

mike leonard



Title IX Was Always About More Than Sports

When people hear a reference to Title IX, their thoughts typically go to the 1972 law that required high school and college athletics programs to offer equal opportunities for women.

Today, and especially on college campuses, Title IX has a new reputation as the driving force behind the federal government's mandate in early 2014 that institutions of higher education aggressively pursue programs to provide equal protection under the law and address the stunning statistic that one in five women will be sexually assaulted during their college careers.

Former three-term Indiana Senator Birch Bayh is known as The Father of Title IX. "I'm amazed and disappointed," he says when asked about the recent push to use the law he co-authored to focus on sexual assault. "I am disappointed that it's taken this long to even begin to address this problem, but grateful that we've finally lived up to the real intention to provide equality across the board."

Bayh, 86, says, "The fact of the matter was that Title IX was the result of the original failure to go forward with the (Equal Rights Amendment)." When it looked like the ERA was not going to make it out of a conference committee (which included Bayh), the Indiana senator drafted language specifying equal rights in education, inserted it into the higher education authorization bill also being considered at the time, and saw it pass.

Higher education, he says, was fraught with discrimination against women, ranging from the counseling and the curriculum available to students to the ability of female faculty to earn tenured status. "The discrimination against women was totally foreign to my personal experience," Bayh says.

That includes the example of Bayh's late wife, Marvella, an Oklahoma college freshman who outperformed the future senator and all-comers in a

1951 National Farm Bureau extemporaneous speaking competition. "She was an exceptional woman," Bayh says. "Marvella (who died of cancer in 1979) was an ideal example of how a woman could excel if she had the opportunity to."

After losing his seat in the Senate to Dan Quayle in 1980, Bayh, an Indiana University School of Law graduate, joined the law firm of Venable LLP in Washington, D.C., and lives in the Maryland suburbs with his wife, Katherine (Kitty). He is venerated for having more impact on the U.S. Constitution than anyone since the Founding Fathers, as the primary author of the 25th Amendment, which provides for presidential and vice presidential succession, and the 26th Amendment, which lowered the voting age from 21 to 18. "Who would believe that this kid off an Indiana farm had two Constitutional amendments?" he says with a laugh.

Bayh also co-wrote the Bayh-Dole Act that gave universities — and not the federal government — control of patents developed on their campuses. *The Economist* called the act "possibly the most inspired legislation to be enacted in America over the past half-century."

For the moment, however, it's Title IX that has put the former Indiana senator back in the limelight, with dozens of institutions, including Indiana University, either under investigation because of sexual assault problems or asked to participate in a detailed federal study of the problem (as in IU's case).

"Ironically," he says, "when I first introduced Title IX, I was not thinking of sports at all. I thought it ought to get to the academic part of education. Sports just got all the attention."

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