

grades from becoming a crisis in illiteracy in the upper grades."

Feldman said the union, which represents 95,000 public school educators in the city, will press Crew to set up summer and after-school classes for pupils who are left back as a result of the union's vigilance. This would allow many pupils to catch up well before the end of the subsequent school year.

Principals have the final say over moving students along, and teachers have no grievance procedures for objecting to unwarranted advancements.

Still, Feldman said, the union can, and will, press Crew to have his staff review questionable promotions, known as social promotions.

In 1980, the school system set up "gates" at certain grades to guard against

unwarranted advancement, but these exam-based checks were abandoned after critics charged that they were costly and harmful to students, particularly in the absence of supplemental instruction. "Where social promotion exists, it must cease," said Chiara Coletti, spokeswoman for Crew. "The chancellor is committed to making this effort a collaboration between teachers and principals." ■

38. The Atlanta Journal - The Atlanta Constitution

05/18/97Section: SPORTS; Page F; 13

Title IX at 25: Goals still being met 'Proportionality' remains a problem at some schools

By Wendy Parker
STAFF WRITER

When Bernadette McGlade arrived at Georgia Tech in 1981 to coach the fledgling women's basketball team, it was the school's only scholarship sport for females. As with many athletics departments across the country, Tech's was a long way from acting on the requirements of Title IX, the federal law banning sex discrimination in education.

And with an enrollment that was - and still is - nearly 75 percent male, it seemed unlikely that Tech would be a model for gender parity someday. But as the 25th anniversary of Title IX - which bars institutions receiving federal funds from discriminating on the basis of sex - arrives next month, Tech is the only athletics program in the state that meets the stiffest and most controversial aspect of the statute - proportionality.

Part of a three-part test to determine compliance, "proportionality" dictates that an institution's proportion of varsity athletes by gender should be approximately the same as the undergraduate student population.

The other ways to be in compliance are showing a recent and continuous pattern of adding women's teams and accommodating the athletics interests of women.

But a rash of lawsuits over the past five years has caused concern that "proportionality" may become the preferred method.

Last month, the U.S. Supreme Court refused to hear an appeal by Brown University, which is under court order to pass the proportionality test. Brown, an Ivy League school that does not provide athletics scholarships, offers 14 sports for

women, but federal courts in New England have ruled that it has not done enough. When the case went to trial in 1993, 58 percent of Brown's students were women but only 38 percent of its athletes. Now, those numbers are 53 and 46 percent, respectively.

Brown will field a varsity equestrian team for women this fall to increase the female participation rate. Slots on men's teams also will be limited, and men's teams could be cut altogether to adjust the numbers.

McGlade said those measures don't have to be undertaken to reach compliance.

"When the doors have been opened (for women), the slots have been filled," she said. "Colleges and universities are going to move toward proportionality."

The 'Field of Dreams' scenario may be a lot easier said than done elsewhere in the state, where schools with high female enrollment figures must deal with football, which doesn't have a female equivalent and skews proportionality numbers. Most schools in Georgia have added women's programs.

Tech now has seven sports for women and nine for men.

Although schools are putting an emphasis on the other two Title IX tests, some worry the Brown case may be a stronger push toward proportionality.

"Proportionality is out of the question for people in our position," said West Georgia athletics director Ed Murphy. "I would need 450 female athletes to get there. We don't have that many sports."

If you toss out football, West Georgia, Valdosta State and Georgia Southern all come within five percentage points of meeting proportionality. But courts have

said football must be factored in, and there's no indication that position will change.

"I feel like we're in very good shape," said Valdosta State AD Herb Reinhard, whose school added women's volleyball two years ago. "But we struggle with the numbers because of football."

But even schools without football are having difficulty. At Mercer, 45 men showed up for soccer tryouts last fall, while only 18 women - the number needed to fill a roster - turned out.

"Our budget allocations for men's and women's basketball, and for men's and women's soccer are identical," Mercer AD Bobby Pope said. "But as far as the numbers go, the interest on the female side isn't just as strong as it is on the men's side."

Kennesaw State's four women's teams are nationally prominent, including the defending NCAA Division II national champion softball team. But AD Dave Waples said two more women's sports - including bowling - are being pondered.

"We want to do what's right, and I wouldn't say we've gotten there yet," Waples said about efforts to achieve proportionality. "But this is the time bomb that is sitting on the desk of every athletics director in the country."

The uncertainty of how Title IX will be interpreted in the future will continue to be a wild card, but those who question the wisdom of proportionality don't think it signals a reluctance to improve women's sports.

"Anybody who watched the Olympics last summer and doesn't think that Title IX isn't a positive thing is a fool," West Georgia's Murphy said. "But we're moving down the road as fast as we

can. ■

39. The Kansas City Star

05/17/97; Edition: JOHNSON COUNTY; Section: ZONE/OLATHE; Page 3

Reading brings some giant steps: Countryside principal walks 10 miles to honor agreement.

By TERRY COLLINS
Staff Writer

Earl Martin said he could walk the talk.

And he proved it Friday. The Countryside Elementary School principal promised students during an all-school assembly in November if they read more than 1.2 million minutes, he would walk 10 miles - rain or shine.

Students met his challenge, reading more than 1.3 million minutes.

Rosie Thompson, Countryside's library clerk, said the reading effort was part the school's theme this year: W.A.L.K. - Wellness, Attitude, Learning and Kindness. She hoped Martin wouldn't get any blisters on his feet.

Sporting a Countryside Cardinals school cap, T-shirt and sweats, Martin delivered on his promise, making the pilgrimage around the school parking lot.

"Boy, it's hot," said Martin, sweating profusely in unseasonably cool temperatures. "I'm sure glad the sun is shining."

Ashley Ryan, a fourth-grader, was one of the many students who occasionally

strolled with Martin. She read more than 11,000 minutes - or 15 books - among the most in the school. The 10-year-old became exhausted after a few laps.

"I'm tired, but this is fun," Ashley said. "I like seeing Mr. Martin sweat."

Other students held signs, frantically cheering Martin on as he trotted past. One sign read, "Walk On!" Another said, "Shape Up or Ship Out."

Students in Matt Parenti's fourth-grade class did a song and dance for Martin to the tune of the hit "Macarena."

"Walk, Mr. Martin, walk Mr. Martin, walk Mr. Martin, waalk, Mr. Martin. Ah-right!"

Fourth-grader Ashley Pope said Martin "looks like he's going to pass out."

Actually, Martin was bending over so first-graders chanting "Mr. Martin's cool ... Mr. Martin's cool" could spray water on him.

"Thanks, I needed that," said Martin, who eventually was given a plastic Royals helmet with a Gatorade bottle and

two straws atop, in case he needed to quench his thirst.

Martin is no stranger to losing reading challenges. One year students doused him with chocolate pudding in a bath tub. He couldn't get rid of the smell for three days. Another year he spent a scorching day in the sun on the school roof. Martin has even kissed a pig.

Last year, students shaved off half of Martin's beard before he went grocery shopping.

Anita Ross, the school's library media specialist and unofficial scorekeeper of the student reading minutes, said Martin is always willing to go to extremes to encourage student reading.

"He's great," Ross said. "Mr. Martin does everything he possibly can to make sure his students are enriched by this lifelong skill."

But when a drenched Martin asked Ross Palermo, 7, if he could take a break from walking, the second-grader paused, then gave a stern response to the wild cheers of his classmates: "No, you can use a little exercise." ■

40. The Dallas Morning News

05/17/97; Edition: HOME FINAL; Section: NEWS; Page 33A

5th DISD supervisor suspended: Decision made to speed overtime fraud inquiry, official says

By Nora Lopez
Staff Writer of The Dallas Morning News

A fifth Dallas school supervisor was suspended this week after allegations that he threatened a subordinate not to come forward with information in a districtwide fraud and corruption probe, sources said.

James Hargrave, a maintenance field supervisor, was suspended Thursday for alleged misconduct, district officials said Friday. Mr. Hargrave, a 10-year employee who earns \$39,817 annually, could not be reached for comment late

Friday.

"I can't elaborate on the allegations themselves," said Robert Hinkle, special assistant to the superintendent for communications. "The allegations have to do with his interaction with subordinates."

Mr. Hinkle emphasized that the suspension is not a judgment of wrongdoing but was given to expedite the investigation.

A source close to the investigation said Friday that Mr. Hargrave, who supervises the district's roofing crew, had "told a roofer that if he came down here

to tell the superintendent about wrongdoing and corruption, he would kill him."

Mr. Hinkle said he was not aware of any complaints about threats related to the Hargrave suspension that have been filed with law enforcement officials.

Mr. Hargrave is the latest supervisor to be placed on leave with pay as a result of ongoing internal and federal investigations involving overtime abuse.

On Wednesday, Superintendent Yvonne Gonzalez suspended four high-level administrators, saying that removing them would expedite the

52. Associated Press

05-13 5:22a

International Science Fair comes to Louisville

By JIMMY BERNADEAU

Associated Press Writer

LOUISVILLE, Ky. (AP) - The renowned Intel International Science and Engineering Fair kicked off Monday, giving Louisville the aura of an Olympic city.

Students from 41 nations, many outfitted in native dress, marched down the famed Churchill Downs race track with flags from their homelands clutched in their hands in a scene reminiscent from an Olympics opening ceremony.

"This is a great opportunity for the cultural exchange," said Dr. Errol Miller, director of the ISEF Jamaican contingent. "I am pleased with the exposure our students are getting."

ISEF, one of the largest science fairs in the world for high school students, is in its 48th year. An estimated 1,200 students from around the world are involved this year.

This year organizers raised an estimated \$1.2 million in prizes and scholarships. Contestants from 15

different categories ranging from botany to engineering are hoping to strike gold.

The ISEF fair differs from other notable fairs like the Westinghouse in that instead of showcasing only the work of seniors, it's open to all high school students. Tracey Koon, corporate affairs manager at Intel, said in previous years students in lower grades have beat out the older competitors.

At the outdoor ceremony there seemed to be a melding of popular music. Hispanic students used the spare time at the beginning of the festivities to sing the Macarena in their native Spanish; another group used the occasion to get down with some Kentucky Bluegrass. An estimated 3,000 spectators attended the ceremony.

Jose Nicis, an 18-year-old Puerto Rican native who competed in last year's fair, said he has had a great time so far visiting the Kentucky Horse Park near Lexington, malls, Kentucky Kingdom amusement park and riding the trolley that travels along downtown Louisville's Fourth Street.

Nicis, who is working on an easier method to find the prime of numbers with multiples of five, said his project was unsuccessful last year because his calculations failed after 15,000.

"Everybody liked it but this time I've improved it with computer calculations so it works with every number," he said.

Anne Korando, director of development for Science Services, an organization dedicated to turning students on to science, estimated 10,000 of the 20,000 high schools in the United States had participants in some stage of the fair.

Louisville has proved a popular host city with most of the contestants, some of whom complained about the scorching heat of last year's host city, Tucson, Ariz.

"Louisville has been spectacular," said Korando. "It's just unreal the help we've received from the organizations."

She added that all the colleges in Kentucky have pitched in to offer scholarships. ■

COMMENTARY

53. The Washington Post

05/13/97; Edition: FINAL; Section: OP-ED; Page A17

Nothing Wacky About Title IX

By E. J. Dionne Jr.

Have you heard about the great program linked with less teenage pregnancy, higher high school graduation rates, the avoidance of abusive relationships and success later in life?

It's called women's sports.

Americans have long seen organized sports as a good thing for boys and young men. Should we be surprised that they're good for girls and young women? That's why the battle over Title IX, requiring parity between men's and women's athletics at educational institutions, is important.

Title IX is one case where the government did what it set out to do. Before Title IX passed, 300,000 high school girls participated in competitive sports. Now, there are more than 2 million and counting. And there is

performance, too, whether in women's basketball or in the record of American women at the Olympic games in Atlanta. Finally, there is fairness: Title IX lets women win athletic scholarships once open only to young men.

Critics of Title IX attack the law as affirmative action gone wild. They say the law requires schools to spend more on women's athletic programs even if the demand is low.

Now, if the law required Notre Dame to create a women's football team to match its men's football team, you could call it wacky. But it doesn't do that. To comply, a school must meet one of three tests. It can have the same percentage of female athletes as it has undergraduates. That is a quota. But no school has to meet that standard (and few, if any, do).

A school can also meet the terms of

the law either by showing a "continuing history" of expanding athletic openings for women or by demonstrating that it fully accommodates the athletic "interests and abilities" of its students. "People aren't saying, 'Give us 51 percent,'" says Mary Duffy, an old friend and former editor in chief of Women's Sports and Fitness. "They're saying, 'Come on, take some steps.'"

Title IX, enacted 25 years ago, marks a large change in attitudes toward women and their aspirations. Because sports so affect boys and girls as they grow up, the way we treat women's sports may prove as important to changing social attitudes as anything else we do.

"If girls are socialized the way boys are to take part in sports," says Duffy, and "if boys and girls grow up with the idea that girls are strong and capable, it

50. Associated Press

05-12 11:13p

Opponents say plan is incomplete

By JOHN McCARTHY
Associated Press Writer

COLUMBUS, Ohio (AP) - The new standards the State Board of Education has adopted lack half the pieces of the puzzle: how to measure students up to those standards, opponents of the plan said.

The board voted 13-4 Monday to adopt the standards and forward them to the Legislature, which would need to change Ohio law to put them in place.

The school standards would replace rules that tell districts how much class time they must spend on subjects.

The proposed changes would require students to show competency in 10 subject areas - English, health and physical education, mathematics, science, social studies, arts, foreign language, business, family and consumer services, and technology.

Schools have their own standards of achievement, based on attendance, graduation, dropout rates and other measures. Schools that do not live up to the standards would have to employ a

plan to improve.

Before the vote, the board heard from educators and parents on both sides of the issue.

One of the speakers said that the board should not adopt standards that don't measure student competence. The board said it would develop such measures over the next year.

"We cannot focus on results if we cannot assess them," said Melanie Elsie, an education policy consultant from North Canton.

Board member Oliver Ocasek said he voted against the standards because they lack a specific testing mechanism.

"In 1983, when the last standards were proposed, the board brought us the whole package," said Ocasek, who then was a state senator. "I don't think we have a package deal."

Ocasek also objected to what he said is seen as the state dictating to local districts.

"I don't like to face my constituents who say the state is taking over," he said.

Proponents, however, told the board

that the new standards will provide a more meaningful education to students.

James May, director of vocational and adult education for Kent city schools, said a similar program has been in place in the northeast Ohio district for about one year.

His district works with local businesses to prepare students for careers. The plan, which received a special waiver from the state, has been a success, he said.

"It's based on competency and not locked into time," May said. "It allows students to go along as fast as they can."

The board considered several amendments to the plan and adopted one that would recognize the full number of gifted students in the state. The original plan had withheld funding for some of those students. Opponents of the amendment said it could cost the state \$95 million.

The Ohio Department of Education hopes to implement the standards in the 1998-99 school year. ■

51. Associated Press

05-12 11:00p

Carlson won't budge on education tax credit proposal

ST. PAUL (AP) - As lawmakers worked on an education funding package Monday, Gov. Arne Carlson reminded them that he expects \$150 million in tax credits and deductions included in the proposal.

In a letter to the conference committee on K-12 Education Funding, Carlson said the credits are necessary to offer more school choice and accountability.

"Given increasing dropout rates and disappointing test scores, comprehensive K-12 education reform has never been more vital," Carlson wrote. "We must not adjourn this session without seizing this opportunity."

The House and Senate packages do

not include Carlson's tax credits, and Sen. Larry Pogemiller, the Senate K-12 Education Finance Division Chairman, said the conference committee doesn't plan to consider them.

"They have no support," said Pogemiller, DFL-Minneapolis. "He knows that."

Instead, Pogemiller is pushing for a \$100 million plan that would give students of all income levels money to attend public, private or religious schools.

Last year, lawmakers rejected Carlson's proposal for private school vouchers. Pogemiller's voucher-like program, "common schools of

excellence," is the closest thing to middle ground to come out of the Legislature on the issue this year.

That program was not included in the House's education funding package. While House conference committee members haven't exactly warmed up to Pogemiller's plan, they haven't completely dismissed it, either.

Sen. Jerry Janezich, DFL-Chisholm and member of the conference committee, said he doesn't anticipate the group will reach a compromise any time soon.

"Between the governor, House and the Senate, it looks like we're going to be here a long time," he said. ■

will change the way girls and women are viewed — by themselves and by society." Her take rings true to parents who see no reason why their daughters should be denied the fun and discipline that organized athletics offers their sons.

High school programs are important, Duffy says, because girls often give up sports when they reach adolescence. That's a shame, because studies, including one by the NCAA, find that women student athletes have higher graduation rates.

Criticisms of Title IX don't just come from sexists. When Brown University was sued by members of the school's women's gymnastic and volleyball teams for eliminating support for their sports, Brown won the backing of other universities worried about the economic pressures Title IX can create. But lower

courts ruled in favor of the women, and the Supreme Court declined to hear Brown's appeal, leaving a rigorous interpretation of Title IX in effect.

No supporter of Title IX should pretend compliance will be painless. The big fight will involve football. It's the most expensive men's sport, requiring so many players (for offense, defense and special teams) and so much scholarship money. Because football is seen as so important to alumni fund-raising, less telegenic men's sports — wrestling (my favorite sport), swimming and golf — have borne the brunt of cutbacks. It's easier to cut teams for men than to add them for women.

"Football is used to getting the biggest chunk of the pie," says Rachel Zuk of the Women's Sports Foundation, and football supporters "want other men's sports and

women to divide up the rest."

Instead of whining about quotas, we should face up to this collision of interests. Football, a game I enjoy, may take a hit (though, the National Football League, which uses colleges as a training ground, might help by paying for this service).

The difficulties can be overcome. As The Washington Post pointed out recently, universities such as Michigan, Wisconsin and Stanford have complied "without any noticeable diminution of programs for men."

By refusing to take up Brown's challenge, the Supreme Court sent a message — not for "sports quotas," but for a rather old idea that organized athletics are good for young people. That includes women as well as men. ■

54. The Christian Science Monitor

May 13, 1997

Make participants, not all students, pay cost of athletics, says an author

By Alex Abrams

In 1995 a federal district court judge in Rhode Island ruled that Brown University had discriminated against female athletes by eliminating two women's sports teams.

Brown's executive vice president, Robert Reichley, warned that the university might have no choice but to cut funding for certain men's sports in order to comply with the ruling.

Two years later the United States Supreme Court has issued a decision upholding the lower court's ruling in the 1995 case, and now Brown University may finally be forced to carry out its threat.

But what Brown's vice president once intended as a warning may actually come as welcome news to the hordes of young Americans who each year graduate from college deep in debt.

You see, schools like Brown University spend millions of dollars annually on intercollegiate athletic programs that, in most instances, lose money. At Brown, for example, whose moderately competitive teams chew up more than \$3 million a year of the school's budget, the university will spend, during the next four years, the

equivalent of what it would take for roughly one-quarter of its undergraduates to graduate debt-free.

Looked at another way, savings from the elimination of sports teams could result in Brown's entire student population graduating 25 percent less in debt. (That's no small sum, considering that the average student now graduates owing between \$10,000 and \$12,000.)

And this is typical of most American colleges and universities, whose sports programs, unlike a handful of the more celebrated ones, don't see millions of dollars in revenue from TV coverage and corporate sponsors.

The problem, however, goes beyond intercollegiate sports. Like Brown, many other universities today spend millions of dollars in additional funds on other parts of their athletic budgets, funds used for such things as junior varsity and intramural teams, as well as gymnasiums, weight rooms, Olympic-size pools, and even indoor tennis courts.

It is spending in areas like these that raises a question that today's cash-strapped students and their parents badly need answered:

Should American universities

continue spending freely on sports programs that are at best only marginally related to a higher education?

At the very least, most families would probably welcome some choice in the matter — the opportunity, say, to choose an "a la carte" education that would enable students to receive a basic, no-frills degree, and one that wouldn't require them, as part of their tuition, to subsidize the country-club lifestyle that few among us are in a position to afford.

Why not, for example, ask that the small minority of students who actually participate in intercollegiate sports foot the bill? And if such programs are as important to school morale as their supporters would have us believe, then why not charge students for the privilege of viewing these events?

The same approach could also be taken with regard to intramurals and other such informal recreational sports activities.

If students want to play indoor tennis or basketball in the middle of a cold New England winter, then let them pay for it. Let them do what members of the post-graduate (read real) world do, and decide for themselves whether such costs

are worthwhile.

And if they should decide, as it seems reasonable they might, that a set of indoor tennis isn't worth the \$75 an hour it would cost, universities like Brown should consider doing what every other private organization is forced to do when times are tough: cut back on services, close the pool, scrap the volleyball teams (yes, men's and women's), and get the

message across to students that college isn't summer camp.

If American undergraduates and their parents don't want to end up drowning in debt, there seems no escaping that this is one of the cost-saving approaches that must be considered. Perhaps then a university administrator like Robert Reichley might understand that for

today's debt-laden graduates his "threat" of cutting sports funding would probably be one of the best lessons a school like Brown could provide.

* Alex Abrams, former political analyst for MTV News, is co-author of "Late Bloomers: Coming of Age in Today's America, The Right Place at the Wrong Time." ■

55. Chicago Tribune

May 13, 1997

REMEDY FOR SAVING THE SCHOOLS: POLITICIANS MAY HAVE TO TAX THE WEALTHY

By John McCarron

And so, after months of sob stories and platitudes, of blue-ribbon studies and gold-plated declarations, the question of education funding reform comes down to this:

Will the Illinois General Assembly raise taxes on the state's wealthiest citizens in order to improve conditions for kids in its poorest school districts?

That, dear reader, is the crux of the matter. Forget all the palaver about local control, teacher tenure and who is or isn't qualified to be a school nurse. And ignore, if you can, such Springfield sideshows as the impeachment of Judge What's-His-Name and the outlawing of drive-through mastectomies. (He won't be, and it's a non-problem.)

What we have now, at long last, is a specific school funding proposal that identifies who gets and who pays. It was worked up by Gov. Jim Edgar and a group of eight delegated lawmakers. But the legislative leaders haven't signed on, and they probably won't until sufficient numbers of plain folks make their preferences known.

If this proposal flies—and it's a huge "if"—the winners will be: 1) the aforementioned 400,000 kids in property-poor school districts; 2) the majority of middle-class homeowners throughout the state; and, most of all, 3) the farmers. The tractor-and-overalls set makes out like bandits.

The losers would be the 300,000 or so Illinoisans with incomes in excess of \$100,000. High-income renters would be hit hardest of all, unless changes are made to give them the equivalent of a property tax break.

But "loser" is, perhaps, too loaded a word. One can argue that paying higher taxes to raise the quality of education in poor school districts is a solid long-term investment for the well-to-do. It depends on how narrowly they define their self-interest.

But back to the nuts and bolts.

According to the plan surfaced late last week by the governor and legislative negotiators, the state income tax on individuals would be raised to 3.75 percent from the current 3 percent. The corporate income tax would remain at 4.8 percent.

(Since their income taxes would not be raised nor their property taxes lowered, big business presumably should be neutral toward all this. But they won't be, because a lot of companies—especially in heavily-assessed Cook County—pay excessive property taxes and had hoped to share in the relief.)

The additional \$1.5 billion in income tax collections would be dispensed in the form of: 1) property tax relief and 2) increased state aid to school districts, mainly to property-poor school districts. Actually this plan needs another \$340 million to do all that's proposed—a gap that might be filled by raising taxes on riverboat gambling.

Property tax relief would go to all homeowners statewide in what amounts to a 30 percent reduction in school taxes for property owners who qualify for the state's homestead exemption. (Virtually everybody who lives in their own house qualifies.) So if you're now paying \$1,000 a year to your grade school district and \$1,000 to your high school

district you'd save about \$600. The state will then compensate your school district for the lost property taxes, and then some, depending on the size of your district's tax effort, tax base and percentage of kids from impoverished families. When all is said and done, no district would lose money and the poorest would gain substantially.

In all, there would be \$605 million in "new" money for schools. The biggest winners would be rural school districts, some of which are spending barely over \$3,000 a year on each student. Farmers would do best, for besides new money for rural schools they'd get property tax relief on both their homes and farms. Winners, too, would be school districts in south and west Cook County that have lots of low-income kids but hardly any property tax base.

Chicago, with its strong property base, already is spending more per pupil than the \$4,225 minimum, and would not benefit all that much, in relative terms, compared to poorer suburban and rural districts. City schools would get an extra \$130 million, a small drop in the Board of Education's \$2.8 billion fiscal bucket.

This plan leans heaviest on the wealthy because somewhere between an annual income of \$100,000 and \$200,000 that .0075 income tax increase starts exceeding the plan's tax relief on even the largest of homes. For the 25,000 or so Illinoisans with incomes over \$500,000, the increase will be substantial.

This puts a lot of legislators, particularly those representing the wealthiest suburban districts, in a tough spot. Their schools won't be getting

05/04/97; Edition: WEEKEND; Section: SPORTS; Page D7

RECENT GAINS STILL FALL SHORT OF GENDER EQUITY

By TOM WITOSKY
DES MOINES REGISTER

Women have more opportunity to play major-college sports than ever before, but the recent gains still fall far short of achieving gender equity in major college sports.

That is the major finding from a Gannett News Service computer-assisted analysis of spending and athletic participation during the 1995-96 school year.

The data discloses that while most Division I-A schools finally have taken steps to provide women with more athletic opportunities and greater financial support, the NCAA's major college sports departments generally remain male bastions and the place where football and men's basketball reign supreme.

In addition, the analysis raises questions about claims by a growing number of schools that they have been required to drop men's non-revenue generating programs because their departments can't afford to just simply add women's programs to achieve gender equity. On average, schools are spending close to \$70,000 per male basketball player and \$30,000 per football player combined compared to less than \$8,000 on all other male athletes.

Specifically, here is what the analysis, based on federally mandated spending reports from 107 of the 110 members of NCAA Division I-A, found:

— Despite adding sports and increasing the number of participation opportunities for women, the average Division I-A school still remains out of compliance with U.S. Department of Education proportionality standards based on undergraduate enrollment.

Under those regulations, a school is considered in compliance with federal law when the percentage of female athletes is comparable to the percentage of undergraduate women enrolled at the school.

Figures provided by the reports show that there is an average 16 percent gap between the numbers of women participating in sports compared to the numbers of women enrolled at the average NCAA member school. In

addition, 28 of the 107 schools reported having at least a 20 percent difference between women's sports participation and undergraduate enrollment even though the federal law mandating equity was enacted in 1972.

— The average spending on overall operations of a women's athletic program increased by 167 percent in the last five years.

But the amount of dollars was a pittance compared to what was spent on men's athletic programs.

The analysis found that operational expenditures for men's sports averaged almost \$2.4 million in 1995-96, up from \$1.04 million in 1990-91.

By comparison, operational expenses for women's sports programs averaged \$687,789 last year compared to \$262,570 in 1990-91.

— Overall, schools spent an average of \$6.27 million per year on men's programs - when all expenses including operations, coaches salaries, tuition, and recruiting expenses - are included. The comparable average for women was \$2.3 million.

— The average cost of operating a Division I college football team grew during the last five years from \$579,317 a year to \$1.4 million without including the costs for coaches' salaries, recruiting or scholarships.

In men's basketball, the average operational cost more than doubled, growing from \$222,605 to \$541,728 during the same period. Women nearly tripled - but only from \$79,797 to \$209,734.

— The chief beneficiaries of that money are the 125 or so male athletes competing in the NCAA's glamour sports of football and basketball. The analysis disclosed that schools spent \$67,667 per male basketball player, \$28,999 per football player, and \$39,892 per female basketball player. Those totals contrast with \$10,867 per player spent on women's non-revenue (everything except basketball) sports - and \$7,767 per player spent on men's non-revenue (everything except football and basketball) sports.

"The fact is that there are way too many football teams and basketball teams who get what they want, not what they

need to be competitive," said Marcia Sanesholtz, senior women's sports administrator at Washington State University.

Discrepancies may exist

Last year, all U.S. colleges with athletic programs were required for the first time to prepare and make public federally mandated reports on athletic finance and participation at their institutions. The reports disclosed the amount of money generated and spent by athletic programs during the 1995-96 school year broken down by sport, by gender and other categories.

Ursula Walsh, director of NCAA research, said that the NCAA is also collecting reports from all schools and expects to issue a report within the next few months.

She warned that some discrepancies in reporting may exist.

"We learned a lot from this past year, and we know that we have to be more specific in the kind of information we require," Walsh said. "I do have some concern that some figures may be skewed, but hopefully we can improve it for next year."

The GNS analysis is based on reports obtained all 110 members of NCAA Division I-A except Army, Navy and Air Force.

Washington meets standards

While the overall picture shows big gaps still remain, the analysis found that notable progress in the push to provide comparable athletic opportunity has been made.

For example, eight schools, including three from the Pacific 10 Conference, have increased female athletic participation so much that the schools meet proportionality standards set by the federal government - something once long thought to be impossible because of the impact of 100-member or more football rosters.

Those schools, within the accepted 5 percent limits of equality, are Washington, Washington State, Virginia Tech, Kansas, Georgia Tech, Utah, Stanford and Vanderbilt.

"It is strange how they always used to say that there was no way there could be as many women athletes because of

football," said Jan Harville, women's rowing coach at the University of Washington, whose 1995-96 women's rowing squad began the season with 126 members - the exact same number of men playing for the Huskies' football team.

Increased female participation in college sports appeared to be nationwide on Division I-A campuses, jumping an average of about 25 percent.

The major increases took place with many schools adding crew, soccer and softball to their programs.

As a result, the average participation rate between male and female student athletes narrowed. In 1990, the average athletic department had 332 male athletes and 130 female athletes. In 1995-96, the average Division I-A school had 292 male athletes and 163 female athletes.

But the analysis also shows that those strides are not universal within Division I-A and that the vast majority of the schools still have a long way to go to raise participation rates.

For example, the bottom five schools - Southern Mississippi, Northeast Louisiana, Southwestern Louisiana, Arkansas State and Alabama-Birmingham - had low women's participation in sports, averaging 222 male athletes and only 67 female athletes.

"All this says to me that our best-educated people in our universities

across the country have been ignoring and continue to ignore the federal law prohibiting discrimination," said Christine Grant, Iowa women's athletic director. "I find that infinitely sad." Gap 'very discouraging'

Critics also said that they were frustrated by the continued clear gap in the amount of money being spent on men's and women's programs. They said that it illustrates vividly the need for NCAA Division I-A members to assess whether the level of such expenditures on sports like football and men's basketball is proper within the context of higher education.

"It is outrageous," Patty Viverito, deputy commissioner of the Missouri Valley Conference and chairwoman of the NCAA's Committee on Women's Athletics, said. "It is encouraging to see the increases for women, but very discouraging to see that they are not really sharing equally in the money that is being spent. The men's side of the ledger still gets the vast amount of the money."

Gene Corrigan, NCAA president and commissioner of the Atlantic Coast Conference, said it is clear that spending on men's basketball and football has increased markedly despite attempts to contain costs. But, he added, often these increases are the result of new facilities

or restrictions on the use of general fund money for sports.

"The cost of competing is always high because the pot at the end of the rainbow is so big," he said. "It is always difficult to compete with the big schools like Florida State in our conference because they have made it so."

Corrigan also said that often school officials are willing to spend more money on those programs simply as a method for paying for the expenses of all other departmental programs. "You have to spend money to make money; that is part of the cost of doing business today," he said.

Revenue figures disclosed in the federal reports supported his contention. Overall, revenue generated directly from football and men's basketball amounted to 62 percent of the revenue received by an average Division I-A athletic department.

Viverito said she understands the quandary that many athletic directors face.

"It is difficult to lay the blame at anyone's feet given the environment that we are in," she said. "Based on a cost-benefit analysis, I would probably find it very hard to resist the allure of chasing those dollars. But you have to wonder if those of us in higher education ought to be operating this way." ■

20. The Columbus Dispatch

05/04/97; Section: NEWS LOCAL & NATIONAL

SEX EDUCATION WON'T WORK USING ABSTINENCE ONLY

Mark D. Somerson

Sooner or later every parent is faced with giving "the talk."

Many parents sit down with their sons and daughters and talk openly about sex. Others choose to ignore the subject, leaving any discussion to peers and schoolteachers.

In Ohio, parental participation in sex education is taking on a new urgency.

Recently, Rep. Twyla Roman, R-Akron, introduced a bill in the Ohio House that requires an emphasis on abstinence in any public-school course featuring sexually transmitted diseases.

Roman said that there's too much emphasis on "safe sex" and that contraception "gives teens a false sense

of security."

Roman is correct in believing that abstinence is the safest form of birth control and that it is the best defense against sexually transmitted diseases, including HIV and AIDS.

She is wrong, however, if she believes that preaching abstinence will eradicate teen-age pregnancy and sexually transmitted diseases.

While a recent government study shows a decline in teen-age sex for the first time in 20 years, 50 percent of females between the ages of 15 and 19 still report having had intercourse at least once. Fifty-five percent of their male peers report the same.

The Columbus Health Department

recently recorded its first comprehensive look at how sexually transmitted diseases affect residents citywide. The department's clinic deals with about 11,000 patient visits every year.

While about 20 percent of the city's population is between 15 and 24 years old, about 50 percent of clinic patients are between those ages.

Fewer than 15 percent of clinic patients said they or their sexual partners always wear condoms, while 25 percent said they'd had two or more sexual partners in the last 30 days.

More than 50 sexually transmitted diseases have been identified and have been tied to other syndromes, including pelvic inflammatory disease, ectopic

SEXUAL PERVERSITY IN WASHINGTON

The Brave New World of Norma Cantu

By Richard Starr

Norma V. Cantu, head of the Clinton Education Department's Office for Civil Rights, is a left-wing litigator, a veteran of the Mexican-American Legal Defense Fund, who has never met a racial quota she didn't like. She is the forgotten second royal in Clint Bolick's famous "Clinton's Quota Queens" op-ed for the *Wall Street Journal*, the piece that helped torpedo Lani Guinier's nomination to be Cantu's counterpart at the Justice Department. Cantu is also a sexual-harassment radical who wants federal regulation of boy-girl contact from pre-school through grad school. Most strikingly, it appears that Norma Cantu is above the law. Or at least her office is. Or at least she says they are.

Did the U.S. Court of Appeals for the Fifth Circuit strike down racial quotas for university admissions in its historic *Hopwood v. Texas* decision last year? Not according to Cantu. In a March 18 letter to Texas legislators, she threatened to cut off federal funding to any

**LOOK OUT,
GEORGIE PORGIE:
THE DEPARTMENT
OF EDUCATION
WANTS TO STAMP
OUT WHAT IT CALLS
"PEER SEXUAL
HARASSMENT."**

university that complies with the *Hopwood* decision by making its admissions policies colorblind. As the *New York Times* reported, "not only can race be used as a factor in admissions, universities 'have a clear legal obligation to do so,' . . . Ms. Cantu's letter said."

Did that same court last year rule that school districts can't be sued if one student sexually harasses another? Most people who pay attention to such things think so, but not Cantu. Her office has just published in the Federal Register its new guidelines for stamping out "peer sexual harassment." The footnotes delicately allow that the relevant "law is evolving," but then comes some not-so-veiled advice to any school bold enough to follow the lead of the federal court. "The

better practice is . . . to follow the Guidance" of Cantu's office, the guidance itself states. And in case there is any lingering confusion, Cantu elaborates: "The

existence of Fifth Circuit decisions that are inconsistent with [Department of Education] policy does not prohibit schools in these States from following the Guidance."

Obey me, she explained.

So far there has been nary a peep about any of this from Congress, which would hardly be overstepping its authority (though it might get called nasty names in a Frank Rich column) should it ask Cantu some simple questions. Indeed, the new sexual harassment guidelines promulgated over Cantu's signature are a subject ripe for hearings, since their effect will be to extend the reach of the law far beyond what Congress envisioned when it forbade sex discrimination in federally supported education programs 25 years ago.

For it appears that the Office of Civil Rights is using that legislation—known as Title IX—to take the country towards a public-education regime in which schools will have to maintain a bureaucratic apparatus that can catalogue, investigate, punish, and prevent so-called sexual harassment of students by their peers to the satisfaction of federal overseers.

And the existence of such an apparatus, tasked with receiving the reports and then appeasing the grievances of the harassed, will in fact multiply the myriad frustrations and unhappinesses of ordinary lives into more grievances rather than fewer. This is what formal "grievance procedures" are in truth designed to do when they are widely publi-

More...

...ed to potential victims—which is what the new federal guidelines on sexual harassment call for.

When Congress first drafted Title IX and made it law in 1972, its purpose was to expand opportunities for girls and women. Most controversially, this meant creating and funding athletic programs for girls that were the equal of what boys enjoyed. But it also meant abolishing scholarships limited to one sex or the other; admitting men and women to professional schools without preference for one sex or the other; ending single-sex classes, including gym and sex-ed; even get-

ting rid of curfews on campuses, so that girls could sleep around on an equal basis with boys.

The Title IX enforcers of the past dreamed that by destroying the barriers thrown up by custom and traditional sex roles, they would midwife the birth of a hardy new unisex species—boys who learned to cook and sew in home-ec class, girls who could add superchargers to their hot-rods in the high school auto shop, all of them playing rugby together after school, or even wrestling one another in organized competition. To give them their due, you might say that the first generation of enforcers had a theory of success and a vision of how to achieve it (get the artificial barriers out of the way).

Today's enforcers, on the other hand, have nightmares of oppression and failure and a theory of how to stave it off (bring federal muscle to bear on behalf of the weak and vulnerable). They claim to be sexual egalitarians, but their nightmares are peopled almost exclusively with girls (and the occasional homosexual boy) who are victimized by a jockocracy of cocky males. In the absence of federal oversight, these young perps run amok, winked at by school administrators who are always chuckling to themselves the rarely heard phrase "boys will be boys."

This is the vision that undergirds Norma Cantu's new sexual-harassment guidelines. Don't take my word for

copy of their new pamphlet, "Sexual Harassment: It's Not Academic." This is the everyday summary of the new enforcement guidance.

There are many memorable features of this brochure, not least of them footnote 3, which refers readers in pseudo-scholarly fashion ("Winship, Beth, Ask Beth, San Francisco Chronicle") to a newspaper column offering advice to children. But let's be charitable and consider only the following quotation, which

appears in the pamphlet in bold type as an example in a section on what a student can do when "confronted with sexual harassment."

"A guy in my chem class kept following me around, staring at me, and asking me out. At first, I told him I was busy, or not feeling well. Eventually, it got so bad that I just had to tell him that I didn't want to go out with him, period . . . and, once I told him, he stopped! And, if he hadn't, I knew exactly who to report it to!" [ellipsis in the original]

This passage, too, is footnoted, and careful researchers will learn by checking the reference that "this quote is a composite drawn from different OCR cases." Which means a couple of things. One, some fairly senior civil servant at the Office of Civil Rights made up the quote; and two, since the dialogue is invented, this must be how the Title IX enforcers hope people will be talking under the new sexual-harassment dispensation. Let's deconstruct their Utopia.

Guys (especially guys in chem class) who follow girls around and stare at them and ask them out more than once are potentially dangerous. They haven't learned that the way to get a date is to ignore girls they're interested in, or at least apply to the Department of Education for permission to look. And they haven't learned to read minds. It's really bad of them the way they don't take a hint when a girl lies to them and says she's not feeling well. It's terribly unfair, even scary, that she's forced to just come right out and say, "I don't want to go out with you." There ought to be a law!

And there is.

And now, thanks to the new guidelines from the Office of Civil Rights, the law is clearer than it has ever been. There shall be an official "grievance procedure" and at least one employee designated to coordinate the school's "efforts to comply with and carry out its Title IX responsibilities." If that clod in the chem class fails to cease and desist with his "unwelcome" attention even after you report him to the designated officials, or if the officials fail to apply the official "disciplinary procedure," or even if they fail to resolve the complaint in a "prompt and equitable" fashion, you can have the school district investigated by OCR. And if that doesn't work you can sue.

More...

it: Call up the Department of Education and ask for a

All sarcasm aside, it's plain that what Norma Cantu's guidelines are designed for is to be an engine of social change. The "peer sexual harassment" guidelines are not really about sexual harassment as laymen understand the term. They are not about a form of extortion or blackmail, occurring between boss and worker or teacher and student, where there is something of value—favors or raises or grades—to be

exchanged or withheld as the case may be. That's what sexual harassment once meant, but innovative lawyers and judges have refined the concept to include the actions of supposed equals, fellow workers or fellow managers, and even to take account of the "environment"—the atmosphere or tone of personal relations that management either imposes or allows to prevail. One of the special features of this area of the law is that it allows the victims to define what is permissible behavior and what is not, to their own satisfaction, after the fact. If you declare that an environment is "hostile" to you, you have a case.

This is an expansive legal concept indeed, and the legal substance of the new Education Department guidelines is their assertion that the prevailing law of the workplace is also the law of the classroom, the school bus, and the playground. One student's horseplay can be another student's "hostile environment," which can "adversely affect a student's education," which may be a form of discrimination by sex, the elimination of which was the purpose of Title IX.

This is how the Education Department now interprets the law. If a 6-year-old Georgie Porgie kisses the girls and makes them cry ("unwelcome behavior"), he is the equivalent under the law of a longshoreman who pins up *Playboy* centerfolds that make a female co-worker uncomfortable. And the school district is as liable for not taking seriously the actions of our harassing Georgie Porgie as the longshoreman's boss would be for not controlling what is pinned to his bulletin board.

It so happens that a real-world Georgie Porgie, 6-year-old Jonathan Prevette of Lexington, N.C., made national headlines last fall when he was punished by his school for kissing a classmate. His mother understandably raised a fuss, and a spokeswoman for the school district explained that "a 6-year-old kissing another 6-year-old is inappropriate behavior. Unwelcome is unwelcome at any age."

Jesse Helms, running for reelection and with a nose as good as anyone's for sniffing out a political opportunity, embraced young Jonathan on the campaign trail. Figuratively speaking, Norma Cantu now seeks to embrace Jonathan as well, thereby disguising her social revolution as a reasonable and commonsensical application of the law.

When she released the final draft of the Office of Civil Rights Sexual Harassment Guidance on March 13, it was with the announcement, swallowed

whole by a gullible media, that the guidelines declared Jonathan Prevette innocent of harassment. The AP story set the tone for the coverage that followed: Under the headline "Education Department clears

young kisser," the wire service explained that "Jonathan Prevette, the first-grader who was punished last year for kissing a girl at school, can put his mind at ease" because the Clinton administration has declared that "a peck on the cheek by a 6-year-old falls short of sexual harassment." What's more, the story went on, the department "called upon 'the judgment and common sense' of school officials when fighting harassment."

Now it is literally true that the guidance asserts these things in its introduction. But the other 22,000 or so words in the document put the lie to this sunny assessment. Because it was politically convenient, Norma Cantu's office decided to impugn the judgment and common sense of local school officials. But if those local school officials have lawyers with common sense, they will be crazy not to crack the whip when 6-year-old boys kiss their classmates, especially if the classmates complain. What the North Carolina official said last fall—"unwelcome is unwelcome at any age"—is as apt a six-word summary of Norma Cantu's federal guidance on the subject as any. It's well and good for the Department of Education to invoke judgment and common sense. But those are precisely the qualities that no prudent local official reading the new guidelines has any grounds to imagine he will find in Washington.

Sexual harassment guidelines are an especially powerful engine of social change because it takes courage for a politician to stand up and call them legally mischievous, if not fanatical. Someone will certainly accuse him of being on the side of the rapists. But of course, he is no such thing. True patriarchs never said "boys will be boys." To them, rape was a capital crime. By the same token, no one really believes that American public schools—which are bastions not of unreconstructed male chauvinists but mainly of professional women—are cavalierly allowing girls to be preyed on because responsible federal oversight has been lacking till now. If students are preyed on in the American educational system, it's because of generalized disorder and eroded authority, not some deep-rooted sexist plot to favor boys that only federal power will suffice to exterminate.

But unless someone contradicts the Norma Cantus on this point, they will prevail. It will turn out that, in More...

fact, assistant secretaries of education *can* overrule the considered opinions of U.S. circuit court judges, either by personal letter or via guidance documents duly published in the Federal Register over their signature.

And who will contradict the Office for Civil Rights? Certainly not Cantu's superiors in the Clinton administration, who have never publicly expressed anything but the deepest satisfaction with an office that keeps the Left happy at no cost whatsoever to the administration's reputation for amiable, bumbling, corrupt, Keystone Kops centrism.

There are a few federal judges who will do so, but judges eventually get tired of upholding the law unless they receive some aid and comfort from the lawmakers themselves. Only Congress is left. The Office of Civil

Rights is known to favor informal proceedings and a quiet resolution of differences when it audits school districts for compliance with federal anti-discrimination law, so the House leadership could take a similar approach and delegate a staffer to call Cantu's office for a chat: "What's up with the assistant secretary on sexual harassment and *Hopwood*?" they could ask one of her aides. "We were just looking over your enforcement budget for the next fiscal year and wondered

what exactly you would be enforcing. The laws Congress has passed? As interpreted by the federal courts? Or did you have something else in mind?"

It would be healthier, though, if the Republican congressional leadership summoned up the fortitude actually to hold public oversight hearings on Norma Cantu's reign. For one thing, on a purely practical lev-

el, the new guidelines make it likelier that public schools which don't manage to control the boorish and vulgar impulses of children to the satisfaction of litigious parents will find themselves contending with a new and expansive tort liability. A Congress that has made reining in torts a front-burner issue might want to find out from school administrators and their lawyers across the country how much they expect to be shelling out to insure themselves and otherwise defend against this expensive new risk.

More fundamentally, it is still supposedly the case that Congress is the federal legislative body, not the Office of Civil Rights at the Department of Education. If Congress doesn't check Norma Cantu's runaway leftism, it won't really be fair to complain that she holds herself above the law. Congress will have decided: Ms. Cantu is the law. ♦

Richard Starr is managing editor of THE WEEKLY STANDARD.

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USA celebrates Title IX 25th anniversary

By Carolyn White
USA TODAY

National Girls and Women in Sports Day

This year marks the 25th anniversary of Title IX and a contingent of world champions, Olympic heroes and professional athletes will be in Washington Thursday to celebrate National Girls and Women in Sports Day.

At the same time, lawyers for Julie Grandson, a former Minnesota-Duluth soccer player who quit the team because she couldn't get a scholarship, will work on the gender equity lawsuit they filed in U.S. District Court in Minneapolis.

Both the celebration and the lawsuit fit into the National Girls and Women in Sports Day agenda — to bring attention to not only the achievements but also the roadblocks thwarting their progress.

National Girls and Women in Sports Day, traditionally held on the first Thursday in February, attracts thousands of athletes and coaches.

Not all travel to Washington. Cities, universities and schools throughout the U.S. will host

their own celebrations.

First staged in 1987, National Girls and Women in Sports Day began as a tribute to Olympic volleyball great Flo Hyman. Known for her efforts to assure equality for women in sports, Hyman died in 1986 of Marfan syndrome, a tissue disorder that affects bones, ligaments, eyes, heart and lungs.

Five groups are sponsoring the Washington celebration: The Women's Sports Foundation in New York, the National Association for Girls and Women in Sport (Reston, Va.), Girls, Inc. (New York) and the Girls Scouts of the USA and the YWCA of the USA.

Among those attending: Olympians Janet Evans (swimming), Jennifer Azzi (basketball) and Michele Smith (softball) and Saudia Roundtree of the Atlanta Glory of the American Basketball League.

Tennis great Billie Jean King, one of the founders of the

Women's Sports Foundation, will kick off activities at a news conference reflecting on 25 years of Title IX progress.

On Thursday, celebrated athletes will brush shoulders with members of Congress during a 2-mile fitness walk on the Washington Mall (the public is invited).

From there, athletes will head for Capitol Hill, to meet with lawmakers on the issue of gender equity. The winner of this year's Flo Hyman award

will be announced during a luncheon at the Russell State Office Building.

Elsewhere in the USA:

► Sixteen of the nation's top 25 Women's Basketball programs are participating in the "Take A Girl To the Game" Program, which gives free admission to any girl accompanied by a paying adult through the end of the regular season. Last year, more than 250,000 young women attended free at 75 participating colleges.

► After showing a video highlight film on its women's sports teams, Fresno State will admit all girls and women to its basketball game against San Jose State for \$2.

► A fitness walk sponsored by the YWCA of Buffalo will be followed by a talent and fashion show.

► On Saturday, Wellesley (Mass.) College will host a Parade of Future Champions for more than 100 girls. It will also honor its conference champions (lacrosse, soccer, tennis, field hockey and volleyball) during halftime of its women's game with Clark (Mass.)

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STATUS QUO: Michigan State athletic officials announced the men's lacrosse and fencing teams will drop from varsity to club status, while women's crew will go varsity. That helps make the school one of the few to comply with Title IX, the 1972 federal law requiring equal representation of the sexes in college sports. Michigan State will try to certify its compliance with the NCAA this month.

The frenzy was the biggest single-day total in the last decade. Shepard received 99 phone calls between 7:30 a.m. and 4:30 p.m. He gave seven television interviews and had journalists in his office until the doors were locked at 5 p.m.

All for a 17-year-old freshman-to-be.

News media flocked to various points on campus including White Plaza, Tresidder Union and The Daily office to interview students.

"A lot of the editors and writers here are baby boomers with kids making college choices," Shepard said, adding that there have been several stories in major newspapers on making college decisions and paying for college.

Let's not forget, though, that this one involved the daughter of the president of the United States.

Shepard finally saw a positive story about Stanford hit the national wires that

was not generated by University Communications. And he couldn't even comment on it.

"We are very pleased that Chelsea will attend Stanford," Shepard's statement read. Oh, we're more than pleased. But, of course, if he said, "We're seriously psyched she's coming," there probably would have been 10 more East Coast editors sending reporters out to the Farm. ■

24. Star-Tribune Newspaper of the Twin Cities Mpls.-St. Paul

05/01/97; Edition: METRO; Section: NEWS; Page 02B

More women athletes sue UMD, charging gender bias

Two soccer players and a hockey club player say they are seeking equal funding for women's teams.

By Larry Oakes
Staff Writer

Three more female athletes filed suit against the University of Minnesota-Duluth on Wednesday, adding their voices to those charging that UMD violates federal law by denying female athletes the same opportunities it extends to male athletes.

Soccer players Jennifer Ann Thompson and Ginger M. Jeffries and women's hockey club player Renata D. Lindahl sued in U.S. District Court in Minneapolis on behalf of all female students at UMD. They are asking for a court order forcing UMD to comply with Title IX, a law prohibiting gender discrimination by schools that get federal funding.

Spokeswomen for both UMD and the University of Minnesota general counsel's office declined to comment late Wednesday afternoon because they had not yet seen the suit.

The class-action suit comes on the heels of a suit filed in February by Julie Grandson, a UMD soccer player who said she had to quit her sport because scholarships were unavailable to the all-female soccer team but were offered

disproportionately to male athletes.

Minnetonka lawyer Steve Samborski, lead attorney on both lawsuits, said he and co-counsel Diane Henson, a Title IX expert from Austin, Texas, may go to court soon, asking for an injunction prohibiting men's sports at UMD until the university complies with Title IX.

Records show that in the 1994-95 school year, women accounted for 33 percent of UMD's athletes, but their teams received only 16 percent of athletic scholarship money, 18 percent of recruiting funds and 25 percent of the total spent on coaches' salaries. The inequities existed despite an annual \$600,000 from the Legislature earmarked in the 1980s to help University of Minnesota campuses comply with Title IX.

"Title IX has been in effect for 25 years," the suit filed Wednesday says. "It is inexcusable that UMD has yet to comply."

Last month the U.S. Department of Education's Office of Civil Rights (OCR) agreed not to pursue a gender-equity investigation against UMD if the university makes significant progress toward equality for female athletes during

the next three years. Chancellor Kathryn Martin already had pledged such progress after receiving the report of a women's athletics task force she appointed. Her proposed changes include plans to triple financial assistance to female athletes next year. Violating the settlement could prompt the Oto reopen its investigation and ultimately withhold federal funds from UMD.

Samborski said UMD's promises in the OCR settlement "mean nothing to us. We want a court order that brings them into contempt of court if they don't come into compliance."

The suit filed Wednesday asks for court certification of the class action; a declaration that UMD has a pattern of discrimination in athletics; a permanent injunction against such discrimination; elevation of the women's hockey club, soccer team and other sports to the same status as men's hockey (NCAA Division I); equality for women's teams in everything from coaches' salaries to travel to equipment, and "remedial action" to make up for past discrimination.

■

25. The New York Times

05/02/97; Edition: Late Edition - Final; Section: Section B; Metropolitan Desk; Page Page 1, Column 3

No, It's Not a Line For a Rock Show, It's Kindergarten
Parents Wait Hours and Days For Places at Local

Schools

By JACQUES STEINBERG

It was 2:30 in the morning yesterday in Long Island City, Queens, when Carol Velky gently roused her 7-year-old daughter, Christina, and 4-year-old son, John, for what she said would be "an adventure."

They had to leave especially early for school, even though it is only four blocks away.

Their quest was to register John for kindergarten next fall. And only in a place like New York City, where hundreds of schools are severely overcrowded, would such a seemingly routine task cause a family to get up in the dead of night to stand in line for more than four hours.

"We're supposed to have a system that guarantees you an education for your kid," said the children's father, Stephen, who was waiting with his family outside Public School 70 at 6 A.M. "It shouldn't be this difficult."

That registering for kindergarten has become so cumbersome is yet another inescapable trade-off of New York City living: while the school system has grown by nearly 20,000 students this year and is projected to do so again next year, the number of classroom seats has lagged. The crunch will be felt by many of the 75,000 kindergartners entering school in September.

Although the school system guarantees these students space somewhere, hundreds of the city's 660 elementary schools simply do not have enough room for all the children in their neighborhoods, leaving enterprising parents to wait in line for the few open seats. Those are often available on a first-come, first-served basis. Children who lose out must often be bused to a less crowded school. And if the school they are applying to has high test scores, it may draw even longer lines of hopeful parents — some from outside the neighborhood — hoping to snare an empty seat.

The anxiety and frustration written across the faces of the parents outside P.S. 70 has been mirrored across the city in recent days. The process of kindergarten registration, which requires parents to produce reams of paperwork, including proof of residence and immunizations, officially began on Monday and will last until the early days of the new school year. During the actual

registration, the children must be present.

This year was supposed to be less stressful, with the city planning to install temporary trailers as classroom annexes on some school playgrounds by next fall. But because the schools are still short by thousands of classrooms — the system's population of 1.1 million is the highest in a generation — many parents interviewed this week were facing the prospect of having their 4- and 5-year-olds closed out of the elementary schools closest to their homes if they were not among the first in line.

At P.S. 29, an overcrowded school in Flushing, the line on the first day of kindergarten registration began forming at 3 A.M., because only 25 children would be accommodated in the school building's lone kindergarten classroom. The rest would be taught in newly leased classrooms at a Lutheran school four blocks away. And that is a major improvement over last year, when all but 25 kindergartners were separated from older siblings and sent by bus to other schools.

Parents learned this week that at P.S. 246, a school of more than 1,000 students near Fordham Road in the Bronx that is already swollen well over its capacity, there was no advantage to getting in line early: all the school's kindergartners would be bused to a school more than a half-hour away.

And at P.S. 290 on the Upper East Side of Manhattan, one of the highest-scoring schools on citywide reading tests, more than 200 parents living outside the immediate neighborhood have applied for perhaps eight remaining kindergarten spots.

The other 70 or so slots have been reserved for parents who, by virtue of their residence nearby, automatically qualify to send their children to the increasingly popular school. Known as the Manhattan New School, P.S. 290 has recently drawn parents away from elite private academies like Brearley, but it can grow no larger because its 95-year-old red brick building is so small.

"You really want to know what this is like?" asked Denise Camilleri, who lives across the East River in Astoria, Queens, and who has weathered many sleepless nights worrying if her son, Peter, 6, will get one of the precious slots left at P.S.

290. "It's hell. It's nerve-racking. For months and months you are in agony."

The agitation was palpable as well at P.S. 34 in Williamsburg, a Romanesque-style building that began its life in 1867 as a hospital for Civil War veterans. It currently operates at 160 percent of its intended capacity.

The school principal, Joseph Caldane, assured the jittery parents that he would somehow find room for all the kindergartners from the neighborhood. But many parents on Wednesday said they had been irritated when they were asked to leave the school midway through the registration process the day before because the only space large enough to accommodate them, the cafeteria, was needed to serve lunch.

"A lot of people were angry," said Barbara Trera, clutching her son, Jaroslaw, "because they work and it's hard to get another day off."

Emotions were also running high at P.S. 246 on the Grand Concourse in the Bronx, where Irene Molloy and dozens of other parents learned on Wednesday that the school was so overcrowded that there would be no kindergarten next year and that all of their children would be riding buses to P.S. 257, a school none knew anything about.

For Ms. Molloy, that meant that her younger son, who is 4 and entering kindergarten, and her older son, who is in second grade at P.S. 246, would be going to different schools.

"I don't like it," she said. "If anything happened, I don't know how far away this new school is."

At Public School 20 in Flushing, the lines that began forming after midnight on Monday morning were not for kindergarten; they were for a state-funded prekindergarten program that could accommodate 36 3-year-olds. More than 100 parents, including Mohammad Noor and his son, Shamiyun, 3, were waiting there.

"We want to give him the best education," said Mr. Noor, a native of Bangladesh.

In Long Island City outside P.S. 70, the hulking five-story building where the Velky family was waiting with dozens of others who had begun gathering around midnight yesterday, the lack of information only heightened the anxiety.

Many said they feared that they would

but local school districts will determine how the material is taught, he said.

Critics of the proposed standards contend they are too detailed and take

away much of the autonomy local schools have historically enjoyed in Maine. Opponents also have argued that

the standards will cost too much for schools to put in place, and are not needed. ■

COMMENTARY

56. Detroit Free Press

May 2, 1997

Our best and brightest ignored by media

By Bob Talbert

Several records were set Monday at Cobo Center Riverview Ballroom.

There were reams of newspaper stories about one: Microsoft's Bill Gates, worth more than \$33 billion, breaking the Detroit Economic Club attendance record with an audience of 7,600.

TV and radio were also all over the Gates story and his \$2 million in gifts, software and technical services to Focus:HOPE and the Detroit Public Library Internet Lab.

A worthy story, of course.

But what about the other records broken at Cobo Monday?

There wasn't even a one-inch story in the Free Press or News about them being set. Nothing on radio, either.

The media knew in advance that the Detroit Association Phi Beta Kappa's 49th annual Honors Convocation was taking place Monday night, recognizing area high school seniors who've maintained a 3.75 grade point average during their high school career.

They recognized a record 2,745 students with 3.75's from a record number of area schools, 154. With almost 1,000 of these top scholars attending in person and another 2,000 very proud family members looking on, it was a record attendance for the Detroit Honors Convocation, says Carol P. Klein, president of the local Phi Beta Chapter since 1986.

In this day and time, it sometimes

seems schools and student proficiency are always being bashed. So wouldn't you think there'd be some interest in a story about these best and brightest high school seniors; a positive story about teens who've worked hard and paid the price to achieve their remarkable scholastic records?

These are young people who never had to be told to do their homework or assignments. Young people who find time to volunteer and participate in a variety of things, too. Motivated and goal-oriented young people who may change the world.

Who knows, there may have been another Bill Gates-in-the-making in the Riverview Ballroom that evening. As Isabel Smith put it so well when she presented special scholarship awards from the Matilda R. Wilson Fund to more than 100 4.0 students, there's nothing these students couldn't accomplish if they stayed together and joined all that brain power for the good.

A record number of smart young people honored, and hardly anyone knew.

At least Channels 2, 7 and 50 did have cameras recording the smiling faces of our smartest high school seniors who set the record. There were no TV reporters there, though.

But I guarantee you that, if they brought 1,000 of the area's top high

school senior athletes into the Riverview Ballroom to be singled out and honored. TV would have covered some part live, and the newspapers would have had special pre-event sections on the jockfest. In fact, they might have even cosponsored it.

I wrote a column about last year's convocation and was amazed to find out I had been the only writer to note this worthy event in nearly a decade.

I was honored to be asked and it was my privilege to speak to those 3,000 Monday night, to challenge the brightest ones to prove they are the best. I wanted to let them know someone in the media does care about the smart ones.

I let the scholars know how much their program's volunteer participants — Klein, Smith, convocation secretary Katherine A. Howell and Dr. Donald Haase, president of Wayne State University's Phi Beta Kappa chapter — cared about them, too, to make sure this annual event honoring senior scholars keeps growing. How much Harold Arnoldi and his WSU Symphonic Band cares, the students giving up a free evening and Arnoldi conducting for his 28th convocation.

Throughout the years, more than 50,000 area seniors have been recognized at the Phi Beta Kappa's honors convocation. Next year's the 50th. Maybe the media will pay attention to it then. ■

57. Los Angeles Times

* 05/02/97; Edition: Home Edition; Section: Metro; Op Ed Desk; Page B-9.

Today's Girls Run, Jump and Race the Wind; Title IX: Equal opportunity in sports isn't a reality

everywhere, but the law has opened minds along with locker room doors.

By SANDRA BAILEY

Sandra Bailey is Olympics editor of Sports Illustrated and editor of its new magazine, *Women/Sport*

My daughter was 7 when I hung the picture on her bedroom wall. It showed Carl Lewis, captured a heartbeat after he crossed the finish line at the 1984 Summer Olympics, pumping his fists toward the sky and looking like the most satisfied man in the Los Angeles Coliseum. Lewis won four gold medals at those games. How could anyone gaze on such a triumphant image and not want to share the joy of competition, not be inspired by the glow of physical power?

I am a sports journalist, and I have always enjoyed sharing my work with my daughter. Take Our Daughters To Work Day? I liked the idea from the beginning, but I also liked to bring my work home to her, and to my son, sometimes with pictures and sometimes with words. I was constantly amazed at how many lessons came along with the package.

When we lived in Paris in 1991, the Los Angeles Lakers came to play in an exhibition tournament and my children loved looking at the man with the biggest smile they had ever seen. Two weeks later, they would see that face on front pages of every newspaper on every kiosk, and we had our first conversation about what it means to be HIV positive and what the term "safe sex" is all about. The following summer, the lesson continued when Arthur Ashe lost his life to AIDS. We talked about how Ashe contracted his illness in a far different fashion than Magic Johnson, and how he had lived out his final days fighting ignorance and prejudice about the

disease.

That was not the only lesson about prejudice. When my daughter was in kindergarten, she told her teacher that her mother was covering the French Open. "That can't be true," the teacher replied. "Only men do that." Of course, I told my daughter that wasn't true. Yes, I said, far fewer women than men write and edit sports stories, but no profession is off-limits to girls. No door is so tightly closed that it cannot be pushed open.

In 1976, the year I became a sportswriter, women were barred from locker rooms, no woman had ever been the sports editor or a sports columnist at a major daily newspaper and, aside from tennis, golf and the stray Olympic report, women's sports were routinely ignored. This was four years after the enactment of Title IX, the federal law requiring schools to guarantee women students the same right as men to participate in athletics—a right buttressed April 21 by the Supreme Court.

It took a while for the effects of Title IX to be felt. It took the repeated filing of lawsuits by women denied the opportunity to play on teams at their schools. Even today, compliance with Title IX's key guideline (at schools receiving federal funding, sports participation must be guaranteed at a percentage proportionate to the overall female student population) is nowhere near the standard among colleges.

But the mere existence of a federal law giving women the right to play changed the perceptions of a generation of girls. In the 1996 Summer Olympics, more women competed than ever before and their unprecedented success meant

that little girls would never again lack for heroes who look like them.

Don't doubt for a minute how important that is. I started out 21 years ago in a sports department with seven others, all men, and knew only one woman sportswriter, a pal from college. She and I stood outside locker rooms waiting for interviews, grateful we worked at afternoon newspapers with deadlines that did not require us to get a quote the instant a game ended. We weren't afraid of what coaches and athletic directors who didn't want us inside those locker rooms would think if we pushed the issue. We were afraid of what our editors would do with future assignments if they realized our access was limited.

I found my first hero in 1978, when Melissa Ludtke Lincoln of Sports Illustrated successfully filed suit to gain admission to the New York Yankees' clubhouse. The women who come into sports journalism today don't dream of being Red Smith. They dream of being Claire Smith, a baseball writer and columnist for the New York Times, and women like her.

And the girls who pick up balls and bats, who run and jump and race the wind, don't dream of being Carl Lewis. My daughter was delighted when he won a gold medal last summer in Atlanta. But another athlete who also made a mark at those Olympics graces her door today: a charging, sweating, well-muscled woman named Mia Hamm, the star of the gold medal-winning U.S. soccer team. She is kicking a ball. She is yelling. She is beautiful. She is everything my daughter should know about my work. ■

58. Christian Science Monitor

05/02/97; Edition: ALL 05/02/97; Section: OPINION/ESSAYS; Page 19

Including a Little Girl Named Colleen; From watching kindergartners with their special-needs classmate, a mother learns about acceptance

By Valerie Schultz

The list of new kindergartners assigned to Room 23 is short: 18 names,

including my daughter Mariah's. In California, 18 is a small class. "That's because," another mother tells me,

"there's an autistic child in Room 23. She takes the place of four." I file that information away, under Things to

A DISTANT SECOND

College sports for women still given unequal play

BY HEATHER NEWMAN

Free Press Staff Writer

Twenty-five years after Congress first told colleges to treat male and female athletes the same, schools still spend the lion's share of their sports scholarship, operating and recruiting money on men.

Despite the federal law known as Title IX, women lag behind men in nearly every measure of collegiate athletic equality, according to a computer analysis of school records by the Free Press.

"There's no women's sport that gets the attention that men's sports

do," said Michigan State University gymnastics coach Kathie Klages.

The analysis of 302 coed schools in the National Collegiate Athletic Association's Division I, which includes many of the largest universities, shows Michigan's schools below the national average.

Central, Eastern and Western

Michigan universities are in the bottom third in sports participation by women. Western ranks 271st in the gap between women in its student body and women who play intercollegiate sports.

Nationally, 52 percent of NCAA Division I college students are women, but just 37 percent of college athletes. The Free Press analysis shows women's sports get 25 percent of athletic budgets, 27 percent of recruiting dollars and 38 percent of financial aid.

Just 25 percent of coaches are women; more than half of women's teams have male coaches, and the coaches of women's teams earn 67 cents for every dollar paid to coaches of men's teams.

Despite the numbers, female athletes and coaches say things are improving, and that blatant sexism, at least, is fading.

"I didn't hear anything like, 'You're just trying to be a boy,'" said MSU basketball player Paula Sanders. "Since fifth grade, I've had equal facilities and things like that. I can't think of a problem."

EMU volleyball coach Kim Berrington remembers that when she was a player, at another school, no one would keep stats for her team. Men got the prime gym time of 2-4 p.m.; women had to work out in the morning or at night.

"You still hear athletic directors saying, 'We only have women's programs because we have to,'" she said. "But those people are in the minority, whereas 15-20 years ago they were the majority."

When MSU women's basketball coach Karen Langeland began her career in East Lansing 20 years ago, players were relegated to the intramural arena, she made \$6,000 a year and 25-30 people attended games. The team traveled by van and crowded station wagon and only dreamed of getting news coverage.

Now, the MSU women play in the same arena as the men's team. Their last home game drew 7,900 fans. The team travels by charter bus, gets free practice clothes and four or five pairs of shoes per player and some TV

games. This weekend's NCAA women's basketball championship will be on national television.

Jennifer Parks, former swimming coach at Eastern and Michigan State and now a professor at Ferris State University, remembers her early days as a competitive swimmer in the 1960s and her first experiences coaching in the early 1970s.

She was expected to teach six classes while coaching; the coach of the men's team taught one. Parks could not get tenure; the men did. Women had no scholarships or recruiting budgets. Her team traveled in three station wagons; when one wouldn't start one day, she had to leave behind six swimmers.

"There was such a huge gap to begin with," Berrington said. "Have there been huge strides? You bet. No doubt. But it's a slow process."

Part of the delay has been due to the nature of Title IX, which promised equal opportunities for women at

educational institutions in general terms when it was passed in 1972. The original code was unclear on how or whether gender equity in sports would be enforced.

"It was completely ignored," said Betsy Alden, athletic director at San Francisco State University and president of the National Association of Collegiate Women Athletic Administrators.

Theoretically, the U.S. Department of Education's Office of Civil Rights could take away all federal funding from a school in violation of Title IX. It's never happened.

But what lately has drawn the attention of athletic directors are court decisions that women suing under Title IX are entitled to monetary damages.

"We do not want to be taken to court," said Merritt Norvell Jr., athletic director at MSU, which has improved locker rooms for women, added a weight room, adjusted salaries and scholarships and budgeted more to recruit female athletes.

Administrators are keeping an eye on cases such as one against Brown University in Rhode Island, now awaiting a Supreme Court hearing. In that suit, a judge ruled that Brown had to show athletic participation

rates equal to the gender makeup of its student body.

That is one of three standards used by the U.S. Department of Education's Office of Civil Rights. If schools can show an equal percentage of female students and female athletes, they are considered to be in compliance with Title IX.

Schools that can't meet that goal can show they have recently added opportunities for women, or show they are providing all the sports needed to satisfy the interests of female students.

Ferris State in Big Rapids drew the ire of the Office of Civil Rights

under that test when it tried to cut both men's and women's sports during a "financial restructuring" in 1992, Ferris athletic director Larry Marfise said.

The members of the women's track team, which was to be eliminated, sued under Title IX. Their suit eventually was dropped, but the Office of Civil Rights stepped in and the school signed a settlement.

"The men's programs took a big hit. The university slashed budgets. We took general fund support from football and moved it to other sports," Marfise said.

Ferris is not alone in its measures

to equalize athletic participation.

MSU dropped men's lacrosse and fencing this year and added women's rowing, or crew. "It's an extremely touchy subject around here," said Klages, MSU's gymnastics coach.

Sanders, an All-Big Ten forward and cocaptain of the MSU basketball team, said she was "stuck in the middle."

"I would have been upset if I were a guy and my sport was cut for women's crew," she said. "But it could have been totally avoided if from the start it had been equal with women and men."

Other Michigan schools said they're facing similar choices.

"It's devastating," said MSU's Norvell. "You're taking away a lot of dreams. But it goes with the job now."

Briony Lecky, captain of the MSU gymnastics team, said she thinks schools should look harder for other ways to raise or save money.

"The men who aren't in the major revenue sports kind of get the short end of the stick," she said. Because of the need to spend more on women's sports with fewer athletes, her gymnastics program gets more than the men's program, Lecky said.

That reverse inequity is caused in part by one giant problem for most universities trying to fix their numbers: football. No women's team can compete with the dozens of men on the average Division I football team.

Football is the reason Michigan universities often consider crew when they decide to add women's sports. The rowing sport has slots for up to 100 athletes, and strong club teams are in place at some schools.

MSU and U-M have both recently added crew. "It adds 75 bodies to our program," Norvell said. "It can add 100 or more."

Other popular additions, because of the chance for local conference play, have been soccer and field hockey. Jim Weaver, the athletic director at Western Michigan, said his university added women's soccer this year, will add swimming in 1998-99 and two more women's sports before the year 2000 — possibly precision ice skating and ice hockey.

"There was some talk a few years

ago about dropping some sports, but that's been discontinued," he said.

At Eastern Michigan, athletic director Tim Weiser said his school added women's golf and soccer a year ago. EMU, like many Division I schools, also specifies the maximum number of men on teams and the minimum number of women.

The changes made in the name of Title IX have caused some backlash.

Katie O'Shaughnessy, head women's soccer coach for Western Michigan, senses resentment from men's coaches over her budget.

Peg Bradley-Doppes, senior associate athletic director at U-M, said she was aware of grumbling from men about additional money being spent on women's programs there.

And Parks said Title IX was blamed for cuts at Ferris that may have been coming anyway because of budget problems.

"It's a decision no athletic director wants to make," said San Francisco State's Alden. "I hope I never have to cut another sport in my career. I don't think it's fair that we're cutting men's sports."

"What angers me is that because people have put their heads in the sand for 25 years, we've been forced to make these decisions now. If planning had been done appropriately, we wouldn't have had to drop these sports."

Bradley-Doppes said U-M hopes the additions of women's soccer and crew will take care of the problems.

"It's not enough to show good-faith effort in the right direction," she said. "We're looking at the numbers. . . . It's going to be constantly a challenge."

How this report was done

The Detroit Free Press and seven other Knight-Ridder newspapers compiled a database from Equity in Athletics Disclosure Act forms from the 302 Division I universities that had female students in the 1995-96 school year. Free Press staff writer Heather Newman analyzed the information. The University of Northern Iowa was removed from the database due to incomplete information.

'I COULD SEE THEIR EARS PERK UP'

Jamie Collins stepped to the front of the classroom and looked out at the sea of expectant fifth-grade faces.

She was among former students who had returned to their grade school, Anderson Elementary in Trenton, for its anniversary celebration two weeks ago. The alumni were supposed to tell current students what they're doing now.

Collins, 23, had just graduated from Concordia College in Ann Arbor. She had no job, so she told the class about her days playing volleyball.

"I could see their ears perk up when I mentioned sports," she said. "They couldn't believe that I went to college and played sports in college. They had all kinds of questions: What grades do you have to get to go on? What about sports helping people stay off drugs? It was the girls; it wasn't just the boys."

Women's college coaches say athletes like Collins will be responsible for filling rosters with young women in the next five to 10 years.

"I think the biggest asset of this whole Title IX thing will be the numbers of women that come out of these programs, that act as role models," said Kim Berrington, Eastern Michigan's volleyball coach.

By Heather Newman

TIME

10.

Brown U. Asks Supreme Court to Reverse Ruling in Landmark Gender-Equity Case

Brown University on Wednesday asked the U.S. Supreme Court to overturn its defeat in a landmark case on gender equity in athletics.

In asking the Court to hear its appeal of *Cohen v. Brown*, the university argued that a key federal anti-bias law had been interpreted incorrectly by the U.S. Court of Appeals for the First Circuit, which heard the case most recently; by the U.S. Department of Education's Office for Civil Rights, which administers compliance with the law; and by four other federal appeals courts that have ruled on similar cases.

The Justices are likely to decide by mid-May whether to hear the case.

"Brown University designed its athletic program to accommodate the interests and abilities of all students, without regard to gender," said Laura Freid, Brown's executive vice-president for external affairs, in a statement announcing that the appeal had been filed. The program had been ruled out of compliance with Title IX of the Education Amendments of 1972, she said, because the appeals court had erroneously assumed that women were as interested in playing sports as men were. Title IX prohibits discrimination on the basis of sex at institutions that receive federal funds.

Supporters of the appeals court's decision disputed that analysis. "Unless you believe that premise [that men are more interested in playing sports than women], the rest of their argument falls flat," said Deborah L. Brake, senior counsel for the National Women's Law Center. "But what Brown misses is that opportunity is what drives interest. Universities, in determining what sports they are going to offer, are also determining the proportions of men and women in their athletics programs."

The case dates to 1992, when female gymnasts and volleyball players sued Brown after it had cut off financial support to their teams. *Cohen v. Brown* quickly became the most closely watched Title IX case ever.

In March 1995, U.S. District Judge Raymond Pettine, who had earlier ordered the teams reinstated, found that Brown had discriminated against the women and ordered the university to submit a plan for complying with Title IX. Brown appealed the decision to the First Circuit. Last November, a divided three-judge panel upheld the lower court.

The appeals court "committed virtually every error that this Court has warned against" in interpreting statutes such as Title IX, wrote Maureen E. Mahoney, the university's new counsel of record, in Brown's brief to the Supreme Court.

Chief among those errors, she argued, was the appeals court's decision to ignore the relative interest of men and women in participating in intercollegiate sports when it judged whether Brown had met the "interest and abilities" of female athletes as fully as it had met those of men.

Arthur H. Bryant, executive director of Trial Lawyers for Public Justice, and a lawyer for the female athletes, said Brown's appeal to the Supreme Court was "disappointing" but "not surprising."

He said the university's brief "misrepresented" the facts of the case and the ruling of the appeals court in an attempt to show that Title IX, an anti-discrimination statute, was being used as an affirmative-action statute.

"What Brown is doing is asking the Court to say that Brown is right and everyone else is wrong," he said. "And I don't believe the Supreme Court is going to do that."

— Jim Naughton

Colleges score low on gender-equity test

By Erik Brady
USA TODAY

More than half of the undergraduates at Division I schools are women, but almost two-thirds of the athletes are men.

That's the score as Title IX — the landmark legislation that prohibits sex discrimination in schools — approaches its 25th anniversary in June. USA TODAY surveyed 303 NCAA Division I schools to get the numbers.

It's a comprehensive look at Title IX, made possible by the Equity in Athletics Disclosure Act, which now requires colleges to make participation and financial data public.

USA TODAY will, over three days, publish figures from every coeducational Division I school. Our surveys in the past included only Division I-A, the big-time football schools.

"Substantial proportionality" is one of the tests that the Department of Education's Office for Civil Rights uses to decide if a school

is in compliance with Title IX. It says the percentage of female athletes should be close to the percentage of female undergraduates.

At only 28 Division I schools — 9% — do female athletes come within five percentage points of women enrolled. Women get 38% of scholarship money, 27% of recruiting money and 25% of operating budgets.

The number of women participating in college sports is up fourfold since 1972 and up 22% in Division I since 1992.

MARCH 3, 1997 • USA TODAY

Title IX improves women's participation

By Erik Brady
and Tom Witosky
USA TODAY

Title IX was supposed to change the world. And it has: The number of women participating in college sports has jumped fourfold since the law was enacted 25 years ago.

But the world changes slowly. USA TODAY surveyed 303 Division I schools to see where Title IX has taken us in its 25 years and found that men still get most of the money.

Taken together, the results are like a good news, bad news joke. The good news: The number of female athletes has increased 22% since 1992. The bad: For every \$1 spent on women's college sports, \$3 is spent on men's.

Female athletes get just 38% of the scholarship money, 27% of recruiting money and 25% of operating budgets.

"It is encouraging to see the increases for women but very discouraging to see that they are not really sharing equally in the money," says Patty Viverito, chairwoman of the NCAA's Committee on Women's Athletics. "The men's side of the ledger still gets the vast amount of the money."

This report is part of an ongoing USA TODAY look at gender equity. The newspaper last took a detailed look at the issue in late 1995, when it disclosed numbers for 94 of 107 Division I-A schools. The other 13 declined to provide information.

Since then, the Equity in Athletics Disclosure Act requires all colleges to report data on men's and women's athletics. The federal law took effect Oct. 1.

The numbers in this survey are for the 1995-96 school year. NCAA officials warn that not all schools counted their numbers the same way. "I do have some concern that some fig-

ures may be skewed," director of NCAA research Ursula Walsh says. "But hopefully we can improve" when schools report new numbers next fall.

The Department of Education's Office for Civil Rights uses a three-pronged test to decide if a college is in compliance with Title IX, which prohibits sex discrimination in sports. A school is in compliance if it passes a single prong.

One prong asks if schools show a history of continuing expansion of women's athletic programs. Another asks if the interests and abilities of women athletes have been met. The only measurable prong asks if the percentage of women athletes at a school is substantially proportional to the percentage of women in its undergraduate enrollment.

Though the rules do not specify what constitutes substantial proportionality, some out-of-court settlements suggest coming within five percentage points might be enough. Using

that rule of thumb, USA TODAY found that 28 of 303 Division I schools — 9% — pass the proportionality test.

That includes nine of 108 schools in Division I-A, made up of the big-time football schools. That is the same number that passed in 1995.

Seven of 117 passed in Division I-AA, for smaller football

schools. And 12 of 78 passed in Division I-AAA, for schools with no football teams.

Critics say Title IX is a law with no teeth. Historically, it has taken takes a lawsuit by female athletes to achieve corrective action. The Office for Civil Rights can terminate a college's federal funds if it is not in compliance with Title IX — but never has.

Colleges without football were four times as likely to pass as those with it. Even so, just 12 of 78 did. Critics of Title IX often say a fairer way to assemble the numbers would be to leave football out of the

More...

Title IX improves

continued...

equation. Title IX proponents call this the "third-sex argument" — men, women and football. The law makes no provision for excluding any sport.

Schools with big-time football programs can pass the proportionality test. One that does is Washington State, which was sued under Title IX in 1979. Then, less than 30% of Washington State's athletes were women; now, it is 46%, within one percentage point of women in the student body.

One way Washington State increased its numbers was the ascension of women's crew to a varsity sport. Last year it had 103 members vs. football's 152.

But more than 90% of Division I schools do not pass the

proportionality test. That fact disappoints Christine Grant, women's athletic director at Iowa, where women are 53% of the students and 41% of the athletes.

"All this says to me is that our best-educated people in our universities have been ignoring and continue to ignore the federal law prohibiting discrimination," Grant says. "I find that infinitely sad."

Sizing up schools' Title IX compliance

About this series:

For the first time since Title IX was enacted 25 years ago, colleges must make public information on participation and spending in their athletic programs. USA TODAY obtained reports from 303 of the 305 NCAA Division I schools. (The Citadel and Virginia Military Institute were excluded.) USA TODAY's three-day series is the first comprehensive look at the most recent reports.

The 1995-96 data was analyzed by computer to see how colleges are complying with Title IX, which bars sex discrimination in sports programs.

Discrepancies exist in what and how schools reported their findings. The Equity in Athletics Disclosure Act of 1994 did not specify what form or accounting procedures should be used, nor whether the reports will be filed with the NCAA or a federal agency.

For example, at some institutions, administrative and overhead costs, which can be millions of dollars, were divided between the men's and women's budgets. Other schools put administrative and overhead costs into a non-gender-specific budget.

Also, expenses can change drastically year-to-year depending on travel or uniform and equipment purchases. Revenues might not always reflect TV income or gifts.

The breakdown of Division I schools in 1995-96:

► I-A, 108 schools with big-time football and basketball programs.

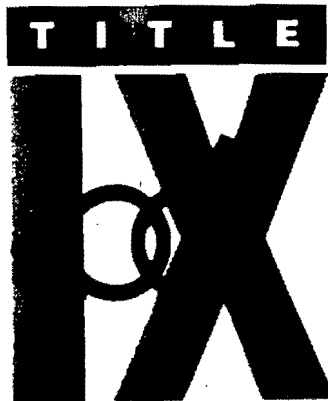
► I-AA, 117 schools with basketball and smaller football programs.

► I-AAA, 78 schools with basketball and no football.

Today: Achieving equity is a slow process.

Tuesday: Emerging women's sports. Detailed listing of all I-AA schools.

Wednesday: Detailed listing of all I-AAA schools.



Short of the goal

Passing the test

Nine NCAA Division I-A schools meet the proportionality test, one means of complying with Title IX. To pass the test, the percentage of female athletes must exceed or be within five points of the percentage of its female undergraduates.

School	Percentage of female students	athletes	Point difference
Air Force	15%	20%	11
Navy	14%	22%	8
Army	12%	19%	7
Georgia Tech	27%	28%	1
Washington State	47%	46%	-1
Virginia Tech	41%	40%	-1
Kansas	50%	47%	-3
Utah	45%	41%	-4
Washington	50%	46%	-4

Greatest disparity

Ninety-nine Division I-A schools fail the proportionality test. Schools with the greatest point difference between women's sports participation and enrollment:

School	Percentage of female students	athletes	Point difference
Arkansas State	57%	22%	-35
Southern Mississippi	56%	21%	-35
SW Louisiana	57%	22%	-35
Texas Christian	59%	27%	-32
Northeast Louisiana	58%	26%	-31

Source: USA TODAY

High-maintenance men

Men's sports programs cost three times as much to operate as women's programs. The disparity among Division I men's and women's operating budgets exist even when figured on a per-athlete basis.

	Division avg. operating expense		Avg. operating expense per	
	Male sports	Female sports	Male athlete	Female athlete
I-A	\$2,448,200	\$683,100	\$8,000	\$4,100
I-AA	\$684,100	\$292,800	\$2,400	\$2,000
I-AAA	\$340,200	\$212,200	\$2,500	\$1,900

Average operating expense and team size for football and basketball programs:

	Football	Men's basketball	Women's basketball
I-A	\$1,436,700 (114)	\$536,500 (15.6)	\$204,900 (14.4)
I-AA	\$268,000 (94.5)	\$162,800 (15.5)	\$95,500 (14.6)
I-AAA	—	\$236,200 (14.3)	\$184,800 (13.8)

1 — Operating expenses include lodging, meals, transportation, officials, uniforms and equipment — but not scholarships, coaches' salaries or recruiting costs.

Source: USA TODAY analysis of 303 Division I schools

By Bob Laird, USA TODAY

More...

Title IX improves continued...

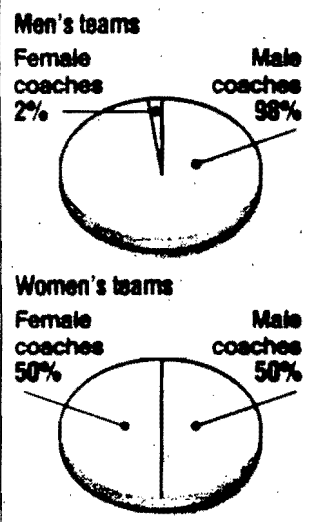
How to comply with law

A school is considered in compliance with Title IX if its athletic program meets at least one of three criteria set by the Department of Education's Office for Civil Rights (OCR).

1. Proportionality: Does a college provide intercollegiate athletic opportunities for male and female students in numbers substantially proportional to their enrollment? For example, if half the students enrolled are women, then nearly half the varsity athletes should be women.
2. Historical effort: Does the school have a continuing history of expanding athletic opportunities for women? The OCR has considered actions taken in the most recent three years as signs of continuing expansion.
3. Meeting needs: Has the school demonstrated success in meeting the "interests and abilities" of female students?

Head coaches

Division I male athletes are far more likely to be coached by someone of the same gender. Head coaches of:



Source: USA TODAY analysis
By Marcia Starnier, USA TODAY

Athletes are small group with impact

Athletes might draw the spotlight, but they're a tiny fraction of the total students on college campuses.

Just 4% of students at Division I schools participate in intercollegiate sports: 5% of male students, 3% of females. Total athletes: 118,409 (43,712 women).

Athletic participation ranges from less than 1% of Georgia State's 24,310 enrollment to 30% of Lafayette College's (Pa.) 1,963 students.

The most popular sports for men: football, played by 31%, followed by track and field/cross country, with 18%.

The most popular sports for women: track and field/cross country, which 27% competed in, followed by soccer and basketball, with 10% each.

By Barbara Pearson

Miami Herald

April 15, 1997

A hip, successful program

FOR KIDS AND MOMS: Helping kids develop thinking skills early in life opens up a bright future.

Now the good news: some government-funded programs actually work and cost taxpayers very little. An innovative yet little-known program called, Home Instruction Program for Preschool Youngsters is a case in point.

HIPPY works quietly for children, parents, and the community. When Hillary Rodham Clinton first encountered the program in the 1980s, she became an advocate. She mentions it in her book, *It Takes a Village to Raise a Child*. Clinton helped start HIPPY in Arkansas and has helped extend it elsewhere.

The National Council of Jewish Women started HIPPY in Israel in the 1960s. In the 1980s it came to Florida.

The idea behind it is simple: interested and motivated parents, typically mothers in disadvantaged neighborhoods, are given basic instruction in home-based, low-cost ways to teach children cognitive and other skills. HIPPY teaches kids counting concepts, shapes, the difference between loud and soft, tall and short, etc. Anything from paper cups to newspaper cut-outs to old toys is used as stimuli. HIPPY capitalizes on parents' role as children's first teachers.

Many parents become paid trainers of other parents. Some move from welfare to work. Thus HIPPY strengthens our communities and employs people, using little or no bureaucracy.

HIPPY's federal Title I funds pass through Dade and Broward school administrations. Volunteers from local universities and NCJW support and help guide it.

To grow, HIPPY needs more money, but each dollar is well-spent. The Legislature is considering funding HIPPY. The governor proposes at least \$10 million for early-childhood, home-based instruction.

Taxpayers understandably demand good investment of their money, and by that yardstick, HIPPY qualifies. It teaches, and it works. That's the good news for the village today. ■

Chronicle of Higher Education

April 18, 1997

POINT OF VIEW

Sexual Harassment: Let the Punishment Fit the Crime

By Verna Williams and Deborah L. Brake

With the 25th anniversary of Title IX, the federal law barring sex bias in education, coming in June, the Department of Education has taken an important step toward increased gender equity: It has issued detailed guidance about preventing or eliminating sexual harassment of students at educational institutions. The following real incidents show how necessary this policy statement is:

* A college freshman is raped by two football players in a university dormitory. University officials find one of the assailants guilty and recommend a two-semester suspension — to take effect after he graduates.

* A university prohibits students complaining of sexual harassment from having legal representation in fact-finding proceedings but allows students accused of harassment to have such assistance.

* A high school bars students from

holding hands, in response to complaints by several girls that another student sexually assaulted them.

Clearly, sexual harassment has provoked both overreaction and underreaction by educators. The new guidelines, termed "Sexual Harassment Guidance," draw on the expertise of the Education Department's Office for Civil Rights in investigating harassment complaints. While acknowledging the complexity of sexual harassment, the guidelines urge institutions to use their judgment and common sense to avoid violating Title IX. The policy statement should have another important benefit besides answering questions for educators: As policy set by the agency charged with interpreting and enforcing Title IX, the guidance should be treated with special deference by the courts, just as the O.C.R.'s guidance on intercollegiate athletics has been upheld by each of the five U.S. Courts of Appeal that have reviewed it.

The foundation of the new guidance is

a unanimous Supreme Court decision in 1992 in *Franklin v. Gwinnett County Public Schools*, which held that Title IX bars sexual harassment and allows victims to recover damages from institutions that violate the statute. Later conflicting court rulings on other issues, however, have complicated institutions' efforts to design anti-harassment policies to comply with *Franklin*.

The O.C.R.'s guidance provides a solid foundation for analyzing claims of sexual harassment, sorting through these conflicting decisions, and establishing sound principles, such as, for example, that Title IX covers student harassment of other students — not just employees' harassment of students. It notes that, unlike other courts, the U.S. Court of Appeals for the Fifth Circuit refused to hold a school district accountable for knowingly allowing persistent harassment of female students by male students. Although the Supreme Court last year refused to review that decision in *Rowinsky v. Bryan Independent*

School District, the policy asserts that the Rowinsky ruling was "based on a mistaken belief" that holding the district accountable would have made it responsible for the acts of student harassers, rather than realizing that the violation of Title IX was the school's own discriminatory action in not responding once it knew about the harassment.

On this issue, the guidance generally applies well-established principles developed in litigation on sexual harassment in the workplace. For example, an institution violates the law if it "knew, or, in the exercise of reasonable care, should have known" that harassment was taking place, yet failed to act promptly to end the harassment. The guidance, however, acknowledges that differences between work and educational settings may justify some departure from workplace standards.

Understanding the following principles outlined in the new guidance should help educators design sensible anti-harassment policies:

- * Sexual harassment is more than a peck on the cheek. Sporadic and trivial incidents of objectionable behavior simply are not sexual harassment. Labeling or treating them as such does a disservice to the many students harmed by degrading and offensive sexual conduct. Real sexual harassment encompasses a wide range of conduct that can be classified in two categories: quid pro quo (in Latin, meaning literally "this for that") and hostile-environment harassment. Title IX bars both types, which may occur simultaneously.

In quid pro quo situations, a person in authority links some aspect of a student's education to the student's response to sexual overtures. The classic example is a professor who demands sex for an "A" in his course, but it may include more subtle threats or promises.

Hostile-environment harassment does not necessarily involve sexual blackmail (although it may), and its perpetrators may be college employees, students, or other people on a campus. The guidance defines this type of harassment as unwelcome verbal or physical conduct that is sufficiently severe, pervasive, or persistent to create an abusive or hostile environment from the perspective of the affected student and a reasonable person in that student's shoes. The more severe an incident is, the less frequent it must be to meet this standard. For particularly severe and egregious conduct, such as sexual assault, once is enough.

Less-severe conduct, such as abusive language, must occur frequently to create a sexually hostile environment.

- * Colleges cannot ignore sexual harassment of students by other students. Stereotypes about the way in which college men and women interact will no longer suffice. Drawing on Congress's intent that students be able to learn in an environment free from all forms of sex discrimination, including sexual harassment, the guidance makes clear that colleges cannot allow behavior that creates a hostile environment and prevents a student from learning or participating in campus activities. This conclusion is consistent with the workplace standards that protect employees on the job, standards applied by various federal courts to education cases.

- * Title IX does not ban flirtation. The guidance makes clear that "unwelcomeness" is a key component in defining sexual harassment among students and, at the postsecondary level, in employee-student relationships. Sexual overtures from one student to another, or from an employee to a college student, are not sexual harassment if the advances are welcome. The guidance acknowledges that consensual sexual relations between students and employees of postsecondary institutions are possible.

In handling disputes about whether harassment occurred or whether the sexual conduct was welcome, institutions should consider "the totality of the circumstances." These include the degree of influence the employee has over the student, the student's ability to consent (a student's age or certain types of disabilities might affect this), statements by any witnesses about the alleged harassment, the behavior of the student after the alleged harassment, and the relative credibility of the people involved (have other complaints been filed against the alleged harasser, or has the complainant made false accusations against others in the past?).

- * Title IX does not suppress academic discourse, even if it is offensive. Classroom discussion of ideas that some students find distasteful or embarrassing does not constitute sexual harassment. Indeed, at public institutions, the First Amendment protects such discussions when they are consistent with the educational mission. For example, the guidance noted, it would not violate Title IX if a creative-writing professor's required-reading list included excerpts

from literary classics that contained explicit descriptions of sexual conduct, including "scenes that depict women in submissive and demeaning roles." If students' essays, read aloud in this professor's class, contained sexually derogatory themes about women, this academic discourse also would not be considered in violation of Title IX. In contrast, a pattern of derogatory language targeting women in a class would create a hostile environment and would not be protected speech.

Despite the complexities of making determinations in some cases, it is clear that inaction is the wrong answer. The guidance states that refusing to address persistent or serious sexual harassment will land institutions in trouble. They must take prompt and appropriate corrective action, whether the harasser is a college employee, a fellow student, or anyone else on the campus, such as a member of a visiting football team.

Foremost in determining a response should be the severity and nature of the harassment. The punishment must fit the crime. Waiting until graduation to enforce disciplinary action against a student who raped another student would not meet this test. Institutions also must insure that their response does not penalize the victim — for example, by rearranging her schedule or living arrangements to limit contact with the harasser, instead of modifying those of the harasser. Depending on the type of allegations, institutions also may need to take interim measures to protect a complaining student pending the outcome of an investigation.

Procedures that are fair to all parties involved are critical to the integrity of any sexual-harassment investigation. Title IX requires all institutions to implement prompt and equitable procedures to address sex discrimination, and public institutions also must comply with the due-process clause of the U.S. Constitution in disciplining students and teachers. The guidance makes clear that due process does not mean tilting the scales in favor of the accused by limiting the complainant's access to evidence or legal representation.

Several other lessons can be drawn from the guidance. Paramount among them is that institutions should exercise common sense in handling incidents of sexual harassment. Although Title IX does not require institutions to adopt policies specifically prohibiting sexual harassment or to set up special grievance procedures for handling complaints of

sexual harassment, the guidance makes clear that doing so will help institutions convey to both employees and students what conduct is prohibited and how violations will be addressed. Institutions should train employees in how to identify and report sexual harassment to designated officials, who can then take

appropriate corrective action. Failure to do so places institutions at risk of legal liability.

While no policy statement can address every set of facts that will arise at institutions, the new guidance clarifies some overarching principles and gives educators the specifics they need to deal

with sexual harassment, and in the process, to create the learning environment Title IX's framers envisioned for our daughters and sons.

Verna Williams and Deborah L. Brake are senior attorneys at the National Women's Law Center. ■

Chronicle of Higher Education

April 18, 1997

Graduate Students Are Not Employees

By Thomas Appelquist

An administrative-law judge at the National Labor Relations Board has just begun hearing a case that has important implications for graduate education at many, if not most, of the nation's universities. The case, which involves teaching assistants at Yale University, raises the question of whether, for the first time, graduate students at a private university who teach as part of their doctoral studies should be treated as employees under the federal labor laws, with the right to organize and bargain collectively. Yale believes that they should not.

Our view is supported by the N.L.R.B.'s own position over the past two decades: that "service" performed as part of a student's educational program differs fundamentally from employment in the work place, and that applying the law regulating labor-management relations to the educational setting would necessarily affect programs in profoundly inappropriate ways.

We agree, but the N.L.R.B. general counsel has now claimed that Yale graduate students with teaching responsibilities are employees and has charged Yale with violating their rights under federal labor law in its response to a so-called "grade strike" in the winter of 1995-96, led by graduate students who were seeking to force Yale to bargain collectively with their group. Graduate teaching assistants are students primarily, and treating them as employees would have pernicious effects not only for graduate education, but also for the education of undergraduates at universities across the country.

The defining relationship between faculty members and graduate students is the educational one that brought them together, not the relationship of employer and employee. Learning to teach is an integral part of graduate education, and

Yale's graduate school provides teaching opportunities to its graduate students for that reason. By learning to synthesize knowledge through teaching, students come to understand their own discipline more deeply. By assisting a professor in teaching a class or discussion group, they learn how to communicate their knowledge and to evaluate students' work. More-experienced students may learn how to teach a class on their own, with appropriate supervision. Yet in doing these things, they remain primarily students.

The process that prepares graduate students to be scholars and educators is, by its nature, collegial. It depends upon intellectual rapport and scholarly interaction between students and faculty members. A relationship that begins as one between mentor and promising novice is transformed over the course of years into one of collaborative scholarship, often lasting a lifetime. Clearly, this description does not apply to the adversarial economic relationship between employer and employees upon which collective bargaining and the rules governing it are premised. Rather, it describes an evolving relationship that would be compromised and distorted by the dynamic of bargaining.

Labor negotiations about student teaching would create pressures antithetical to the philosophy that learning to teach is an important part of graduate education. We believe, for instance, that graduate students should teach as part of their education, and that students with more experience should have lower priority for teaching opportunities. The experience of the few public institutions with graduate-student unions suggests that unions would press for just the opposite — seeking more teaching opportunities for veteran student teachers than for novice teachers. The union contract at one campus specifies

that in the case of a retrenchment, more-senior graduate students are to be given priority in the distribution of teaching assignments.

Pressure could be expected, as well, for universities to provide more teaching assignments to graduate students than is desirable for the graduate students' own studies or for the needs of undergraduate education. Defining the teaching preparation of graduate students is an inherently educational matter, which should be the responsibility of the faculty.

The experience in a few states that now have laws permitting graduate teaching assistants to bargain collectively with public universities does not reassure us. Many of those laws limit bargaining about educational issues, and most of them ban strikes by public employees. But those limitations would not apply under any federal ruling allowing graduate students at private universities to unionize. Strikes, withholding grades, disrupting class or examination schedules, and other "job actions" would undermine the education of undergraduates. They also could corrode the relationship between graduate students and the faculty members responsible for the courses taught.

One might ask whether collective bargaining about graduate students' teaching could somehow be limited to economic concerns such as compensation and benefits. The answer is an emphatic No: The terms and conditions of teaching are integrally linked to educational matters. For example, even with state-mandated restrictions on bargaining in effect, student unions at public universities have sought to bargain over the size of classes and laboratory groups, the time spent teaching classes and seminars, the nature and number of class assignments to be graded, and the assignment of students to available

The Chronicle of Higher Education [Academe Today]
January 22, 1997

Colgate U. Settles Title IX Lawsuit by Raising Team to Varsity Status

by Jim Naughton

A gender-equity lawsuit that once attracted national attention was settled quietly out of court last Friday, when Colgate University agreed to elevate its women's ice-hockey team to varsity status.

Beginning next fall, the team, which has been in existence for 23 years, will compete as a full varsity member of the Eastern College Athletic Conference Women's Alliance, an 11-team league composed primarily of liberal-arts colleges in New York and New England.

The agreement was reached just three weeks before the case, which was originally filed in 1990 and was decided in the women's favor in 1992, was to go to trial for a second time.

"They are ecstatic," Faith A. Seidenberg, the lawyer for the team, said of her clients. "They are really happy. My personal preference was that we should go to court. I like to get these things on the books. But if we had done that, no one on this team would ever have seen any varsity play."

It was Ms. Seidenberg who recruited a second group of plaintiffs, and filed the suit for a second time, after an appeals court had thrown out the original verdict in the spring of 1993, because by then all of the original plaintiffs had graduated.

Mark Murphy, the athletics director at Colgate, said the university was also pleased with the settlement. He said having the team belong to the E.C.A.C. Women's Alliance, rather than the more competitive E.C.A.C. Women's League, would allow the university to "fund the team at a level that is appropriate."

The university contested the original suit, in part, because it believed that Title IX of the Education Amendments of 1972, which prohibits discrimination by institutions that receive federal funds, could not be used to compel a university to add a specific program in women's sports.

In that instance, Ms. Seidenberg argued that women at Colgate had demonstrated both the "interest and ability" to sustain an ice-hockey team. She also contended that the university, because it supported a men's ice-hockey team, was discriminating against women by not offering them a similar program.

During the original case, the university argued that the ability of the players did not justify varsity status. "Seven years ago, three-quarters of the team had never played before," Mr. Murphy said.

That situation has since changed. "At the collegiate level as well as at the high-school level, women's hockey is a growing sport," he said.