⁰ Women were virtually excluded from other high level administrative positions until well into the twentieth century. The two major exceptions to this general rule were Jane Howard, a graduate of Mount Holyoke who was hired in 1875 as the first president of Wellesley College²¹ and M. Carey Thomas, who in 1894 was named the second president of Bryn Mawr.²² The latter is considered by many to be the first feminist in higher education administration.²³ The first African-American woman did not become a college president until almost five decades later when Mary Elizabeth Branch assumed the top position at Tillotson College in 1930.²⁴

Once the doors of American colleges and universities were opened to women as students, they began attending in ever increasing numbers. In 1950, approximately 100 years after the Seneca Falls convention, women constituted the majority of the United States population (76.4 million women to 75.8 million men) for the first time.²⁵ Women became the

¹⁵ *Id.*

¹⁶ Alice Drum, *From Dean of Women to Woman Dean*, 31 *NASPA J.* 2, 4 (1993).

¹⁷ *Id.* at 2.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ BARBARA M. SOLOMON, *IN THE COMPANY OF EDUCATED WOMEN: A HISTORY OF WOMEN IN HIGHER EDUCATION IN AMERICA* (1985).

²¹ Ihle, *supra* note 10, at 4.

²² Helen L. Horowitz, *A Man's and a Woman's World*, *ACADEME*, July-Aug. 1995, at 10, 12.

²³ Ihle, *supra* note 10, at 4.

²⁴ *Id.*

²⁵ JUDITH G. TOUCHTON & LYNNE DAVIS, *FACT BOOK ON WOMEN IN HIGHER EDUCATION* 20 (1991).

majority of all students in American colleges and universities in 1979.²⁶ Since 1985, women students have constituted at least fifty-two percent of all undergraduate enrollments. Women's enrollment in graduate programs also increased steadily from a twentieth century low of twenty-seven percent in 1949 to a majority (fifty-two percent) in 1986.²⁷ In 1960, women earned approximately one third (thirty-four percent) of all degrees awarded, and by 1986 they earned virtually half of all degrees (forty-nine percent).²⁸ In 1986, women first received the majority of all masters' degrees awarded; and it is currently projected that by 1998, women will earn forty-six percent of all doctorate degrees.²⁹

Despite their increasing involvement in American higher education as students and their growing proportion of earned degrees at all levels, women's professional participation on university and college campuses has not shown comparable progress. For example, the year in which women held the highest proportion of all college and university faculty positions was 1880, when they constituted thirty-six percent of all faculty.³⁰ And though the absolute number of women on faculty has grown rapidly throughout the twentieth century, the ratio of women to male faculty has changed very little. Between 1900 and 1940 the proportion of women on faculty only increased from twenty percent to twenty-eight percent, and between 1940 and 1960, the percentage actually dropped from twenty-eight to twenty-two.³¹ According to a National Education Association ("NEA") study, women constituted only 18.4% of the full-time faculty ranks in 1966, and their distribution within those ranks was very uneven.³² For example, women comprised forty percent of all faculty at teachers' colleges across the country but only ten percent of the faculty at elite private and large state universities.³³ Equally telling, women constituted thirty-three percent of all instructors and nineteen percent of all assistant professors, but only fifteen percent of all

²⁶ *Id.* at 50.

²⁷ *Id.* at 62.

²⁸ *Id.* at 67.

²⁹ *Id.*

³⁰ *Id.* at 15.

³¹ B.M. VETTER & E.L. BABCO, COMM'N ON PROFESSIONALS IN SCIENCE AND TECHNOLOGY, PROFESSIONAL WOMEN AND MINORITIES: A MANPOWER DATA RESOURCE Table 5-17 (1987).

³² Pauli Murray, *Economic and Educational Inequality Based on Sex: An Overview*, 5 VAL. U. L. REV. 237, 261 (1971).

³³ *Id.*

associate professors and less than nine percent of all full professors.³⁴ The situation in professional schools was even more extreme. For example, of the 2,355 full-time teaching faculty in 134 law schools accredited in 1966, only fifty-one (two percent) were women.³⁵ Thus, it was clear at the beginning of the last third of the twentieth century, that gender equity in American colleges and universities would not become a reality as the natural consequence of the increasing numbers of highly educated women.

II. "FIRST WAVE": INITIAL INVESTIGATIONS OF GENDER IN THE ACADEMY

In 1969, the Women's Equity Action League ("WEAL"), realized that Executive Order # 11375 provided a potentially very strong tool for investigating or remedying gender discrimination in higher education.³⁶ That presidential mandate required federal contractors to adopt and implement affirmative action programs to eliminate gender discrimination in their workplaces. WEAL recognized that this Executive Order could be used to require colleges and universities, in their roles as federal contractors, to undertake affirmative action with respect to the employment of women. As a result, WEAL members filed numerous complaints with the appropriate federal agencies requesting immediate, full-scale compliance reviews of various universities and colleges. They also requested the suspension of all current contract negotiations between institutions of higher education and the federal government until such time as all gender-based inequities were eliminated and institutional affirmative action plans were adopted. WEAL was joined by campus groups and professional caucuses in its campaign. By the end of 1971, complaints were filed against over 350 institutions of higher education; compliance reviews were initiated at approximately 200 institutions, and an estimated forty institutions experienced delays in receipt of federal contract funds.³⁷ Despite this flurry of activity, however, no government contract was ever terminated nor was any college or university barred from receiving a federal contract because of sex discrimination.³⁸

³⁴ *Id.*

³⁵ James J. White, *Women in the Law*, 65 MICH. L. REV. 1051, 1112 n.107 (1967).

³⁶ 3 C.F.R. § 684 (1966-1970).

³⁷ HERMA H. KAY, *SEX-BASED DISCRIMINATION: TEXT, CASES, AND MATERIALS* 856-57 (3d ed. 1988).

³⁸ *Id.*

In response to the Executive Branch's forced focus on sexism in higher education, many institutions in the late 60's and early 70's conducted voluntary studies to assess the status of women on their campuses.³⁹ In the typical, reasoned style of the academicians who conducted these studies, quantitative data were collected on a range of issues and carefully analyzed. Conclusions were drawn and exhaustive reports were painstakingly prepared. These studies revealed the continuation of the gradual trend of increasing participation of women in American higher education as students, but they also established that gender equity on college and university campuses for women employees lagged far behind.⁴⁰

For example, a 1968 study of the Harvard Graduate School of Arts and Sciences found that twenty-two percent of all graduate students were women, nineteen percent of the Ph.D.'s awarded that year were earned by women, and yet, not one of the more than 400 tenured members of the faculty was a woman. Similarly, an analysis at Columbia University documented that between 1957 and 1968 the percentage of doctorates granted to women almost doubled (from thirteen percent to twenty-four

³⁹ Reports included: COLUMBIA WOMEN'S LIBERATION, REPORT FROM THE COMMITTEE ON DISCRIMINATION AGAINST WOMEN FACULTY, COLUMBIA UNIVERSITY; COMMITTEE ON SENATE POLICY, REPORT OF THE SUBCOMMITTEE ON THE STATUS OF ACADEMIC WOMEN ON THE BERKELEY CAMPUS [OF THE UNIVERSITY OF CALIFORNIA] (May 19, 1970); REPORT OF THE COMM. ON UNIV. WOMEN, WOMEN OF THE UNIVERSITY OF CHICAGO (May 1, 1970); THE STATUS OF WOMEN AT CORNELL (1969); and WOMEN'S FACULTY GROUP, PRELIMINARY REPORT ON THE STATUS OF WOMEN AT HARVARD UNIVERSITY (Mar. 19, 1970), among others. Other colleges and universities that undertook studies and issued reports or statements included Brandeis University, State University of New York of Buffalo, California State College at Fullerton, Eastern Illinois University, University of Illinois, Kansas State Teachers College, University of Maryland, New York University Law School, and University of Wisconsin at Madison, among others. Women in professional organizations also joined together, and many did studies of the status of women within those associations, e.g., the American Sociological Association, American Historical Association, National Association of Women Lawyers, American Psychological Association and the Association for Women Psychologists, Modern Language Association, American Society for Microbiology, American Association for the Advancement of Science, and American Political Science Association, among others. Murray, *supra* note 32, at 243, 248, and 259.

⁴⁰ Debra E. Blum, *Old Issues Unresolved: Environment Still Hostile to Women in Academe, New Evidence Indicates*, 38 CHRON. HIGHER EDUC. A1, A20 (Oct. 9, 1991).

percent), but the proportion of tenured graduate faculty who were women (two percent) did not change at all. Finally, a study undertaken by the Women's Research Group at the University of Wisconsin of Ph.D. programs in ten departments showed that while the proportion of women students in those Ph.D. programs varied from twenty-six percent to fifty-eight percent, the proportion of faculty in those departments who were women was consistently much lower, i.e., from 9.6% to 19.3%.⁴¹

III. LEGAL EFFORTS TO SECURE GENDER EQUITY ON CAMPUS

The status of women employees as women in America's colleges and universities was not addressed, let alone improved, by the civil rights movements of the 1960s. Academic employers were exempted from all of the far-reaching legislation adopted by Congress during that decade to eradicate sex discrimination in employment. Thus, the 1963 Equal Pay Act's⁴² mandate of "equal pay for equal work" regardless of the sex of the employee did nothing to eliminate the gross pay disparities suffered by women who were employees of institutions of higher education. The prohibitions in Title VII of the 1964 Civil Rights Act⁴³ against sex-based discrimination in hiring, discharging or otherwise discriminating against people with respect to their compensation, terms, conditions, or privileges of employment offered no protection for women employed in academia.

The equal protection and due process guarantees of the Fourteenth Amendment to the United States Constitution⁴⁴ also provided no meaningful protection at that time against the sex discrimination experienced by women who worked in public educational institutions. Sex-based discrimination by government was subject to only the lowest level of constitutional scrutiny by the courts. As long as it was arguable that treating women and men differently had some relationship to achieving an end which government was not prohibited to pursue, the courts did not invalidate the law or practice.⁴⁵

⁴¹ REPORT OF WOMEN'S RESEARCH GROUP, *WOMEN AT WISCONSIN 1970*, cited in Murray, *supra* note 32, at 260.

⁴² 29 U.S.C. § 206(d) (1978).

⁴³ 42 U.S.C. § 2000e (1994).

⁴⁴ "[N]or shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. CONST. amend. XIV, § 1.

⁴⁵ *E.g.*, *Goessaert v. Cleary*, 335 U.S. 464 (1948). A Michigan statute that

Executive Order # 11246 issued by President Lyndon Johnson in 1965 only prohibited discrimination by federal contractors (i.e., colleges and universities holding any type of federal contract) based on race, religion, color or national origin. The Order's requirement that federal contractors adopt and implement affirmative action programs to promote the attainment of equal employment objectives did not include establishing such programs for the inclusion and equitable employment of women.

For most of the decade of the 1960s, women who worked in America's colleges and universities had no statutory, constitutional, or contract-based remedies for the virulent sex discrimination they encountered. That "oversight" began to be addressed in 1967 when Executive Order # 11375⁴⁶ was issued. It amended Executive Order # 11246⁴⁷ to include a prohibition against sex discrimination by federal contractors. That same year, an amendment to the Equal Pay Act became effective which brought hourly employees of institutions of higher education within the statute's protection.⁴⁸

In 1971, for the first time in the history of this country, the United States Supreme Court ruled that a governmental act was an unconstitutional denial of equal protection because it treated women and men differently based on their sex.⁴⁹ Since that decision, differential treatment of employees of public universities and colleges based on gender has been subject to a heightened level of scrutiny by the courts. It is true that not all gender-based differences in treatment are prohibited by the Equal Protection Clause, but the courts no longer blindly accept all such differences in treatment as constitutionally permissible.⁵⁰ Finally, in 1972, administrative personnel and faculty members were brought within the statutory protections of the Equal Pay Act⁵¹ and Title VII's⁵²

allowed women to serve as waitresses in taverns, but barred them from the job of bartender, was found not to deny women equal protection.

⁴⁶ 3 C.F.R. § 684 (1966-1970).

⁴⁷ 3 C.F.R. § 339 (1964-1965).

⁴⁸ Pub. L. 89-601 (1966).

⁴⁹ *Reed v. Reed*, 404 U.S. 71, 76-77 (1971).

⁵⁰ To withstand constitutional scrutiny a gender-based classification must serve an important governmental objective and the discriminatory means employed must be substantially related to the achievement of those objectives. *Mississippi Univ. for Women v. Hogan*, 458 U.S. 718, 728 (1982).

⁵¹ Pub. L. No. 92-318, § 906(b)(1), 86 Stat. 375 (1972) (codified at 29 U.S.C. § 206).

⁵² Equal Employment Opportunity Act of 1972, Pub. L. No. 92-261, 86 Stat. 103 (1972) (codified at scattered sections of 5 U.S.C. and 42 U.S.C.).

prohibitions against sex discrimination became applicable to institutions of higher education.

IV. "SECOND WAVE": A CONTEMPORARY CASE STUDY OF GENDER IN ONE UNIVERSITY

Two decades after the first wave of reports on the status of women employed in American institutions of higher education were issued, a "second wave" of studies emerged. The impetus for this new round of inquiry into the status of women employees of colleges and universities was the law's seeming inability to eradicate sex-based employment discrimination and the academy's failure to successfully address the equity issues identified in the earlier studies.⁵³ Reminiscent of the original studies, these "second-wave" reports were again predicated on the assumption that institutional change is brought about by reasoned discourse supported by empirical data.

In the fall of 1990, the University of Kentucky, a land-grant, Research University I,⁵⁴ completed such a "second wave" study.⁵⁵ The study explored all facets of the work lives of women employed by the University. Every phase and dimension of university employment from recruitment to retirement planning, from wages to interactions with colleagues, supervisors, and subordinates was examined. The worlds of

⁵³ For example, in the Fall of 1987, women's presence on faculty had risen to 27% across all disciplines and institutional types, but women represented less than 20% of the faculty at private research universities and only 2% of engineering faculties, 17% of natural science faculties and 22% of social science faculties. EDUCATIONAL STATISTICS, *supra* note 3, at Table 221, Table 222.

⁵⁴ According to the Carnegie Foundation Classification of Higher Education, developed by the Carnegie Foundation for the Advancement of Teaching, a Research University I offers a full range of baccalaureate programs and has a strong emphasis on graduate education through the doctorate and research. In addition, a Research University I awards 50 or more doctoral degrees each year and receives \$40 million or more in federal support annually. Jean Evangelauf, *A New "Carnegie Classification,"* 41 CHRON. HIGHER EDUC., Apr. 6, 1994, at A17, A18.

⁵⁵ THE REPORT OF THE UNIVERSITY SENATE COUNCIL AD HOC COMMITTEE ON THE STATUS OF WOMEN: LET FACTS BE SUBMITTED TO A CANDID WORLD (1990) [hereinafter REPORT OF AD HOC COMMITTEE ON WOMEN]. *The Majority Report: An Update on the Status of Women Employed at the University of Kentucky* was issued in March 1994 and documented continuation of most of the problems identified in the comprehensive report of 1990. CONSORTIUM FOR GENDER EQUITY AT THE UNIV. OF KY., THE MAJORITY REPORT (1994).

support and professional staff women were investigated with the same rigor as that of faculty and administrative women. Equally important, the study assessed not only the formal status, but also the workplace experiences, of women employed in a university setting.

The University of Kentucky Senate Council Ad Hoc Committee on the Status of Women⁵⁶ (the "Committee") received a two-fold charge "[t]o investigate the economic, social and political status of female faculty members and employees at the University of Kentucky" and to identify methods for eliminating impediments to the full and equal participation of women in the University community.⁵⁷ In its desire to be principled and reasoned, the Committee adopted the University's own rhetoric as the yardstick with which to measure the institution's collective behavior toward women employees instead of a hypothetical model of a university whose employment practices comported perfectly with the various legal mandates of nondiscrimination in employment.⁵⁸ Thus, the Committee undertook a study to measure the reality experienced by women who worked at the University against the institution's own rhetoric that it is an equal opportunity employer,⁵⁹ a community based on merit with

⁵⁶ The committee members were Carolyn S. Bratt, W.L. Matthews, Jr. Professor of Law (Committee Chair); Lorraine E. Garkovich, Professor of Rural Sociology (Hourly Staff Subcommittee Chair); Janet L. Hurley, Associate Dean, University Extension (Administrative and Professional Staff Subcommittee Chair); Jean G. Pival, Emeritus, English (Faculty Subcommittee Chair); Susan J. Scollay, Assistant Vice President, Research & Graduate Studies; Gretchen LaGodna, Professor of Nursing; Celinda Todd, Senate Council Administrative Assistant; Jayne Middleton, Associate Dean, College of Medicine; Mary Sue Coleman, Professor of Biochemistry; Jeannine Blackwell, Associate Professor of German; Patricia E. Murphy, Lead Scientific Programmer, Academic Computing Services; John Paul Jones, Associate Professor of Geography; Bonnie Jean Cox, Director, Women's Studies; B. Nikitovitch-Winer, Professor and Chair of Anatomy & Neurobiology; and Ernest J. Middleton, Associate Dean of the Graduate School and Minority Committee Liaison. *Id.* at i.

⁵⁷ The Committee was jointly appointed and charged by the University of Kentucky Faculty Senate Council and David Roselle, President of the University of Kentucky. REPORT OF AD HOC COMMITTEE ON WOMEN, *supra* note 55, at 1.

⁵⁸ *Id.*

⁵⁹ *Id.* The UNIVERSITY OF KENTUCKY STAFF PERSONNEL POLICY AND PROCEDURE NUMBER 2.0: EQUAL OPPORTUNITY § 2.1.1 (1985) states in part:

All employment decisions shall be made uniformly on the basis of merit. This commitment by the University provides for equal opportunity in recruitment, appointment, promotion, payment, training, and other personnel practices without regard to race, ethnic origin, sex, color,

performance-based awards,⁶⁰ and an educational institution with a special role and responsibility in promoting diversity.⁶¹

Reflecting the dominant, positivistic, research paradigm represented by the scientific method, the Committee developed a set of four assumptions concerning the treatment of women employees by an institution that embodied the University of Kentucky's rhetorical commitments to equity and fairness.⁶² The Committee posited that in such an institution, requirements and qualifications for employment would not be defined in gender-based or gender-related ways. As a group, women employees would not have different and lesser roles, responsibilities, and rights than male employees. Women would be equitably represented throughout all employment classifications and at all levels of institutional responsibility and leadership. Gender would not be a significant factor in evaluation, promotion, compensation, or other rewards. From these assumptions, the Committee developed its guiding research hypothesis: "The work-based status and experience of women and men employees at UK do not differ on the basis of gender."⁶³

The accuracy of the study's assumptions and its hypothesis was then tested in relationship to both the formal status and the actual workplace experiences of women employees. The Committee employed a multidimensional and multidisciplinary investigative approach to capture the actual status and experiences of women employees in this large, complex institution.⁶⁴

creed, religion, age (40 through 70), political belief, or national origin.

(See Part XII.A. of the GOVERNING REGULATIONS.)

The noted Part XII of the GOVERNING REGULATIONS is labelled "Miscellaneous," and Section A is the institution's formal "Equal Opportunity" policy statement.

⁶⁰ REPORT OF AD HOC COMMITTEE ON WOMEN, *supra* note 55, at 1.

⁶¹ *Id.* For example, in its *Strategic Plan*, the University of Kentucky commits itself to "[i]ncrease awareness of and respect for diversity within the faculty, staff, and student body," to "[c]ontinue the University's systematic and aggressive program to attract and retain the highest quality faculty and staff, including all minorities, but with a special emphasis on women and African-Americans," and to "[e]nhance programs to meet the University's commitment to contribute to the national pool of African-American and women faculty and scholars in underrepresented academic areas" UNIVERSITY OF KENTUCKY, STRATEGIC PLAN (1993).

⁶² REPORT OF AD HOC COMMITTEE ON WOMEN, *supra* note 55, at 1.

⁶³ *Id.*

⁶⁴ *Id.* at 2-4.

The Committee's investigation of the formal status of women employees began with a statistical analysis of the institution's own data. That avenue of inquiry revealed a clustering of women in particular types of jobs⁶⁵ and the uneven distribution of women across ranks, levels and grades of employment.⁶⁶ Institutional data also served as the basis for a number of wage and salary analyses. For example, a regression analysis of faculty salaries in one sector of the university showed that gender had a significant negative effect on salaries at both the assistant and associate professor levels.⁶⁷

The Committee also devised and conducted three employee surveys.⁶⁸ Data generated by these surveys provided the bases for revealing comparisons of women and men in each employee pool based on characteristics such as age, educational level, marital status, years of service, time spent at work, and salary.⁶⁹ For example, an analysis of the surveys' demographic data established that although the majority of

⁶⁵ For example, six out of 10 hourly women workers were employed in secretarial/clerical staff positions. *Id.* at 39.

⁶⁶ For example, the University of Kentucky classification system for administrative and professional staff employees had 21 position levels ranging from 0100 (the lowest paying level) to 2100 (the highest paying level). Almost nine of every 10 women classified as administrative and professional staff were employed in position levels 1100 or lower, whereas almost one in every two men so classified were in positions ranked 1100 or higher. *Id.* at 75. Similar findings were made for hourly staff women. Every job title for hourly staff employees carries with it a "grade" ranging from 0001 (lowest paying) to 0030 (highest paying). Three out of four women hourly staff employees were found in 0006 to 0011. Men hourly staff employees, in contrast, were more than twice as likely than women to be found in grades 0012 or higher. *Id.* at 40. The report's analysis of the distribution of women faculty among the academic ranks revealed the same pattern. Eight of every 10 faculty women were employed at the lowest faculty ranks of assistant or associate professor while one in every two faculty men was a full professor. *Id.* at 105-06.

⁶⁷ *Id.* app. E, at 4-5.

⁶⁸ *Id.* app. A, at 1. Three different surveys were developed and distributed because the University of Kentucky divides its employees into three groups: The Faculty, as defined by the institution's ADMINISTRATION REGULATIONS (1992), the Exempt Staff (including salaried administrative and professional staff) and the Nonexempt Staff (including hourly wage staff in the technical and scientific, office and clerical, service, and maintenance categories). Status as either exempt or nonexempt staff is defined by UNIVERSITY OF KENTUCKY STAFF PERSONNEL POLICY AND PROCEDURES (1985); see Number 5.0: Staff Position Categories.

⁶⁹ REPORT OF AD HOC COMMITTEE ON WOMEN, *supra* note 55, at 32-33.

women and men employees were currently married, women were significantly more likely to be currently single than their male counterparts.⁷⁰ Moreover, despite striking similarities in age and education of female and male employees, there were startling differences in their gross annual pay.⁷¹

Because women were virtually absent from the top administrative echelons of the University,⁷² a survey was undertaken of the chairs of twenty-four high-level administrative search committees that were at work during the two year period of the study. The chair survey was designed to garner information on how searches were conducted and how the candidate screening process functioned. The results of that survey effort revealed that "the University [made] no systematic or meaningful effort to insure the creation of gender representative candidate pools or the serious consideration" of the few women candidates who made it into the pool.⁷³

As an additional means of assessing the formal status of women employees, the Committee also surveyed the heads of ninety-nine academic units. This was the only method available to investigate the institution's treatment of a pool of workers that is predominately female — part-time faculty. The unit head survey also brought to light the failure of the actual recruitment and hiring of women faculty to conform to the institution's rhetorical commitment to equal opportunity. For example, twenty percent of the university's academic units had no women faculty members and two out of every three academic departments had two or fewer women on faculty.⁷⁴

The employee survey instruments were also used to assess the workplace experience of women employees at an institution of higher education. All three instruments contained a common core of questions to measure employee perceptions of their workplace environment. The survey respondents' answers to these questions provided quantitative data

⁷⁰ *Id.*

⁷¹ *Id.* at 32.

⁷² For example, at the time of the study, only two of the 13 positions at the highest levels of the university's administration (president, chancellors, associate/assistant vice-presidents, etc.) were held by women. *Id.* at 21. Between 1990 and 1996, organizational restructuring and personnel retirements and resignations combined to create 12 hiring opportunities at the highest levels of university administration. In only three instances were women hired, and only two of these women remain employed by the University.

⁷³ *Id.* at 94.

⁷⁴ *Id.* at 6.

for assessing the qualitative issue of the workplace experiences of women employed in the University.

For example, discriminatory treatment takes different forms. The Carnegie Commission has identified and defined at least twelve types of discrimination found in institutions of higher education: condescension, role stereotyping, tokenism, exclusion, denial of authority, harassment, invisibility, double standards, prejudicial comments, hostility, backlash, and discrimination in awards.⁷⁵ Each employee survey included the Carnegie definition of these various types of differential treatment and then asked the survey respondents (both women and men) whether they ever *experienced* any such behavior while working at UK and, if so, whether the cause was "gender, race, both or don't know." If the work environment were truly equitable, incidents of such discriminatory behaviors would be rare, and those that occur would be equally distributed between sexes and among ethnic groups. Not surprisingly, however, this method of investigating the organizational climate revealed that women employees *experience* gender-based, discriminatory treatment in the workplace far more often than did male employees.⁷⁶

The survey respondents were also asked if they had ever *witnessed* each of the twelve forms of differential treatment in the UK workplace and, if so, whether the cause was "gender, race, both or don't know." An analysis uncovered strong commonalities in the responses of women and men to these questions. Both groups reported *witnessing* the various forms of gender-based, discriminatory treatment in similar proportions. Male responses to the questions concerning the *witnessing* of gender-based discrimination tended to confirm the accuracy of women's responses to the questions about *experiencing* discriminatory treatment in the workplace because of their gender. That is, men reported *witnessing* gender-based discriminatory treatment in approximately the same proportions as women reported *experiencing* gender-based discriminatory conduct.⁷⁷

The institution's actual, rather than rhetorical, commitment to equal opportunity was also assessed by comparing the financial resources the University allocated to institutional affirmative action efforts (a "put-your-

⁷⁵ See TASK FORCE ON THE STATUS OF WOMEN, TOWARD EQUITY: THE FINAL REPORT OF THE TASK FORCE ON THE STATUS OF WOMEN app. B, at B-4 (1988) (using the Carnegie Commission definitions in a survey to determine the status of women at the University of Virginia).

⁷⁶ REPORT OF AD HOC COMMITTEE ON WOMEN, *supra* note 55, at 35.

⁷⁷ *Id.* at 34.

money-where-your-mouth-is" measure) and the authority it gave to its affirmative action office (an "action-speaks-louder-than-words" assessment) with the financial support and authority enjoyed by affirmative action offices at six similar institutions.⁷⁸ The affirmative action survey included questions about budgets, staff, programmatic initiatives as well as authority and responsibility in recruitment and hiring processes. This comparative study revealed that UK's affirmative action office was understaffed and underfunded. Additionally, the affirmative action office at UK, unlike offices at the other institutions surveyed, had no authority to monitor recruitment and hiring.⁷⁹

The Committee conducted more than seventy-five one-on-one employee interviews as another facet of its systematic investigation of the climate in which women employees worked. Interviewees' own words as well as the anecdotal information gleaned from the comment section of the employee surveys were used extensively in the final report to give "felt meaning" to the Committee's quantitative findings about the institution's climate and culture.⁸⁰

The actual values in operation at an institution of higher education are critically important in assessing the workplace experience of women because those values create, foster, and maintain the organizational climate.⁸¹ The Committee engaged in a process it dubbed "artifact analysis" as another way to gauge this elusive and hard to measure variable in women's work experience. A wide array of material produced by the University to communicate with various internal and external constituencies was systematically studied. Only material produced by the University for a purpose other than creating an official document or record was subjected to this scrutiny. The publications included recruitment and public relations material, advertisements, employee newspapers, and material sent to members of the state legislature, the state's congressional delegation, and alumni.

The artifact analysis focused on two interrelated, but separate, issues. As a measure of the institution's own willingness to acknowledge women

⁷⁸ Virginia Polytechnic Institute, University of West Virginia, Ohio State University, Purdue University, University of Illinois, and the University of Louisville. *Id.* at 26.

⁷⁹ *Id.* at 27.

⁸⁰ *See, e.g., id.* at 58, 93, 95, 100, 101, 110, 132, 138.

⁸¹ BERNICE R. SANDLER, PROJECT ON THE STATUS AND EDUCATION OF WOMEN, THE CAMPUS CLIMATE REVISITED: CHILLY FOR WOMEN FACULTY, ADMINISTRATORS, AND GRADUATE STUDENTS (1986) [hereinafter CAMPUS CLIMATE REVISITED].

as members of the university community, the artifact analysis tracked how often women were included in the publications. The second line of inquiry asked how women were portrayed when they were represented. The results of this analysis demonstrated that women were severely underrepresented in the image the University puts forth of itself.⁸² Moreover, when women were portrayed they were most likely to be shown in one of four roles — woman as student, woman as caretaker of babies, woman as spouse of an employee, and woman as consumer of food.⁸³

The Committee's two year study resulted in a 320-page, two pound, one and three-quarters-inch thick "reasoned, data-based analysis" of the formal status and workplace experience of women employed in one institution of higher education. The report concluded that there was a tremendous gap between the institution's rhetoric of equality and the reality of women employees' work lives. The formal status of women employees, both collectively, and of faculty, staff, or administrative/professional staff as discrete groups, was summarized in a single, simple, declarative statement: "[W]omen are relegated to the lower level, lower status, and lower paying positions."⁸⁴

The Committee used the extensive quantitative data it collected to measure the actual workplace experiences of women. When augmented by the anecdotal evidence provided by the survey respondents, these data demonstrated that the institution's actual operative values drowned out its rhetorical commitments to equal opportunity, diversity, and merit without regard to gender. The study found that women *qua* women were systematically excluded from full participation in the economic, political, and social life of the university community and women *qua* women were routinely forced to work in an inhospitable, and often hostile, work environment.⁸⁵

The University of Kentucky's "second wave" report included more than 125 recommendations to remedy the problems revealed by the study

⁸² For example, in the *Staff Handbook* in force at the time of the study, only two pictures in the entire manual focused on women. One of the featured women was wearing a nurse's cap and the other was pictured working a rolodex. Equally telling are the pictures in the public relations version of the University's *1990-1992 Strategic Plan*. Of the 72 individuals identifiable by gender, 30 (42%) were women. A closer examination of the women's pictures, however, revealed that 29 of those 30 women were portrayed in clearly student roles.

⁸³ REPORT OF AD HOC COMMITTEE ON WOMEN, *supra* note 55, at 28-30.

⁸⁴ *Id.* at 18.

⁸⁵ *See id.* at 5-8.

of women's diminished status on campus.⁸⁶ The report and its recommendations were submitted to the faculty senate and to the university president. The Committee embarked on a concerted effort to secure implementation of its recommendations by making more than 100 formal presentations of the study's findings and by serving as a consultant to a number of individual department and unit efforts to improve the status of women employees. However, in the almost six years since the issuance of the report, there has not been any public, institutional endorsement of the report's findings or recommendations by either the president or the governing board of the University. By and large, institutional efforts to address the problems documented in the report and to implement the report's recommendations have been sporadic, piecemeal, ad hoc, and uninformed by a coherent institutional plan or commitment. Equally telling, various forms of backlash against both the report and its authors occurred.

V. "SECOND WAVE": A COMPARATIVE ANALYSIS
OF NINE INSTITUTIONAL INVESTIGATIONS OF GENDER⁸⁷

The limited success of the University of Kentucky's attempt to use rational, data-based discourse to bring about gender equity on campus raised questions about the efficacy of the traditional academic process for change: identify a problem, appoint a committee, do a study, and issue a well-documented, reasoned report. Moreover, for those with a scholarly interest in the general topic of organizational change, the post-Report period presented an opportunity to study and identify factors that facilitate or militate against gender-related change in institutions of higher education. In addition, at a very personal level, members of the UK Committee needed to identify change-factors in order to inform their future attempts to secure implementation of the UK Report's recommendations.

Thus, another study was undertaken. This one was different, however. It was not an attempt to generate data in support of another reasoned, data-based report intended to persuade others of the depth of the problem of gender-based differential treatment on university and college campuses

⁸⁶ *Id.* at 9-17.

⁸⁷ Data and information for the remaining portions of this Article are on file with the authors. The participating institutions are not identified because the researchers followed standard practice for this type of inquiry and promised the interviewees confidentiality.

and the need to eradicate it. This study was undertaken to identify those factors that encourage as well as those factors that impede the implementation of the recommendations in these "second wave" reports.

A. Methodology

In addition to the University of Kentucky, eight other public research universities that had done "second wave" reports were identified, and in-depth telephone interviews were conducted with either the person who chaired the committee that issued the report or the person with oversight responsibilities for implementation of the report's recommendations. A twenty-five question interview protocol served as the primary data collection instrument and was sent to each participant prior to the actual interview. The protocol questions were designed to elicit information from the respondents that identified commonalities and differences in the reports across a broad spectrum of topics. The primary areas of concern were: the nature of the reports; the types of issues each report addressed and emphasized; the institutional impetus for the reports, i.e., who initiated the study; and the relative involvement of top level institutional decisionmakers with the preparation of the reports and the post-issuance attempts to secure implementation of the reports' recommendations. The content and scope of the recommendations made in the reports constituted another general area covered by questions in the interview protocol. Finally, questions were asked about the recommendations that were not implemented and negative reactions that occurred on campus in response to the issuance of the report and/or to the organizational changes recommended by the report.

B. Characteristics of the Studies and the Universities

1. Scope and Type of Study

Six of the "second wave" studies focused on women faculty, administrators, and professional/academic staff, and only three gave attention to the full complement of university employees. The pool of employees on every campus with the absolute majority of all women employees as well as the pool of employees with the greatest percentage of women of color was excluded in two-thirds of the studies because support staff were included in only three of the studies. Only four of

the nine studies included a focus on women students despite the fact that women constitute the majority of the students on university campuses.⁸⁸

Overall, five of nine institutions did full-fledged studies reminiscent of the "first wave" studies while the other four eschewed such a methodology and issued action plans based on "known" problems. The limitations of this approach are readily found in the fact that none of the institutions issuing "plans" based on "known" problems addressed support staff issues in any depth.

Six of the nine reports investigated issues of representation, distribution, salaries, and benefits of women in the employee groups included in the study. All of the reports attempted to explore either the full range of culture and climate issues or a specific dimension of their institution's climate, such as sexual harassment and women's safety issues.

2. *Institutional History*

An unanticipated finding of this comparative study was the discovery of a correlation between the history of an institution's involvement in women's issues and the methodology employed by the institution in its study. For example, the five institutions that did comprehensive studies had little meaningful history of involvement in women's issues. Whereas the four universities that issued action plans rather than full-blown studies had been early leaders in women's equity issues. Additionally, each institution that produced the more limited action plan had also done a comprehensive "first wave" study in the late 1960s or early 1970s.

Conversely, none of the institutions that undertook full-scale, "second wave" studies had done any type of "first wave" investigation. The action plans of the four institutions pointed with pride to the university's very early involvement in admitting women students. In rather stark contrast, one of the five institutions that employed the comprehensive study approach did not admit women until 1971. The institutions utilizing the action plan format for their reports linked their current efforts to address gender issues to their earlier successes in developing continuing education programs in the late 1960s for returning women, establishing women's studies programs in the early 1970s, and implementing sexual harassment policies and programs in the 1970s and early 1980s.

⁸⁸ See *supra* note 26 and accompanying text.

3. *Origins of the Study*

The comparative analysis of the nine institutional initiatives investigating gender in academia uncovered differences in the identity of the initiator of the studies as well as significant consequences that flowed from those differences. Two of the studies were faculty-generated documents while three of the nine reports were solely administrative undertakings.

Both of the faculty-generated studies were coolly received by their respective institutions. Not a single recommendation of one of those two reports was implemented by the institution that was the subject matter of the study. The recommendations in the other faculty-generated study were instituted in a piecemeal fashion devoid of any meaningful institutional oversight or monitoring.

The three administratively generated studies avoided some of the problems of non-implementation or haphazard implementation experienced by the faculty-generated reports. However, administrative studies encountered the problem of lack of ownership of the report by the university community as a whole. In addition, the constricted scope of these three studies meant that the full range of staff and student issues were not investigated.

4. *Degree and Type of Top Level Administrative Involvement*

Commitment to women's issues and gender equity at the highest levels of the organization, i.e., the president or chancellor, was another variable revealed by the study. Not surprisingly, the involvement of the top levels of leadership within these universities varied along a continuum. At one extreme, the institution's chief executive officer made neither a public nor private commitment to implementing the report's recommendations. At the other end of the continuum, a chancellor publicly committed to feminist issues, created an associate chancellor for gender equity. In between these two extremes, the involvement of top echelon administrators in the investigation of gender issues at their institutions ranged from only a private, presidential commitment to work to eliminate sexism, through public pledges from the institution's chief executive officer to the goal of gender equity or the promulgation of official university policies intended to eradicate particular forms of sexism, and to the establishment of permanent advisory committees on women's issues.

The two institutions with the least discernible commitment from the highest levels of administration were two of the five institutions that did

comprehensive studies rather than action plans. These two institutions also shared the characteristic of having no institutional history of involvement in women's equity issues. The inability of the reports' authors to gain the imprimatur of the institutions' top leaders may also be explained by the fact that both documents were primarily faculty-generated. The establishment of a permanent committee on women's issues or the appointment of a high level administrator responsible for gender equity was a shared outcome of the reports issued by seven of the nine institutions in our study. Not surprisingly, the interview participants from these seven institutions were more positive about their universities' responsiveness than were those interviewees from the two schools which recommended, but did not achieve, the appointment of such a committee or official.

All the reports in our study recognized the need for the establishment of some type of institutional accountability in the oversight of efforts to implement the report's recommendations. However, monitoring responsibilities were explicitly assigned to a second-level, line officer in only one of the institutions involved in the study. Five institutions designated their presidential advisory committee on women's issues as the entity charged with monitoring the implementation of the recommendations. Only two of these five institutions provided any money to pay for the staffing needs of the oversight committee. Three institutions did not assign monitoring or implementation responsibilities to anyone or any group. All three of these institutions were conducting their first study of women's issues and two of the three had the least discernible commitment from top-level leadership. Eight of the nine interviewees told us that implementation and oversight must be expressly assigned if accountability is to be achieved and if piecemeal implementation is to be avoided.

C. Recommendations for Institutional Change

Our study found few commonalities among the institutions that were studied in the recommendations that were actually implemented or in positive changes that were identified as attributable to the report's issuance. The actual number of recommendations contained in the various reports ranged from a low of eleven to a high of 125. The median was twenty-eight. Not coincidentally, the two institutions with the most recommendations (104 and 125) were two of the five universities that lacked a history of involvement in women's issues and were doing their first studies. In contrast, the two institutions with the fewest recommendations (eleven and seventeen) had traditions of early

involvement in addressing women's issues and were building on their successes in implementing the recommendations from their "first wave" studies.

The types of recommendations an institution implemented reflected, in part, the focus of that institution's report. For example, one institution identified the three most important recommendations that were implemented as: a baseline survey of climate; an environmental impact guide to aid administrators in assessing the effect of a particular decision on the attainment of the institution's equity goals; and the development of recruitment material and an orientation program for women faculty. Unlike the other eight reports, the focus of this institution's self-investigation was expressly limited to the academic environment and campus climate.

Half of the universities surveyed reported that recommendations concerning the recruitment and retention of women faculty were being implemented. The high priority given to this issue may be justified because the presence of women faculty affects climate and determines the availability of women for academic leadership roles. However, the emphasis on implementation of these recommendations may also be a function of the fact that faculty and administrators are more likely than staff or students to serve on the committees which did the gender equity reports. Institutional attempts to implement recommendations centered on increasing the number of women in leadership roles were viewed by half our interviewees as important, if not critical. Only two of the universities, however, reported actual progress in this area.

Dependent and family care issues formed another cluster of important recommendations that were being implemented as a result of these "second wave" gender equity reports. The precise type of response varied from institution to institution, but the range included provision of on-site day care; revision of sick leave policies to address dependent care responsibilities of employees; stoppage of the tenure clock⁸⁹ for childbirth and dependent care; modified duties for pregnant faculty members; and even establishment of family resource centers. Once again, however, the institutions were more likely to address family care issues most relevant to faculty (tenure clock and modified duties) than they were to address family care issues most critical to staff (subsidized childcare) —

⁸⁹ The phrase "tenure clock" refers to the fact that untenured faculty members must satisfy their institution's criteria for the receipt of tenure within one continuous, predetermined period of time (e.g., six years) after their initial appointment to the faculty.

the employee group in which the majority of women are employed at a university.

Recommendations addressing women's safety issues ranging from rape and sexual assault to the myriad manifestations of sexual harassment found widespread, but uneven, acceptance. Some institutions adopted comprehensive policies and programs to deal with these issues, while others were still in the process of updating and refining definitions of rape and sexual harassment. One institution even hired a sexual assault counselor. Recommendations concerning women's safety often became the focal point for the playing out of faculty reluctance to address women's equity issues, however. Such faculty recalcitrance appeared in the guise of so-called debates concerning what is a "fair" definition of the conduct to be prohibited and the alleged implications of the contemplated action on academic freedom and free speech.

The final cluster of implemented recommendations concerned equitable pay issues. Unfortunately, only one of the studies actually addressed and provided supporting documentation concerning inequitable pay for women staff. So, once again, because of the limits inherent in the studies' designs, pay issues for the majority of women employees were not addressed.

According to the interviewees, the empowerment of women on campus was the most common positive consequence of the issuance of "second wave" reports. For example, staff women on one campus formed their own group to press their concerns. Other institutions indicated that after the report was issued women were more likely to protest instances of discrimination, both formally and informally. A breaking down of the sense of isolation experienced by many women employed on university campuses was often reported as a positive outcome of the institution's investigation of its own behavior toward women. Additionally, these "second wave" reports heightened awareness of issues of gender in the university community by refuting the erroneous belief of many male members of the community that sexism had been eliminated.

D. Negative Outcomes

All the interviewees were asked to identify the three most important recommendations that were not implemented and other negative outcomes that occurred as a result of their institution's reports. There was almost unanimous agreement that issues of climate and culture represented the most intractable problems on campus. That was not particularly surprising because such problems are very deeply rooted in both the individual's and the institution's psyches. These are problems that do not lend

themselves to quick solutions, such as the promulgation of a regulation or policy. Finally, five of the nine universities reported that recommendations relevant to the segment of women staff included in their particular studies were not implemented. Again, the problem is attributable, in part, to the lack of representation of staff on the committees doing the reports.

As mentioned earlier, women of color did not benefit significantly from these "second wave" reports because they are concentrated in the segment of the university community (support staff) least likely to be a focus of studies on institutional gender equity. Women of color also did not benefit from the implementation of recommendations coming out of these studies that called for increases in the number of women on faculty and in leadership positions. One interviewee vividly captured the problem when she reported that on her campus "there are more Nobel laureates than there are full professors who are women of color." She went on to point out that, "until it is recognized that all women are not white and all people of color are not men," women of color will not benefit equally from whatever efforts a university undertakes to end the often interrelated problems of sexism or racism.

Backlash was the most common negative outcome of issuing either a comprehensive gender equity study or an action plan. Eight of the nine interviewees reported that their institutions experienced it. The exact form of the backlash and the degree of severity varied from institution to institution. In some, it took the form of complaints about "special treatment for women" or "violations of academic freedom." In others, women were tagged as "just another special interest group." A few interview participants reported comments from self-styled male liberals that they were "unfairly tainted" by the report. Simultaneously, conservative males complained that the institution "just isn't what it used to be." Some interviewees also reported that male students complained when, in response to the report, the curriculum began to include information about and by women. The "what about the men" syndrome was also an apparent result of the reports on several campuses.

Not all the reported backlash was so mild. On at least five campuses, attacks were launched on the factual integrity of the report and the academic integrity of those involved in its preparation. Unsubstantiated allegations of "bias" and "irrationality" were made, and charges were leveled, but never established, that the report relied on "suspect" data. Women were stigmatized because of their involvement with the report. Careers were put in jeopardy. Two universities reported that some of the women who participated in the preparation of the report are no longer "trusted" to serve on important university or college committees.

Finally, a majority of the interviewees also reported feeling overwhelmed at times by the magnitude of tasks that had to be accomplished if meaningful and lasting institutional change was to occur. As one woman succinctly put it, "The more we do, the more we see, and the more we see, the more we need to do."

E. Factors Influencing the Likelihood of Success

This comparative analysis of nine institutional investigations of gender equity confirmed popular wisdom about how universities operate, and provided important new insights about how universities deal (and do not deal) with efforts to change their traditional practices and routine operations. The results of this study reaffirmed a basic contradiction in terms: every university is different, and at the same time, all universities are in many ways very much alike. Each differs in its specific history, in the details of its structure and organization, and in the particulars of the context within which it functions. Yet all public research universities are large, complex, decentralized educational organizations. As such, they all are inherently conservative and tradition-bound. All support the ancient values of the academy, including those of scholarly autonomy and academic freedom. All propound the traditional mythology about communities of scholars who engage in open and free exchanges of ideas, shared decisionmaking and faculty governance. And all articulate rhetorical commitments to reasoned discourse, merit-based advancement, equal opportunity, and diversity. Yet as a matter of simple fact, all remain fundamentally male-designed, male-normed, and male-dominated institutions.⁹⁰ The results of this research suggest that both the idiosyn-

⁹⁰ See CAMPUS CLIMATE REVISITED, *supra* note 81, at 3-4; see also NADYA AISENBERG & MONA HARRINGTON, *WOMEN IN ACADEME: OUTSIDERS IN THE SACRED GROVE* (1988) (examining barriers to women's achieving positions of authority and to women's authority to change the structure of academia); Joan Acker, *Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations*, in *THE SOCIAL CONSTRUCTION OF GENDER* 162 (Judith Lorber & Susan A. Farrell eds., 1991) (calling for a redefinition of women's roles in organizations, which were established in the absence of women); Marta B. Calas & Linda Smircich, *Re-Writing Gender into Organizational Theorizing*, in *WOMEN IN HIGHER EDUCATION: A FEMINIST PERSPECTIVE* 97 (Judith S. Glazer et al. eds., 1993); Magda Lewis & Roger I. Simon, *A Discourse Not Intended for Her: Learning and Teaching Within Patriarchy*, 56 *HARV. EDUC. REV.* 457 (1986) (discussing the silencing of women in the classroom through the relationship of language and power); Jane R. Martin, *The Contradiction of the Educated Woman*, in

cratic differences among public research universities and the similarities common to them have important implications for the relative success of efforts to achieve gender equity on campus. In the final analysis, it is the individualized blend of these factors on each campus that determines the effectiveness of a reasoned argument for gender equity.

The experience of the University of Kentucky and the eight other public research universities examined in our study make clear that at least four clusters of factors define the limits within which reasoned and data-based discourse is an effective strategy for stimulating gender-related organizational change on campus. The first of these clusters includes such factors as the characteristics of institutional leadership and the variability of that leadership's commitment to the achievement of gender equity and to the accomplishment of fundamental organizational change. The second involves characteristics of the women on campus, and the third cluster includes a variety of other factors relating to the internal organizational context within which the argument for gender equity is made. In addition, various elements of the university's external context can and do influence the relative success of a "women's status report."

1. *Institutional Leadership*

The first cluster of factors influencing the extent to which reports on the status of women are successful in bringing about positive change on campus involved characteristics of commitment, leadership, and involvement among an institution's top decisionmakers. The experiences of the schools in this study suggest that top level administrators can exhibit several different kinds of commitment and leadership. One form of commitment identified by several interviewees was a general, rhetorical one. It might include an explicit focus on gender equity, but it was more likely to be articulated as an undefined commitment to "diversity." The second form of commitment within an institution's leadership was much more specific to issues of gender, and it included the courage to lead the organization through the fundamental change efforts necessary to achieve

CHANGING EDUCATION 13 (Joyce Antler & Sari K. Biklen eds., 1990) (positing that the educated woman is an anomaly to the traditional framework of education); Shelley M. Park, *Research, Teaching, and Service: Why Shouldn't Women's Work Count?*, 67 J. HIGHER EDUC. 46 (1996) (discussing the phenomenon of women in academia moving from one low paying teaching position to another).

gender equity. Our study suggests that a continuum of both forms of commitment and leadership exists within a university.

A rhetorical commitment to issues of gender equity and rhetorical support for efforts to achieve it from individuals at the highest institutional levels are necessary minimum conditions that must be present before any measurable change can occur. Most often this commitment is manifested in the appointment of the group doing the report and the endorsement of the group's work once it is completed. Repeated rhetorical references to issues of gender and equity by the chief executive officer on campus are common, but less helpful, demonstrations of the institution's commitment to achieving gender equity. It is clear, however, that the existence of no more than a generalized institutional commitment, such as the advertising and other rhetoric required by the federal government's equal employment opportunity mandates, is not sufficient. Regardless of the quality of the argument put forward in support of gender equity, it cannot stimulate organizational change if the individuals in leadership positions do not at least articulate a personal commitment to it. Beyond that minimum, several forms of commitment and leadership affect the extent to which organizational improvements actually occur.

Interviewees from schools at which measurable change occurred indicated that their schools' leaders went beyond rhetorical commitments to exhibiting "behavioral" commitments and active leadership. Again, a continuum existed, but the most common forms of active leadership included setting up institutional procedures and mechanisms to monitor various types of organizational behavior relating to the implementation of the recommendations from the report on women. At best, desired changes in organizational behavior were institutionalized by explicitly linking the necessary changes to the performance evaluations of administrators and to the allocation of resources. This latter, "financial," form of commitment and leadership ranged from funding structural changes to supporting programmatic endeavors. In the former, new organizational entities were created and assigned responsibility for implementing the report's recommendations and monitoring organizational behavior as it related to issues of gender equity. In the latter, special resources were set aside to encourage and facilitate changes in behavior, e.g., financial support of faculty positions for which women are recruited, special grants for curriculum revision, and the like.

The ultimate and most effective form of administrative commitment, leadership, and involvement came in the personality and values of the institution's leader. Those interviewees from institutions with women in high level administrative positions at the time of the report indicated that their work had more success than those without such representation. In

some cases, the study or plan was initiated by women with administrative power, e.g., in the position of president, provost, or academic vice president. In other cases, women who served on the committee issuing the report were recognized leaders on campus. Their stature was transferred to the work of the group and facilitated initial institutional attention to the report. The presence of a knowledgeable, committed chief executive officer who was a woman made nonrational and inherently sexist reactions to reasoned discourse and logical argumentation for gender equity unacceptable on her campus.

It is important to note, however, that simply having high level women administrators was not sufficient when those women were not knowledgeable about women's issues and the status of all women on campus. Because they lacked a personal commitment to improving that status, their presence and attitudes actually fed irrational reactions to the report. In such cases, the presence of women in high level positions served to blunt the effect of even the most carefully reasoned argument for gender equity.

Overall, the experiences of the universities in this study support the findings of other research on change efforts in complex organizations and on equity-related, mandated change efforts in institutions of higher education.⁹¹ In essence, some level of personalized commitment to the issue of gender equity at the highest levels of institutional authority must exist for any positive change to occur. The lack of at least a modicum of such commitment is an absolute organizational obstacle that even the most reasoned, articulate, and documented argument cannot overcome. Further, our research suggest that even such an argument is insufficient to create the needed personalized commitment if it did not already exist. Beyond this minimum requirement, the extent of change obtained is positively correlated with the intensity of administrative commitment and

⁹¹ See, e.g., ARTHUR LEVINE, *WHY INNOVATION FAILS* (1980); Martin J. Finkelstein, *The Status of Academic Women: An Assessment of Five Competing Explanations*, 7 *REV. HIGHER EDUC.* 223 (1984); Michael A. Hitt & Barbara W. Keats, *Empirical Identification of the Criteria for Effective Affirmative Action Programs*, 20 *J. APPLIED BEHAVIORAL SCI.* 203 (1984); Patricia B. Hyer, *Affirmative Action for Women Faculty: Case Studies of Three Successful Institutions*, 56 *J. HIGHER EDUC.* 282 (1985); Judith P. Newcombe & Clifton F. Conrad, *A Theory of Mandated Academic Change*, 52 *J. HIGHER EDUC.* 555-77 (1981); Susan J. Scollay et al., *Affirmative Action as Planned Change: An Exploratory Empirical Analysis Using U.S. Research Universities* (Mar. 30, 1989) (a paper presented at the Annual Meeting of the American Educational Research Association, in San Francisco, Cal.).

the degree to which that commitment is translated into actions designed to foster realization of the desired changes.

2. *Grassroots Commitment*

The second cluster of factors affecting the extent to which a reasoned, data-based argument for gender equity was likely to succeed or fail involved several characteristics of the women on campus, including their level of general awareness and understanding of institutionalized sexism, the degree of ownership women felt in the efforts to change and improve their status, and women's relative willingness to be involved in long-term change efforts. The results of this study demonstrate that even the strongest efforts from the top do not succeed if they are not actively supported by women on campus. Thus, the lack of activist women was another absolute obstacle to the success of gender equity-related change efforts. Further, the experiences of the schools in this study suggested that even a core of committed and vocal women was not sufficient when the commitment and leadership from the highest administrative positions was weak. As one respondent from a small core of activists in an unresponsive institution lamented, "Don't do a study; it's a waste of time. The problem is not lack of data . . . make a public scene."

In order to keep the issues before institutional decisionmakers, it is essential for interested women to track and monitor organizational follow-through activities, to raise new aspects of the basic problem as some are responded to and resolved, and to periodically re-energize the overall effort. In those institutions where a small core of activist women either directly or indirectly initiated the report on the status of women, but where widespread support for the study was not generated among women across campus, less positive changes resulted from the report.

When present, "involvement at the grassroots" level took many different forms. The most effective appeared to be administratively appointed and supported committees or commissions dealing with gender issues and charged with monitoring institutional efforts to alleviate obstacles to the achievement of gender equity on campus. Several universities in this study had such campus-wide groups, and they reported that in addition to formally assigned duties, these committees served other essential functions. The committees built a sense of community and commitment among the participants, and they countered the sense of isolation most women felt within the academy. The universities that reported the most positive change from reports on women indicated that college and unit level groups had formed. In the most successful case, "college planning groups" were mandated and were given authority to

take and to monitor the change effort down to the unit level. This was the most widespread "grassroots" involvement and the most complete form of institutionalization represented in the nine institutions of this study as well.

3. *Other Internal Influences*

The results of this study suggest that the internal context of the university represents the most critical set of factors in determining the relative success or failure of a reasoned argument for gender equity. This internal context is comprised of several factors, but the most important ones appeared to be the particular history of the university and the extent to which that history included women and institutional attention to issues of gender. As noted earlier, several of the nine universities had long and often notable histories of support for women and women's concerns. A few were even characterized by our interviewees as taking pride in their tradition of serving women. In at least four cases, the most current report on the status of women was the second, third, or even fourth such document issued over a period of years. In some of these cases, the interviewees indicated that their university's response to each successive report had moved the institution discernably closer to true gender equity. In other cases, however, interviewees suggested the latest reports were necessary to reactivate and reaffirm institutional commitment to the goal of gender equity and to refocus organizational attention and activity on the barriers still existing to it. In at least two cases, the formal name of the report was chosen explicitly to emphasize the long-standing struggle for women's rights. According to interviewees, one title was selected to remind the university of its own earlier progress and achievements, while another was intended to suggest that the call for gender equity on that particular campus was simply the next logical step within the tradition of a longstanding American social movement.

Organizational history can be either a facilitator or an obstacle to gender-related organizational change efforts. Clearly, the extent to which an institution has a history of concern for and attention to women's issues influences how the argument for gender equity is made. For example, if there is such a history on campus, the general awareness of issues of gender, sexism, and the like is bound to be higher. This means that the current call for organizational change does not come in a vacuum, and those making the call need not spend as much time and energy documenting the existence of the problem. In three universities in our study, a formal investigation and elaborate quantitative documentation of the existence of gender discrimination on campus were not deemed unneces-

sary. Instead, those institutions issued an action plan outlining specific steps that needed to be taken to address the problems they assumed existed.

The lack of an institutional history that includes precedents for current efforts to stimulate organizational concern about gender issues was not an absolute obstacle to the success of those efforts, but it was a formidable one. All public research universities in this country began as male-defined, male-normed, and male-populated institutions.⁹² The closer a university remains to its original roots, the more likely it is that the institution's fundamental values and norms will remain both gender-based and gender-specific. While the existence of such values and norms is rarely, if ever, given explicit articulation, it finds expression in a wide variety of subtle and implicit ways. Such universities often have an institutional culture that tolerates and accepts the differential treatment of individuals because of their gender. Unlike a university's history, an institution's implicit collective values and its organizational climate and culture can determine the success or failure of efforts to improve the status of women on campus.⁹³

Systematic analysis of the representation and portrayal of women in university publications, scientific employee climate surveys, and quantitative documentation of the relative presence of women in high level positions, organizational honors, and other forms of institutional recognition are all reasoned approaches to the investigation of institutional culture and organizational climate on campus. Such activities explicate the extent to which an institution's culture and climate are based upon gender-specific collective values. Thus, they are a measure of the degree

⁹² MARY C. BATESON, *COMPOSING A LIFE* (1989); JERRY A. JACOBS, *REVOLVING DOORS: SEX SEGREGATION AND WOMEN'S CAREERS* (1989); ROBERT F. SZAFRAN, *UNIVERSITY AND WOMEN FACULTY: WHY SOME ORGANIZATIONS DISCRIMINATE MORE THAN OTHERS* (1984); Nadya Aisenberg & Mona Harrington, *Rules of the Game*, in *WOMEN IN HIGHER EDUCATION: A FEMINIST PERSPECTIVE*, *supra* note 90, at 387; Adrienne C. Rich, *Toward a Woman-Centered University*, in *ON LIES, SECRETS AND SILENCE, SELECTED PROSE 1966-1978*, at 125 (1979).

⁹³ Helen S. Astin & Diane E. Davis, *Research Productivity across the Life and Career Cycles: Facilitators and Barriers for Women*, in *WOMEN IN HIGHER EDUCATION: A FEMINIST PERSPECTIVE*, *supra* note 90, at 415; Lynne Billard, *Twenty Years Later: Is There Parity for Academic Women?*, 10 *THOUGHT & ACTION* 115 (1994); Katheryn Moore & Mary Ann D. Sagaria, *The Situation of Women in Research Universities*, in *WOMEN IN HIGHER EDUCATION: A FEMINIST PERSPECTIVE*, *supra* note 90, at 227.

to which sexism is still acceptable behavior on campus.⁹⁴ The experiences of the universities in this study suggest, however, that the greater the need to formally document the existence of such institutionalized and ingrained sexism on campus, the more difficult it is to successfully make the case that change is needed and the less likely it is that substantive organizational change will result from the effort. First, if traditional male-focused values prevail unchallenged on campus, it is much more likely that the proof given of the existence of institutional sexism will be questioned and challenged. Such debates over the validity of the proof, e.g., the data, their analysis, and/or interpretation, draw both energy and attention away from the substantive issues. Further, if any element of the debate is lost by the advocates of gender equity, their entire position and cause may be brought into question and disrepute. This is often the precise goal of those who initiate such debates. Those working for gender equity in institutions without a history of recognizing its absence on campus should be aware that their reasoned and data-based arguments for change may face unfounded, but time-consuming challenges.

As one of the interviewees warned, there is a clear danger that constructing and documenting a case for gender equity will alienate the institutional actors who hold the power needed to remedy the problems. When a report documents institutionalized forms of sexism, it forces individuals within the university community into the uncomfortable position of confronting that reality. The personal values of individual institutional leaders may include unrecognized and unconscious elements of sexism. Thus, the danger of alienating those in decisionmaking positions is an ever-present risk when documented evidence of institutionalized gender inequities is part of the reasoned argument made for gender-related organizational change.

The dangers inherent in documenting widespread institutionalized sexism are not limited to gender equity-related change efforts within universities without a "women's history" or to those institutions with collective values and norms that are overwhelmingly gender-based and gender-specific. The institutional experiences documented in this study suggest that the same danger exists at all institutions. At the other end of

⁹⁴ SUZANNE S. LIE ET AL., *THE GENDER GAP IN HIGHER EDUCATION* (1994); ALICE A. KEMP, *WOMEN'S WORK: DEGRADED AND DEVALUED* (1994); Jim Sidanius & Marie Crane, *Job Evaluation and Gender: The Case of University Faculty*, 19 J. APPLIED SOC. PSYCHOL. 174 (1989); Richard W. Thoreson et al., *Gender Differences in the Academic Career*, 31 RESEARCH IN HIGHER EDUC. 193 (1990).

the spectrum, even elaborate documentation can be discounted and dismissed if it challenges a widely and strongly held — but erroneous — belief that the university's tradition of liberalism precludes the existence of sexism. Such documentation stimulated backlash and alienation within an institution that had large numbers of faculty and administrators who perceived themselves to be liberal. Apparently, these "liberals" felt themselves unfairly accused and "tainted" by documented evidence of widespread institutionalized sexism.

The most powerful internal, organizational obstacle to reasoned and data-based efforts to stimulate gender-related organizational change rests in values. There are the silent, but powerful, collective values of the institution that may be manifested in its culture and climate. There is also at work the unexamined values of individuals in the dominant group within the institution.⁹⁵ The experiences of the universities in this study suggest that the relative success of formal reports on the status of women and their calls for gender equity are directly related to the extent to which both collective institutional values and the values of individuals consider sexism to be unacceptable behavior. Conversely, the more acceptable sexism is on campus, i.e., the more gender-specific the dominant institutional and individual values, the more difficult it is to successfully make the case that gender-related change is necessary. No university included in this study has successfully eliminated all vestiges of the values from its male-defined, male-normed, and male-dominated past.

4. *External Context*

Finally, two other factors external to the university were identified as having the power to facilitate or obstruct progress toward gender equity after the issuance of an institution's report. The first was the institution's budget. Common sense suggests that the financial situation in American public higher education today mediates against new funds being made available to support equity-related change efforts. This was true in seven of the nine universities studied. Several participants from these institu-

⁹⁵ On the power of unacknowledged organizational values, institutional norms, and privilege, see SANDRA L. BEM, *THE LENSES OF GENDER: TRANSFORMING THE DEBATE ON GENDER INEQUALITY* (1993); CAROL TAVRIS, *THE MISMEASURE OF WOMAN* (1992); Peggy McIntosh, *White Privilege and Male Privilege*, a working paper (Wellesley College: Center for Research on Women, 1988); Candace West & Don H. Zimmerman, *Social Location and Gender-role Attitudes*, in *THE SOCIAL CONSTRUCTION OF GENDER* (Judith Lorber & Susan A. Farrell eds., 1991).

tions indicated that "financial restraints" were often cited by university administrators as the reason more recommendations were not implemented. Some interviewees concurred in the validity of this explanation. Others, particularly those in schools without a history of attention to issues of gender, noted that "budget constraints" seemed to be in the words of one, "an incredibly easy out." This perception was supported by a minority of interviewees who indicated that substantive changes occurred on their campuses *despite* severe budgetary constraints. Thus, the willingness to reallocate limited resources was one indicator of the difference between the rhetorical and the "behavioral" forms of institutional leadership noted earlier.

One university provided the "exception to prove the rule" that institutional finances created an obstacle to implementation of recommendations. In that one instance, the availability of resources more plentiful than usual served as an important impetus for efforts to address documented inequities. While it was serendipitous that the institution's report was issued in a biennium of budget increases, it was the interviewee's opinion that without such unanticipated financial flexibility, the university would have done very little or nothing in response to the report. The availability of abundant financial resources eliminated one "rational" excuse for not doing anything. This university was recalcitrant in every other way to addressing its report's findings and recommendations but over \$2.5 million in new resources were earmarked for some of the monetary inequities that were identified in its study.

The other external factor of critical importance was the amount of attention given to the institution's study by the local, regional, and state media. One interviewee observed that her institution's report "just happened to be issued on a slow news day, and that made all the difference." As a result, the findings received a tremendous amount of free publicity. In another case, the same result was achieved by conscious planning on the part of the committee issuing the report. The local TV and press media were alerted that the report was about to be issued, and it received "front page coverage above the fold" from the local newspaper. In both these and other cases, coverage in the media made the report and its findings very public information. The reports became a high profile issue that the university could not ignore. Garnering significant public attention also created a potential for increased institutional backlash and alienation. However, that did not materialize in any of the cases where media attention was reported to be a factor of importance. In three cases, the publicity surrounding the report stimulated studies at other public universities in the state. In at least one case, the report came

to the attention of the state legislature and sparked gender-related studies in other state agencies because of press coverage.

VI. CONCLUDING REFLECTIONS

Our comparative analysis of "second wave" studies conducted by nine research universities identified a number of factors that influence the likelihood that such reasoned efforts to promote gender equity on campus will serve as a catalyst for meaningful change. An institutional history of attempts to identify and address issues that impede women's full participation in the university community is a very strong predictor of success. If those in the highest levels of the institution's leadership *publicly* communicate their *personal* commitment to gender equity, the likelihood of progress toward that goal is significantly increased. The presence of a cadre of activist women, including, but not limited to, high level administrators and faculty leaders, is another important element that is present in efforts that successfully address some of the gender inequities on campus. Finally, a widespread grassroots commitment to the task of securing implementation of a study's recommendations is essential during the post-report period to sustain the supporters of gender equity during the often drawn-out processes that universities follow when implementing changes in institutional policies, procedures, and practices. Each of these individual factors facilitates efforts to address and alleviate gender inequities in institutions of higher education in the study, but none of them is sufficient by itself to accomplish that task. Substantive, positive change occurs only when all these factors are present, although the specific blend of factors can vary from institution to institution.

A powerful impediment to the success of rational, data-based arguments as stimuli for institutional initiatives addressing issues of gender equity in America's universities and colleges was also identified by this study. The degree to which gender-specific values and archaic, gender-based norms are embedded in the institutional culture and in the personal, operative values of the individual leaders is determinative of the success or failure of equity-focused change efforts. The more deeply entrenched these values are, the less likely it is that the gendered-nature of those values will be recognized and acknowledged, let alone examined and changed, by either the institution or the individuals who work within it. Thus, the more gender-specific the dominant institutional and individual values are, the more difficult it is to successfully make the case that gender-related change is necessary.

The 1848 *Declaration of Sentiments* expressly established gender equity in education and employment as basic themes of the then nascent women's rights movement in this country. Almost 150 years later, those goals have not been fully achieved despite the countless numbers of women and men who worked to expand access for women in higher education as both students and educators. The centuries long struggle to secure equality in education for women illuminates a paradox of the academy. On the rhetorical level, American colleges and universities portray themselves as centers of intellectual and social enlightenment in which reason prevails. Yet, despite the systematic and consistent use of rational discourse supported by empirical data in repeated attempts to further women's quest for gender equity in academia, most institutions of higher education remain bastions of an unquestioned and traditional privilege⁹⁶ that excludes women from full and fair participation in the community in which they learn and work.

⁹⁶ McIntosh, *supra* note 95.