

Women-only and LGBT scholarships under attack -

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The ongoing justification for women-only scholarships has been queried by Paul Callister, from VUW's Institute of Policy Studies, who has asked the Human Rights Commission to investigate this, now that New Zealand women's educational achievements have caught up to or surpassed those of men's in many respects. Women now constitute over half the new graduates, in 2006 63% of Bachelor degree completions, 58% of Masters and 51% of Doctorates. The legal justification for exemption of women only scholarships from the gender discrimination provisions of New Zealand human rights legislation rests essentially on redressing past discrimination. Callister is leading a three-year \$1.7 million project funded by the Foundation for Research on Science and Technology to investigate the gap between men and women's participation and achievement in education. He believes that women-only scholarships should now be made gender-neutral so anyone in need could apply. He also asked the Commission to rule on the legality of men-only scholarships – in fields such as early-childhood-teacher training and nursing where men have long been underrepresented. The Health Research Council (HRC) has said it will respond fully to the broader issues raised by Callister in due course, but a report on the issue in *Education Review* says it has suggested that women-only scholarships may contravene the Act unless they target areas of education in which women remain under-represented.

The Commission has already clarified the legal position with respect to scholarships for women, men or any other specified groups offered by charitable trusts, such as the Kate Edger Educational Charitable Trust. These are exempt from the provisions of the Human Rights Act 1993, with Section 150 stating that the unlawful discrimination provisions of the Act do not apply to charitable benefits. There are of course large numbers of such scholarships and awards instituted by all sorts of groups and individuals to benefit many different categories of people – on the whim of the donors. My first reaction when reading about Paul's letter to HRC seeking a ruling on the legality of women only tertiary awards (after a sigh!) was to think 'what about all the many long standing scholarships geared only or mainly at men?' But actually there aren't many left. In the Victoria University Scholarships Handbook I found only two male only scholarships – the F. W. W. Rhodes Scholarship (instituted by a woman) to assist a graduate and former pupil of Auckland Grammar School for advanced study at a university overseas and the J.L. Stewart Postgraduate Scholarships to encourage men to do postgraduate study at Victoria University (established in 1988 but with some complementary ones established for women later – in 2005). Of course, though, until recent years, men would have been awarded a substantial majority of the gender neutral scholarships.

And there are indeed more scholarships for women only than for men only, but many of these are aimed at helping women into areas where they are still underrepresented – engineering, physical sciences, computing, etc. The case is still strong for this type, while second chance scholarships for older women returning to education continue to be justified given that societal and family expectations meant that women were less likely to get a first chance when they were young. Most in

these two groups and the few outside either group are of the legally exempt trust type from women's organisations who have raised the money and might reasonably resist opening them to men.

Presumably Callister was referring at least mainly to such trusts (New Zealand Federation of Graduate Women, Zonta, New Horizons Trust, Rosemary Seymour Award, New Zealand Medical Women's Association etc) since there are few others in the VUW list. The New Zealand Vice-Chancellors' Committee administers about 40 national scholarships. According to a report in the *Sunday Star Times*, Committee scholarships manager Kiri Manuera said only one was available solely to women – the \$50,000 New Zealand Law Foundation Ethel Benjamin Scholarship. Applicants had to be high-achieving female law graduates wishing to do further postgraduate study. Foundation director Lynda Hagen said it had canvassed the legal community several years ago about whether the scholarship should be ditched because of gender changes in education. However, feedback was that the scholarship was still appropriate because it was designed to commemorate New Zealand's first female lawyer. 'We will be very interested in what the human rights commissioner says and would follow any guidelines put out about it. If we were informed we had come to a time to make a change, we would open it up to both genders.'

The issue itself is a reasonable one to raise and done in a fairly moderate fashion by Paul Callister – but the backlash is often less moderate – with it portrayed as if achievements by women were inevitably at the expense of men. For example, alarm about the female majority of students is exaggerated, coming from a common statistical confusion. The number of tertiary students is still increasing fast and with it the number of male students – it's just that the number of female students is going up faster. I was pleased to see that in his more academic work Paul has recognised this (see Paul Callister, Frances Leather and Jill Holt, Is it useful to talk about male disadvantage?, *Gender and tertiary education*, September 2008, VUW IPS WP 08/10 <http://ips.ac.nz/publications/publications/show/236>, p 34).

Whatever position is taken on the ongoing need for affirmative action for women in the educational system, there should be much less controversy over special measures and scholarships for underrepresented ethnic groups and people with particular disadvantages or disabilities. (I was pleased to find in my trawl of VUW scholarships the Denis Phelps Scholarship for second year BA or BMus undergraduates with a mobility disability or visual impairment, with preference for a student considering a career in music or journalism). But of course controversy *does* arise where Maori preference is concerned, though there are quite rightly plenty of Maori specific scholarships. But the 'needs, not race' rhetoric replaced 'closing the gaps' when right wing attacks on affirmative action were threatening for many politicians.

And most recently, the media publicised a small tertiary scholarship being offered by the Gay Auckland Business Association where applicants must identify themselves as being within the GLBT group. Presumably this would come under the charitable trust exemption and thus not subject to legal challenge, but the distribution of flyers to secondary schools made it open slather for right wing politicians – especially as the name of Chris Carter, out gay Minister of Education appeared on the flyer as a patron of GABA. *The Listener* article (Mary Jane Boland, Gay Wrongs? September 27, 2008, p 27) did not mention the charitable exemption, instead focusing on whether queer students would come under the

exemption by way of previous discrimination, quoting HRC spokesman Gilbert Wong on this possibility. And given the research on the appalling extent of bullying of queer students in schools, the scholarship should be fine either way. But of course the *Listener* gave Rodney Hide space to call the scholarship discriminatory and criticise the 'involvement' of the Education Minister. Carter, no doubt seeking to reduce adverse election fallout, said he was proud to be a patron of GABA and supported its decision to offer the scholarship, but had played no part in the decision to offer it.

Parts of the media still enjoy the opportunity for bashing both feminism and support for gays/lesbians, given even half a chance.
