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THE SECRETARY OF EDUCATION'S COMMISSION
ON
OPPORTUNITY IN ATHLETICS
CHICAGO TOWN HALL MEETING
THE DRAKE HOTEL
140 EAST WALTON PLACE
CHICAGO, ILLINOIS 60611
(312) 787-2200
SEPTEMBER 17, 2002 - TUESDAY

L.A. REPORTING (312) 419-9292

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1 MS. COOPER: Good morning. We want
2 to apologize for the late start. We want to bring
3 the town hall meeting to order and get started.

4 Good morning and welcome to the
5 second hearing of the Secretary of Education's
6 Commission on Opportunity in Athletics. My name
7 is Cynthia Cooper along with Ted Leland and I -- we
8 co-chair the Commission. We are very pleased to be
9 here in Chicago and you guys will be very pleased
10 that I have my glasses on today so I can read.

11 This morning, to receive input on
12 Title IX, the focus of this meeting will be on high
13 schools, two-year colleges and junior colleges. We
14 will hear about the unique needs of the student
15 athletes and those institutions.

16 Among the many issues to be
17 examined are the athletic facilities, the scheduling
18 of sporting events, the funding and availability of
19 adequate coaching. At the outset, I want to thank
20 Wilson Sporting Goods and Sara Gardner, public
21 relations manager, for sponsoring our town hall
22 meeting.

23 (Audience applause.)

24 MS. COOPER: We could not have pulled

1 off this meeting without them and we truly
2 appreciate their help.

3 This is the second of four town
4 hall meetings in which the Commission will collect
5 information, analyze issues and obtain broad public
6 input about Title IX.

7 The U.S. Secretary of Education,
8 Rod Paige, appointed the Commission to examine ways
9 to strengthen enforcement and expand opportunities
10 to ensure fairness for all college and
11 interscholastic athletes. President Bush and
12 Secretary Paige fully support Title IX and the
13 tremendous opportunities that have been followed
14 since its passage.

15 The Commission's goal is to gather
16 the facts, listen to what the American people have
17 to say, and find out how Title IX is serving our
18 citizens. As we begin our work, I would like to
19 briefly comment on Title IX and on the Commission's
20 task.

21 Title IX has opened doors -- has
22 opened doors of opportunity for generations of women
23 and girls to compete, to achieve and pursue their
24 dreams. Because of this landmark legislation, it is

1 no longer unusual to see women running corporations,
2 serving in high political office, ruling from the
3 bench or advising the President of the United
4 States.

5 As Title IX reaches the milestone
6 of its 30th anniversary, it's appropriate to
7 celebrate its achievements and to examine its
8 effects. For example, in 1972, when Title IX became
9 law, 44 percent of all bachelor degrees went to
10 women. In the year 2000, women earned 57 percent
11 of all bachelor degrees.

12 In 1971, prior to Title IX,
13 more than 294,000 girls participated in high
14 school sports. Last year, that number exceeded
15 2.7 million and 847 percent increased over three
16 decades. Between 1981 and 1999, the number of
17 college women teams increased by two-thirds and
18 according to the General Accounting Office, our
19 colleges created nearly 3,800 new women sports
20 teams.

21 These teams included 846 soccer
22 teams, 516 cross-country teams, 432 softball teams,
23 350 volleyball teams, 304 indoor track teams, 2,000
24 basketball -- just kidding -- 302 basketball teams.

1 (Audience laughter.)

2 MR. LELAND: Quit messing around.

3 MS. COOPER: I'm a little biased
4 there.

5 Today, the Commission will hear
6 from the general public as well as experts who have
7 distinguished themselves in public service and
8 athletics. Their insight will be invaluable in
9 helping the Commission understand the promise and
10 the achievements of Title IX.

11 As many of us know, the greatest
12 beneficiaries of high school and college sports are
13 not the all-Americans. The greatest benefit goes
14 to the students who discover the joys of teamwork,
15 competition, development and the development of new
16 skills. All of us want to ensure that our girls
17 and boys, women and men continue to experience
18 these joys. After all, the only barriers in
19 athletics should be the records waiting to be
20 broken.

21 Thank you for being with us here
22 today. Now, I would like to turn it over to Ted for
23 his opening comments.

24 MR. LELAND: Thank you, Cynthia, and

1 welcome everybody.

2 As Cynthia noted today, we
3 will explore Title IX -- how Title IX impacts our
4 nation's high schools, junior colleges and two-year
5 colleges. We will have panelists specifically
6 focusing on three areas this morning. Five
7 panelists will explore issues pertaining to high
8 schools, five panelists will discuss -- will address
9 issues at junior or two-year colleges and community
10 colleges, and two panelists will address Title IX
11 issues in general.

12 I want to thank in advance each
13 of these panelists who have traveled here to provide
14 testimony. I want to thank each and every member
15 of the public who is with us today. We will receive
16 your input this afternoon from the general public.

17 As we listen to our witnesses
18 and to the general public, the Commission will
19 use seven questions detailed in our charge from
20 Secretary of Education Paige. These seven areas
21 are: One, are Title IX standards for assessing
22 equal opportunity in athletics working to promote
23 opportunities for male and female athletics; two,
24 is there adequate Title IX guidance that enables

1 colleges and school districts to know what is
2 expected of them and to plan for an athletic program
3 that effectively meets the needs and interests of
4 their students; three, is further guidance or other
5 steps needed in the junior and senior high levels
6 where the availability or absence of opportunities
7 will critically affect the prospective interests and
8 abilities of student athletes when they do reach
9 college age; question four, how should activities
10 such as cheerleading or bowling factor into the
11 analysis of equitable opportunities; five, how do
12 revenue producing and large-roster teams affect
13 equal opportunity in athletics; six, in what ways
14 do opportunities and other sports venues such as
15 Olympics, professional leagues and community
16 recreation programs, interact with the obligations
17 of colleges and school districts to provide equal
18 opportunity in athletics; and seven, and finally,
19 apart from the Title IX enforcement, are there
20 other efforts to promote athletic opportunities
21 for male and female students such as public/private
22 partnerships to support the efforts of schools
23 and colleges in a local area. Those are the
24 seven questions that we have been challenged

1 to try to answer.

2 Right now, I'd like to take
3 just a second, and since we all know who most
4 of you are, especially the invited panelists,
5 to take a second and ask the commissioners to
6 introduce themselves and I'll start with myself
7 and work our way this way and then back up this
8 way.

9 My name is Ted Leland. I'm the
10 Director of Athletics and Recreation at Stanford
11 University.

12 MS. COOPER: My name is Cynthia
13 Cooper, former coach of the WBA and, I guess,
14 player also.

15 MS. FOU DY: My name is -- this way,
16 right?

17 MR. LELAND: Yes.

18 MR. FOU DY: My name is Julie Foudy.
19 I am a Women's United Soccer Association
20 professional player with the San Diego Spirit
21 and I also play for the United States national
22 team.

23 MS. de VARONA: I'm Donna de Verona,
24 Olympic gold medalist, chair of the United States

1 Olympic Committee, Government Relations Committee
2 or actually co-chair, and I write commentaries for
3 sport and news radio.

4 MS. SIMON: I'm Rita Simon. I'm on
5 the faculty at American University. I teach in the
6 law school and the school of public affairs.

7 MR. BATES: My name is Percy Bates.
8 I'm the faculty athletic representative at the
9 University of Michigan and the current chair of
10 NCAA Management Counsel.

11 MS. STROUP: I'm Sally Stroup. I'm
12 the assistant secretary for post-secondary education
13 at the United States Department of Education.

14 MS. PRICE: I'm Debbie Price. I'm
15 the executive director for the Commission and I
16 am the senior advisor to the deputy secretary at
17 the Department of Education.

18 MS. KEEGAN: I'm Lisa Keegan. I am
19 the CEO for Education Leaders Council and formerly
20 the state superintendent for public instruction in
21 Arizona.

22 MR. GRIFFITH: I'm Tom Griffith,
23 assistant to the president and general counsel
24 at Brigham Young University.

1 MS. GROTH: Cary Groth, director of
2 athletics, Northern Illinois University.

3 MR. SLIVE: Mike Slive, Commissioner
4 of Southeastern Conference.

5 MS. MCGRAW: Muffet McGraw, head
6 women's basketball coach at the University of
7 Notre Dame.

8 MR. SPANIER: Graham Spanier,
9 president of Pennsylvania State University.

10 MR. REYNOLDS: Jerry Reynolds.
11 I'm the assistant secretary at the Department
12 of Education for the Office of Civil Rights.

13 MR. JONES: And I'm Brian Jones,
14 the general counsel of the U.S. Department of
15 Education.

16 MR. LELAND: Thank you. I want
17 to emphasize today that the primary job of this
18 Commission is to listen with an open mind. We
19 will listen to the experts. We will listen to
20 the public. We will hear from athletes, students,
21 coaches, administrators, educators, parents and
22 others who have information and perspectives on
23 Title IX.

24 As Secretary Paige has remarked,

1 quote, with the help of this Commission, we will
2 learn how we can do a better job of enforcing a law
3 that represents the hope -- represents hope to so
4 many Americans, close quote.

5 I think all of us were impressed
6 at the last meeting that we had in Atlanta with
7 the passionate presentations that we heard, the
8 articulate presentations that we heard. We are just
9 as equally impressed with the civility with which
10 people went about expressing their opinion.

11 I think our job here is to be
12 as fair as we can in the allocation of time. So
13 we will set up time parameters in each one of
14 the speaking sections that we'll go through.

15 There are interpretive services
16 at the back -- available at the back table if
17 anybody needs an interpreter. We will record and
18 make transcripts of all of the testimony given
19 during the next day and a half so we ask that you
20 please give your name into the microphone so that
21 we can adequately accommodate the needs of our
22 transcribers. Also, when you are speaking, try to
23 speak into the microphones so that we can all hear
24 you.

1 To give you a brief outline of
2 what the format is going to be for today is we have
3 three panels this morning concluding at 12:30. Each
4 panel, we're anticipating, will take one hour. Each
5 panelist will be asked to limit their initial
6 comments to ten minutes. They've all -- all the
7 panelists this morning have been requested that they
8 submit something in writing to the Commission, which
9 will be made available to all commissioners and will
10 be part of the public record.

11 So we will try to -- and Cynthia
12 and I will make a comment when about one minute is
13 left in the ten-minute period of time. That will
14 give us 40 minutes of prepared presentations
15 followed by 20 minutes of questions and then a
16 changeover in panels.

17 We will break at 12:30 for lunch.
18 This question came up a couple of times when
19 Cynthia and I did not allow the commissioners to
20 have a break at the first meeting to take care of
21 their own personal business so I'll -- but I think
22 what we'll do today is not have a break again. If
23 any of the commissioners need to leave the room to
24 make a phone call or whatever, they can just go

1 ahead and do that. The testimony will be part of
2 the public record.

3 At 2:00 o'clock promptly, we
4 will begin comments from the general public. My
5 understanding is that we have 40 people signed up
6 and confirmed as speakers this afternoon. We also
7 have a waiting list. I think you can add your name
8 to the waiting list. I'm not optimistic, but if
9 you put your name on the waiting list, you will
10 have time for your testimony this afternoon, but
11 we will move through the testimony as quickly as we
12 can today at 5:00 o'clock and then commence --
13 concluding at 5:00 o'clock.

14 And then tomorrow, there is an
15 open meeting of the Commission from 9:00 o'clock to
16 1:00 o'clock. All of our meetings, according to
17 the statute under which the Commission was convened,
18 must be open to the public and so we will begin our
19 public deliberations tomorrow morning and you are
20 all welcome to come back.

21 Okay. So come on in, Gene.

22 (Whereupon, Mr. DeFilippo
23 entered the meeting.)

24 MR. LELAND: This is Gene DeFilippo,

1 the athletic director and head of recreation at
2 Boston College University. He just happened to be
3 at a Stanford University football game about a week
4 ago. We've forgiven him.

5 But let's begin now. I'll
6 introduce the panelists one at a time. First up
7 is Susan Hinrichsen. Susan has been with the
8 Illinois High School Association as assistant
9 executive director since 1972. She was a
10 three-sport athlete at Southern Illinois University
11 prior to employment with the IHSA.

12 Sue served on the athletic
13 administrative staff at the University of
14 California-San Diego working with the NCAA and
15 regional national championships, game management
16 and facility planning at UCSD. She also served
17 on the National Federation Softball Rules Committee
18 and is serving on the National Federation Equity
19 Committee.

20 Susan?

21 MS. HINRICHSEN: Thank you. On
22 behalf of the IHSA, I would like to thank you
23 for the opportunity to be here and talk to the
24 Commission.

1 In the world of physics, there is
2 a notion called critical mass. Critical mass
3 is defined as the minimum amount of radioactive
4 material necessary to create a nuclear reaction.
5 And there are three factors that are involved in
6 critical mass.

7 The first is that the
8 concentration and the purity of the radioactive
9 material directly affects the strength of the
10 reaction; secondly, change is based on someone
11 or something taking action; and third, once the
12 nuclear reaction occurs, it becomes self-sustaining.
13 It will never go back to being just radioactive
14 particles.

15 In 1922, IHSA's position was "that
16 while healthy values are outcomes of boys programs,
17 it's quite self evident that the health outcomes are
18 in grave danger of being adversely affected in the
19 case of girls athletes." Today, the IHSA'S mission
20 is to provide equitable participation opportunities
21 to boys and girls that enrich the educational
22 experience.

23 In 1996, through a strategic
24 planning process, our membership and the IHSA

1 addressed its position on equity. And today, our
2 position statement on equity, which also parallels
3 the National Federation's statement, is that equity
4 is more than being in compliance with the law. It
5 is a personal ethic. It is a spirit. It is a
6 commitment to do what is right and fair for all of
7 the programs, participants, schools, coaches,
8 officials and administrators, and it means creating
9 an atmosphere and an environment where opportunities
10 and resources are distributed fairly to all.

11 Through a strategic planning
12 process, the IHSA has been able to review its
13 fundamental convictions and chart a course for
14 the future. The IHSA assessed its programs in
15 the area of benefits, services and promotion,
16 made recommendations to our board of directors
17 to level up areas where we were weak, passed
18 new bylaws and developed new policies to reflect
19 our belief.

20 It would be easy for our
21 association at one point to be comfortable, to
22 say that what we were doing was good enough, but
23 we also found out as we went through this
24 assessment process that we weren't good enough,

1 that we could do more. We hope through our example
2 and leadership that our schools, too, will look
3 at their own programs and ask the question is good
4 enough good enough?

5 In 1996, IHSA conducted a
6 statewide survey with our athletic directors.
7 What we found was that 90 percent of our school
8 athletic directors in Illinois believed we should
9 function free from discrimination on the basis of
10 sex. Ninety-five percent believed that athletics
11 and activities are an integral part of education
12 for both boys and girls. Seventy-six percent of
13 our athletic directors agree that parents are
14 concerned about equal treatment and 71 percent of
15 our athletic directors believed that females are
16 interested in sports.

17 Additionally, 72 percent believe
18 we need to continue to pursue female coaches to
19 fill vacancies in girls sports, but 56 percent
20 believe that coaches could be paid differently
21 based on pressure. Ironically, 87 percent of the
22 athletic directors believed they are offering
23 equitable programs to boys and girls, but 37
24 percent were willing to swap benefits, budgets,

1 salaries and facilities.

2 In 1997, IHSA participated in a
3 statewide survey to assess gender equity activities
4 in Title IX and the Illinois Sex Equity Rules to
5 see how Illinois schools were doing. The study was
6 developed for the Illinois Gender Equity Commission,
7 by girls count, and was called Project Fair Play.

8 Now, we know from that study
9 that in schools that offer more sports for girls,
10 the greater number of girls request sports. We
11 also know that in those schools, that transcends
12 the playing field and then in the classrooms,
13 students are -- girls are treated more fairly as
14 well as sexual harassment incidents have gone down.

15 We found that 75 percent of our
16 districts were not significantly in compliance with
17 Title IX based on questions about their written
18 policies, their designating a Title IX coordinator,
19 their informing students and parents about their
20 grievance procedures and their rights.

21 We found that 61 percent of the
22 districts reviewing athletic policies to ensure
23 that when they offered team sports, equal
24 opportunity was provided, that equal access to

1 intramurals was provided, that athletic interest
2 surveys were conducted and that there were reviewed
3 program resource allocations and compensation plans.

4 Overall, the Illinois Gender
5 Equity Commission found that compliance with Title
6 IX can improve the climate and the opportunity for
7 girls and schools are making strides, but what
8 schools need to continue to do is to evaluate
9 programs and take action designed to create equity.

10 Today, we are here to celebrate
11 the successes of our state, but also to send the
12 message that there is still more to be done. Equity
13 in our schools has not arrived. Schools continue to
14 build a new reality that replaces the old order.
15 Old myths have been replaced with contemporary ideas
16 and at one time, we were arguing about whether or
17 not we should charge admission for girls sports.

18 Today, hundreds of thousands of fans in this state
19 buy a ticket to follow the IHSA girl's state series.

20 There was a time, too, that people
21 thought that girls were not interested in sports.
22 Every athletic director in this state knows that if
23 a student athlete is provided a positive
24 environment, has quality coaching where the student

1 is treated with respect and allowed to have fun,
2 competes on a fair and safe field, feels valued by
3 their schools while playing during reasonable hours,
4 that student athletes will be interested. Nate
5 Hampton from the Michigan State High School
6 Association probably said it best: "People go where
7 they are invited; they stay where they are welcomed
8 and appreciated."

9 I'm here today to celebrate our
10 schools' successes. In the last ten years, 25,000
11 more girls have been provided the opportunity to
12 participate, while 5,000 more boys have too. Good
13 girls programs have been able to grow without
14 risking the good health of boys programs in this
15 state. Students interests change and naturally we
16 change with them.

17 For example, no longer does the
18 IHSA offer a girls archery state series or a girl's
19 field hockey state series. Instead, those programs,
20 while they have been deleted, have really been
21 replaced with other programs. Today, we have 698
22 varsity girls volleyball teams. In the past ten
23 years, IHSA has added a boys volleyball state
24 series, a boys and girls water polo state series

1 and this year, we will have our first boys bowling
2 state series.

3 Ironically, by adding a boys
4 bowling state series, more girls bowling teams have
5 been added as well. We also know that in Illinois,
6 girls golf and girls cross-country and girls tennis
7 are also growing. In this state, within the last
8 three years, high schools have added 88 new varsity
9 girls soccer teams and 64 more girls bowling teams.

10 You may ask how schools have been
11 able to do this and I will tell you that it has not
12 been easy, but they have done it with an atmosphere
13 of a family philosophy. That is to say that if a
14 family grows, everyone shares and the eldest doesn't
15 get more than the youngest.

16 I grew up in a large family and
17 we shared and when it came time for us to share a
18 candy bar, splitting the candy bar became an issue.
19 My mother had the answer. She directed one of us
20 to split the candy bar and the other one had the
21 first choice of the piece and if we had to swap
22 those pieces, we'd be okay with it. Principals,
23 athletic directors and coaches are the people that
24 split the candy bar.

1 I ask this Commission to allow
2 our schools to continue to close the gap between
3 the 60,000 more participation opportunities that
4 exist between boys and girls programs. I ask the
5 Commission to make sure one day a girl can play a
6 basketball game and know she will have more than a
7 30 percent chance of being coached by a woman or
8 more than a two percent chance of having a female
9 official or more than a 15 percent chance of being
10 lead by a female principal or athletic director.

11 I ask the Commission to make us --
12 help us make sure that there is no excuse why a girl
13 must play on a boys team. I ask the Commission to
14 help us make sure that the Friday night boys and
15 girls double headers being played in a few schools
16 becomes the norm rather than the exception when
17 solving prime-time playing issues.

18 I ask the Commission to help
19 our schools change the facility differences between
20 baseball and softball programs. I ask the
21 Commission to help us make sure that the coaches
22 of boys and girls sports are being paid comparably.
23 I ask the Commission to make sure that all officials
24 are welcome and that they are provided safe and fair

1 working conditions. I ask the Commission to help us
2 make sure that the benefits --

3 MR. LELAND: One minute.

4 MS. HINRICHSEN: -- and promotions,
5 such as pep bands, locker rooms, prime time and
6 publicity are provided fairly to all.

7 For the last 30 years, together
8 our boys, girls, men, women, 760 member schools,
9 322,000 student athletes, 12,000 officials in this
10 state would like our schools to know that they
11 have been making decisions that allow opportunities
12 for kids to reach their full potential. Our high
13 schools are teaching people how to truly play fair
14 and as long as our schools have pure and
15 concentrated radioactive ingredients ignited by a
16 motivation that allows people to not only believe,
17 but also act, we will all become self sustaining.

18 I respectfully request that the
19 Commission give serious consideration to the impact
20 of their decision to not only colleges and
21 universities, but also the high school students
22 who are the foundation of our future. Thank you.

23 MR. LELAND: Thank you.

24 MS. PRICE: Thank you.

1 (Audience applause.)

2 MR. LELAND: Our next presenter
3 is Dr. Griff Powell. Dr. Powell served as the
4 superintendent of high schools in five districts,
5 four in the state of Illinois; Niles Township
6 District 219, West Chicago District 94,
7 Highwood-Highland District 111, and Grayslake
8 Community District 127.

9 While as superintendent, he came
10 face-to-face numerous times with issues in athletics
11 in the high school and how they affected -- were
12 affected by Title IX.

13 Dr. Powell is currently retired.
14 He received his doctorate at Northern Illinois
15 University in educational administration and
16 supervision. He received his master's of arts
17 degree from Roosevelt University and a bachelor's
18 degree from Northern Illinois.

19 Dr. Powell?

20 DR. POWELL: Thank you and good
21 morning. You left off about three or four jobs.
22 There's one in New York and you can tell I just
23 can't keep a job.

24 MR. LELAND: Sorry about that.

1 DR. POWELL: My interest in Title IX
2 related issues goes way back to the '60s and I do
3 remember -- Robin Williams says if you can remember
4 the '60s, you probably weren't there, but I do.

5 I was an SDS member and for you
6 youngsters that don't remember what SDS was, it's
7 Students for Democratic Society. We had three main
8 concerns: One, world peace, the Vietnam War; racial
9 equality; and women's rights.

10 And I can tell you today that in
11 terms of world peace, as I look at my grandchildren,
12 I don't see the promised land like Martin Luther
13 King talked about. In racial equality, for my
14 grandchildren, I do see the promised land. I'm
15 not going to get there, but I see it. I think
16 we've made great progress and I believe we will
17 be judging people by what's in their heart and
18 souls and not by the color of their skin.

19 And the same thing with women's
20 rights, I think we've made great progress and as a
21 secondary educator, for 20 years as a
22 superintendent, five years as a principal, and
23 having a -- two sisters, older sisters that had
24 no opportunities, by the way, in athletics and

1 a daughter born in the '80s that had enormous
2 opportunities in athletics, I think we've made
3 great strides. However, I can tell you we've
4 got -- we haven't made the promised land yet.

5 However, I believe that I've
6 worked in some models of -- secondary public
7 school athletic programs, both in New York and
8 Illinois and right to my -- my previous district
9 was Niles Township.

10 In terms of reaching that
11 promised land, I believe the way we're getting
12 there is we work off the parents' and students'
13 interests and increase participation in a
14 multitude of various sports is always our driving
15 goal, never gender quotas or proportionality.
16 That has never been at least an issue as I've
17 worked with boards of education for 20 years,
18 created budgets for 20 years, and battled to
19 increase opportunities for boys and girls.

20 And why do we do this?
21 Because we know by the research there's a positive
22 correlation between students' participation in
23 athletics and activities and academic achievement
24 and anybody that's worked in schools knows that

1 kids are not -- oh, I was a math teacher. They
2 didn't come for my geometry class. They came for
3 a lot of other things, but not usually my geometry
4 class. But that's what we do, I think, on any
5 level.

6 Proportionality nor budget
7 issues are or were decisive factors in developing
8 comprehensive high school athletic programs for
9 males and females. We've had all kinds of battles
10 over the last few years. Our accountability is
11 based on local control and public involvement.

12 In New York, if anybody is here
13 that knows the New York system, I not only had to
14 have a board of education pass a budget, I had to
15 put a budget up for a referendum every year and
16 had the public pass it and if it went down, all
17 our athletic programs disappeared.

18 Never did I say we're going
19 to drop a boys soccer program and add a girls.
20 Never -- unless I wanted to lose my job and have
21 the board members replaced. What we did is sold
22 new programs, facilities, equipment and we had
23 to sell that to the public and we had support of
24 communities. Communities would support it and I

1 think the public wants it.

2 Facility problems, equipment
3 problems, Sue talked about scheduling. Over 20
4 years ago, I was one of the first to put girls
5 and boys basketball teams on the same night. I
6 had mixed results. At the end of the day, we're
7 all fair weathered fans except for one exception,
8 someplace on Sheffield and Ashland where a bunch
9 of people sit on cell phones and watch a bunch of
10 losers. You're talking to a Sox fan, but
11 that's besides the point.

12 (Audience laughter.)

13 DR. POWELL: Impact of federal and
14 state mandates; I have to tell you that from the
15 local point of view, from -- as a superintendent
16 and a principal and working with local boards,
17 we believe we want the state and feds to stay out
18 of our business most of the time. We believe you
19 guys would screw up a wet dream. We do not really
20 have a lot of faith on a federal and on a state
21 level.

22 Our belief is that with working
23 communities -- working with communities and getting
24 support of communities, that's the way it works.

1 When my daughter was young, my wife and I worked
2 with soccer, softball, swimming. We sold things.
3 We helped organize. That's -- if they're not
4 interested by ninth grade, we're getting -- we're
5 not going to get them interested starting in the
6 ninth grade. It has to start at an early level.
7 It has to be a grass roots level.

8 And I think a lot of our success
9 is because of communities that have come together
10 and provided opportunities way before they get to
11 high school or junior college even though that's
12 what we're talking about today. One of the things
13 that we resent about federal mandates and state
14 mandates, the money doesn't come along with it.

15 94-142 is a great example. In
16 the federal law, that's for special education
17 rights, you promised us 40 percent of the pay.
18 We got down to five percent. Now, we're at ten
19 percent. Who pays for it? Local tax payers. I
20 pay for it. And that's where the resentment comes
21 against the feds and state. You don't pay -- pay
22 for -- pay the bulk.

23 All right. Back in the 1960s,
24 again, I barely remember it, but we had seven sports

1 at Niles Township schools. We had Niles East and
2 West. Niles East doesn't exist anymore. This is
3 out of the suburbs of Chicago. We had seven male
4 sports, three female sports, ten total athletic
5 programs, 8,000 kids in the school district. I
6 don't have the number of actual athletes. I
7 couldn't find that in the archives.

8 Niles West, 2001/2002, about
9 2,400 kids, 24 athletic programs and I would say
10 14 comparable programs. I'm talking about boys
11 soccer, girls soccer, boys swimming, girls swimming,
12 diving, you know, boys baseball, boys softball.
13 Those are comparable programs. We have ten, what I
14 call, co-ed programs. Water polo, we have 30-some
15 girls involved. Boys are invited. We just don't
16 have -- happened to not have any girls this year.
17 Wrestling, we have boys -- girls in the wrestling
18 program. We have a girl on our football team.

19 Cheerleading, I've always
20 argued that cheerleading is not a sport, but my
21 sister-in-law is one of the best -- the best
22 cheerleading coaches in the country and she's
23 telling me bowling is a sport where you can smoke
24 and have a beer. Cheerleading is a sport, too,

1 and when it's done right, it probably is.

2 Boys participation, Niles West,
3 2001/2002, 783 boys, 566 girls. Based again on
4 interest in participation and the door is wide
5 open for girls and boys in a whole variety of
6 ways.

7 When I was in New York, ice
8 hockey, we had boys and girls on the team. Field
9 hockey is major, major in the east. I didn't
10 even know what Lacrosse was until -- I'm a
11 Midwesterner -- until I went to New York. We
12 had a girls and boys program and I still don't
13 understand why they have a different set of rules
14 in Lacrosse for girls and boys. And by the way,
15 it's the only real American sport because we got
16 it from the native Americans. It's a true American
17 sport.

18 Over 30 years, my point is we've
19 increased male and female interest in participation,
20 secondary athletics, never utilizing proportionality
21 on at least the school board and budget developing
22 level. I've never used gender quotas and we had
23 never allowed budget limitations to inhibit growth
24 in program development. It's been a struggle.

1 We've battled.

2 I went -- I passed 12 out of 14
3 referendums in two states and when you go to the
4 local people and ask them to raise their taxes,
5 that's not an easy thing to do. But guess what?
6 I think the people do the right thing and when
7 you present the questions in the right way and
8 they will support female athletics and male
9 athletics and they will expand programs because
10 most people know that if you get kids involved
11 in something positive -- and it doesn't have to
12 be in athletics.

13 Our drama program at Niles
14 Township is one of the best in the country. By
15 the way, would we use gender quotas there? That
16 wouldn't make a lot of sense. Maybe we should
17 do quotas on straights and then gays. That makes
18 just about as much sense. Again, we would never
19 use that kind of approach.

20 My final question, why is higher
21 education decreasing male opportunities in athletics
22 using Title IX as a basis when clearly it was not
23 the intent of the law? The law is -- there's nobody
24 that disagrees with it. It's implementation we have

1 a lot of concerns about. The impact of poor and
2 minority male students, by the way, is decreasing
3 programs on a higher level.

4 One of my concerns is in Niles
5 Township, the district I represent, our graduations
6 look like the United Nations. We have 60 different
7 languages spoken by the kids at Niles West and
8 North. We have immigrants from Russia, the Middle
9 East and Asia. They're not really that interested
10 in football and baseball as they are in some of
11 the sports that are being reduced like gymnastics,
12 soccer, wrestling, other sports that are so called
13 minor sports. To me, it's very important that
14 these -- these are the programs that cannot be
15 reduced.

16 MR. LELAND: One minute.

17 DR. POWELL: And I can very easily
18 sum up by saying that I'm very proud after 20
19 years, again as a superintendent working in two
20 states of the -- our results that we've had
21 increasing the opportunities for females and
22 males because by increasing opportunities in
23 athletics and all other activities, kids are
24 doing better academically in school and that's

1 our major goal.

2 Thank you very much for your
3 time.

4 MR. LELAND: Thank you, Dr. Powell.

5 (Audience applause.)

6 MR. LELAND: Next up is Washington
7 Bush. He is the director of athletics at Conant
8 High School, Hoffman Estates, Illinois. He's
9 also -- Illinois, excuse me. He is also a board
10 member of the Illinois Athletic Directors
11 Association and the legislative committee of the
12 Illinois High School Association. He serves on the
13 Northern Illinois Sports Officials Committee.

14 At Conant High School, with a
15 student body of 2,800, he is responsible for 26
16 athletic programs; 13 male, 13 female, with a
17 total of 91 coaches.

18 Mr. Bush?

19 MR. BUSH: Thank you very much. I
20 would like to take this opportunity to thank the
21 Department of Education and the Commission for this
22 opportunity to talk to you about this very important
23 issue today.

24 My name is Washington Bush and

1 I'm currently the athletic administrator at
2 James B. Conant High School in Hoffman Estates,
3 Illinois, a northwest suburb of Chicago.

4 Sports have been very important
5 to me and a very important part of my life. To
6 say anything else would be an understatement and
7 minimize the positive influence sports have had
8 on me as a person emotionally, physically, socially
9 and intellectually. As a young man, I had the
10 opportunity to be a three-sport athlete and take
11 full advantage of everything my high school had
12 to offer. Practices and competitions were where
13 I was introduced to the ideals of leadership,
14 sportsmanship, work ethics and providing positive
15 contributions to a group. The experiences I learned
16 decades ago on the playing fields have shaped me to
17 who I am today.

18 In high school, I must admit I
19 did not give much thought to the idea that girls
20 wanted to or deserved the same opportunities as
21 their male counterparts. I assumed that if there
22 were interests or issues of fairness, girls would
23 get the same opportunities I had and enjoy the
24 same benefits.

1 I remember attending sports
2 contests involving teams in the Girls Athletic
3 Association better known as the GAA. Basketball
4 games were played during times when boys did not
5 use the gym. The number of fans could be counted
6 on two hands and they were usually family members,
7 boyfriends and teachers in attendance. There
8 was one coach, no assistant, and uniforms were often
9 mismatched or non-existent. Supplies were limited
10 and there was obviously a minimal budget.

11 There are often two or three
12 coaches for all the girls sports teams combined. It
13 would be nice if I could say I was bothered by the
14 events, but at the time, I was not. I was caught up
15 in my own little world and saw nothing harmful or
16 wrong with the situation as it existed.

17 The inadequacies that girls
18 faced prior to Title IX are shocking and
19 unbelievable. However, it is difficult to believe
20 that there are still programs in both high schools
21 and colleges where both men and women still are
22 struggling to compete on an equal playing field.

23 I am extremely proud of the growth
24 and development of girls and boys athletic programs

1 at James B. Conant High School and truly believe
2 that we can be seen as a model of compliance for
3 what we have done. We are progressive and
4 aggressive in our opportunities we have made
5 available to our female students while not
6 compromising or eliminating male participants.

7 Conant High School has been in
8 operation since 1964. It is part of the largest
9 high school district in Illinois. Five high school
10 districts comprise -- five high schools comprise
11 High School District 211 and serve approximately
12 1,300 (sic.) students and 2,800 of these students
13 are Conant Cougars. In 1980, there were 4,753
14 participants in the athletic programs in District
15 211. In 2002, that number has reached an all time
16 high of 7,168.

17 In 1968, when Conant High School
18 was established, there were four boys and four GAA
19 athletic programs. In 2002, with the addition of
20 water polo and lacrosse, the number of sports Conant
21 offers to students is 28; 14 for boys and 14 for
22 girls. The increase in number of sports has also
23 seen an increase in the number of levels offered in
24 competition. In 1980, there were 55 levels and in

1 2002 that number has increased to 84.

2 With an increase in sports levels
3 comes an increase in the number of coaches and
4 certified athletic trainers working at Conant High
5 School. There were 66 coaches and one athletic
6 trainer in 1980 and there are currently 101 coaches
7 and two certified athletic trainers contracted for
8 the 2002 school year.

9 It is important for the Commission
10 to understand that Title IX can work. Although no
11 athletic program can guarantee an identical
12 experience for every student athlete, at Conant, we
13 realize and recognize the importance of allowing the
14 development of talent, desire and effort of the
15 young men and women who enter the doors of our
16 schools each year.

17 It is important to constantly
18 monitor compliance factors to ensure that there
19 are opportunities, benefits and services of equality
20 for each gender. It's not about winning or losing
21 or boys versus girls. Anyone who sees Title IX
22 from this perspective is sadly mistaken. Blame is
23 often placed on the implementation of girls programs
24 and services for Title IX compliance as to why some

1 educational institutions are cutting boys teams and
2 seeing a reduction of financial services.

3 It is the responsibility of each
4 and every athletic department and school district
5 to see that there is equity between gender and not
6 one boy or girl is not sacrificed or compromised
7 in any way.

8 We have done an outstanding job
9 of watching our girls athletics continue to grow
10 and hopefully this will continue without reducing
11 or removing the number of male athletes who are
12 currently participating at the collegiate level
13 or the high school levels across the country.

14 In District 211, there are
15 several categories used to gain valuable insight
16 into the level of equity between boys and girls
17 programs. These are -- these same factors are
18 responsible for ensuring that there is compliance
19 and equal support between all student athletes of
20 both genders at Conant.

21 Equipment and supplies,
22 scheduling of games and practices, locker room
23 facilities, availability of certified athletic
24 trainers and qualified coaches, weight room

1 access, travel arrangements, publicity and media
2 accessibility and support services need to be
3 closely monitored to ensure equity. The evaluation
4 process is ongoing.

5 Complacency is never acceptable
6 and there needs to be continuous dialogue and
7 feedback between the school board, administrators,
8 coaches, athletes and parents. Only when there is
9 open communication does an athletic program function
10 at its highest level. We are constantly evaluating
11 our programs and looking for ways to continue our
12 record of equality and support of both genders.

13 At Conant High School, we try
14 to anticipate the needs of our athletes to hopefully
15 ensure continued success and minimize any potential
16 situation before they occur. I am proud to say that
17 Conant High School has done an outstanding job and
18 is definitely a model of compliance to be studied.

19 Take a look at our policies and
20 procedures and you will find this to be true.
21 Take a look at our uniforms, purchasing them on a
22 rotational basis for all sports, facilities,
23 equipment, booster club support and coaching, and
24 you will find it is evident that we are ahead of

1 many educational institutions who continue to lag
2 behind full implementation and compliance of Title
3 IX.

4 Our girls team now enjoys
5 prime time basketball games. They are no longer
6 regulated to Saturday afternoons or weeknights
7 where getting home late was common on a weekly
8 basis. Our girls games have recently added
9 cheerleading -- cheerleaders and the Conant
10 show band to play at all their home contests,
11 both boys and girls. On nights where boys play
12 away and the girls are home, the cheerleaders
13 stay and provide support for the lady Cougars.

14 Our boys teams are not only
15 the team -- are not the only team who plays on
16 Friday/Saturday nights. We strive for a balance
17 of weeknight contests versus weekend games.
18 Adequate coaching is provided for all teams and
19 the same criteria are used to determine the
20 number of coaches needed at each level for each
21 sport. This is true for revenue and non-revenue
22 sports alike.

23 Whenever there is a coaching
24 vacancy on a girls team, I feel it is my duty to

1 look at all qualified candidates who apply. If
2 all factors are equal, I feel it is important to
3 hire a female coach for a female sport whenever
4 possible. Young women, like young men, need to
5 have a role model visible at all times. They
6 must see that gender equity in coaching is more
7 than just providing a body to fill the position.

8 To say that things are perfect
9 at Conant High School would not be acceptable
10 nor accurate, but we have made great strides and
11 continue to work hard for all of our student
12 athletes. We are extremely proud of what we are
13 doing. It is important to evaluate, anticipate
14 and implement on a fair, continual and consistent
15 basis.

16 We always try to see the situation
17 from the perspective of our student athletes and not
18 only from the public and parents' perspective. We
19 listen to the suggestions, compliments and
20 complaints of all of our athletes. I challenge
21 every high school and college in this state as well
22 as across the nation to stop making excuses, hold
23 yourself accountable and be proud of your student
24 athletes. We have enjoyed success in the past and

1 will continue to strive for a wholesome experience
2 for all. Thank you.

3 MR. LELAND: Thank you, Mr. Bush.

4 (Audience applause.)

5 MR. LELAND: Next up is Kathleen
6 McGee. She is the director of athletics and head
7 women's basketball coach at Powers Catholic High
8 School, Flint, Michigan. Kathy was named national
9 high school coach of the year in 2002 by both the
10 Women's Basketball Coaches Association and the
11 National Federation Coaches Association. She
12 represents the Midwest states on the National
13 Basketball Rules Committee of the NFHS. Kathy
14 is an experienced and passionate advocate of
15 women's high school athletics.

16 Ms. McGee?

17 MS. MCGEE: Thank you very much.
18 Title IX has been one of the most powerful civil
19 rights legislation in our modern time. It has
20 positively impacted high school athletics, but
21 most importantly, it has changed the way people
22 view and treat female athletes.

23 I know from personal experience
24 what it was like to be pre-Title IX, to be a member

1 of the GAA that some of you have talked about as
2 high school females because we didn't have sports
3 teams for girls in the late '60s and it wasn't
4 pretty. I know what it was like in college to be
5 forced to quit the basketball team because I had
6 accepted a debate scholarship and the two activities
7 conflicted and athletic scholarships weren't
8 available for female basketball players.

9 I have coached and been an
10 athletic administrator during the phenomenal changes
11 that have taken place. The Department of Education,
12 and specifically this Commission, must continue to
13 support and promote the advances that have occurred
14 because of Title IX. We cannot go backwards.

15 However, I, like many high school
16 athletic directors and coaches in Michigan, worry
17 that our interpretation of equity could hurt females
18 and the opportunity for growth if, indeed, it's too
19 narrow. The spirit of Title IX is best met when the
20 interests and abilities of female students are
21 assessed and accommodated, listening to what they
22 want, accommodating their needs.

23 Specifically, three areas that I
24 would like to address today are the questions facing

1 you; questions one, three and four facing the
2 Commission.

3 Regarding the first question, are
4 Title IX standards for assessing equal opportunity
5 in athletics working to promote opportunities for
6 male and female athletes? For the past few years,
7 the Michigan High School Athletic Association has
8 been in a legal battle with a few citizens who
9 feel the girls seasons in Michigan offered in
10 non-traditional seasons discriminates against
11 females. The vast majority of athletes, coaches,
12 officials and administrators favor keeping the
13 seasons separate.

14 Plaintiffs citing Title IX are
15 attempting to force every girls sport played at
16 the same season or time of year as each
17 corresponding boys sport. We feel in Michigan this
18 is a narrow interpretation of Title IX and
19 one we feel is harmful to girls as well as an
20 inadequate standard assessing equal opportunity.

21 The spirit of Title IX has cited
22 the 1990 Investigators Manual reads, "Institutions
23 are not required to offer the same sport or even
24 the same number of sports to men and women.

1 Institutions are required to provide equal
2 opportunity to participate and to equally
3 effectively accommodate the athletic interests
4 and abilities of men and women."

5 This spirit is advanced when
6 local and state leaders listen to high school
7 girls and boys and design programs accordingly.
8 The high school age female population in Michigan
9 ranks eighth nationally. Girls high school
10 sports participation in Michigan ranks third
11 in the nation in basketball and volleyball,
12 fourth in the nation in golf and swimming and
13 diving and seventh in the nation in soccer and
14 tennis.

15 We pride ourselves in our
16 participation numbers for our females and feel that
17 it is due in part to offering an overall program
18 that meets the needs of our female athletes, which
19 is the spirit of Title IX. For example, playing
20 girls basketball in the fall, and I do have a game
21 tonight, and volleyball in the winter may be
22 different in other states, but it doesn't make it
23 discriminatory. Differences are not discriminatory
24 when they best serve the interest and the ability

1 of student athletes and the sports season decisions
2 of Michigan have been designed to accommodate
3 students' interests and abilities.

4 Title IX does not require
5 identical programs for men and women. In fact, men
6 and woman play on separate teams. They compete at
7 different sports. They play by different rules in
8 some sports. Why not different seasons? It offers
9 many advantages to our female athletes. The
10 participation numbers indicate that.

11 In terms of college recruitment,
12 Michigan ranks sixth in the nation in volleyball
13 Division I recruits and fifth in the nation in girls
14 basketball. We are proud to have an independent
15 identity. Girls programs stand on their own without
16 needing boys teams to bring fans to our games. We
17 feel the true spirit of Title IX is being practiced
18 in Michigan and offering separate seasons for males
19 and females maximizes the school's resources to
20 accommodate the interest and ability levels of
21 female student athletes and continues to offer
22 growth in the girls athletic programs.

23 We must provide equitable services
24 and support to males and females in interscholastic

1 athletics. We feel offering them in separate
2 seasons maximizes that opportunity. I hope when
3 this Commission looks at the standards for assessing
4 equal opportunity, forcing same sport seasons at the
5 high school level will never be a consideration.

6 The second area of concern is
7 further guidance or other steps needed at junior
8 and senior high school levels where availability
9 or absence of opportunities will critically affect
10 the prospective interest and abilities of student
11 athletes when they reach college. Fewer than two
12 percent of high school athletes will play college
13 sports. The high school programs are intended to
14 maximize participation.

15 Playing sport in high school
16 is preparing athletes for the next level of life,
17 not necessarily the next level of sport. High
18 schools need to listen to their students and
19 other constituents in making decisions of program
20 expansion.

21 In the last few years, as an
22 example, two major universities in Michigan added
23 women's crew as a sport and that's their choice.
24 However, Michigan high schools lack the resources,

1 team fan. It's not my cup of tea. However, I'm a
2 fan of diversity of athletic opportunity. The cheer
3 teams in Michigan meet all the requirements of the
4 OCR to be a bona fide sport. Competitive cheer in
5 high school is very different than the sideline
6 cheerleading that many of you are accustomed to in
7 college.

8 For two consecutive years,
9 competitive cheer squads are showing the biggest
10 participation gain among sports surveyed by the
11 National Federation of State High School
12 Associations. The primary purpose of competitive
13 cheer is competition and it is administered
14 just like any other sport. To deny females this
15 opportunity is to betray the spirit of Title IX.

16 Bowling also has been questioned
17 if it meets the criteria of sport. I firmly believe
18 it should be considered a sport. It's a blue collar
19 sport, very unlike many of the country club sports
20 that are so popular in our high school athletic
21 departments. However, the kids on our bowling team
22 at our high school deserve to be considered
23 athletes. They are not country club members like
24 those on the ski, swim, golf or tennis team.

1 In fact, the case certainly could
2 be made for socioeconomic discrimination if it were
3 determined that bowling is not a sport. It's a
4 lifetime sport no different than golf. The bowling
5 teams also fit all the requirements of the OCR and
6 should not be shunned because they are different.
7 We need to listen to our female and male athletes to
8 determine interest and allow for regional and social
9 economic differences that may occur in many areas of
10 the country.

11 I ask the Commission not to be too
12 narrow in their definition of sport. Title IX says
13 no person in the United States shall on the basis of
14 sex be excluded from participation and be denied the
15 benefits of or be subjected to discrimination under
16 any educational program or activity receiving
17 federal financial assistance.

18 Hopefully, the spirit of
19 Title IX will continue to promote the advancement
20 and expansion of athletic opportunities. In this
21 process, allowing for a grassroots approach to
22 defining sport and determining the best overall
23 program that states can use to maximize resources
24 to accommodate the interest and abilities for boys

1 and girls.

2 Thank you for giving me this
3 opportunity to express some concerns on behalf of
4 the administrators and coaches in the great state of
5 Michigan. You have a very important job before you
6 and I wish you well in the months ahead.

7 (Audience applause.)

8 MR. LELAND: Thank you Kathleen and
9 thank you collectively. Now, we have about 14
10 minutes for questions from the Commission.

11 MR. BATES: I have several questions,
12 but I suspect I'll only get one opportunity so I
13 think I'll focus in on Dr. Powell.

14 I want to go back to what you were
15 saying about not having any problems in high school.

16 DR. POWELL: Any problems with what?

17 MR. BATES: Problems in terms of
18 proportionality. I think you used the term quota
19 and I'd like --

20 DR. POWELL: We would never -- we
21 never used it to expand boys and girls sports.
22 That was never a part of our -- we looked at
23 interests and increased participation as our
24 driving goals.

1 We would never use gender
2 quotas or proportionality. I never did in my
3 20 years working with boards. We developed
4 million dollar budgets. We never used those
5 as part of our driving goal to expand both
6 girls and boys opportunities. We did it based
7 on interests. We did everything we could
8 to generate.

9 MR. BATES: Okay. Just a follow-up,
10 then. Do you see the problems in higher ed as
11 being different than K-12?

12 DR. POWELL: No. I think that we
13 have a model on the secondary level that they
14 should look at and I agree with what Kathy said.
15 They should pay attention to the interests that
16 are generated on the secondary level and what we
17 are doing and they should be mirroring to us, not
18 creating programs -- the program that Kathy raised
19 in Michigan that most high schools in Michigan
20 can't provide because they don't have waterways
21 or lakes or places to provide the opportunity.
22 We see them doing things that are totally
23 disconnected to us.

24 The articulation between eighth

1 grade and ninth grade and recreation programs or
2 park district programs with high schools are very
3 good. I don't believe, as a secondary -- well,
4 I know as a secondary superintendent, a K-12
5 superintendent, I've never sat down with college
6 presidents where they have discussed why they're
7 cutting out major programs that our kids are
8 involved with and our college counselor's comment
9 is, well, we can't go to that school, this kid
10 just wanted to be a walk-on, you know, soccer
11 player and now that soccer is gone. You know,
12 we don't have that articulation unfortunately.
13 I'm not on top with higher ed. They're giving
14 us a chance.

15 MR. BATES: All right. Thank you.
16 Thank you.

17 MR. LELAND: Okay. Cary?

18 MS. GROTH: Yes.

19 Sue, can you share with us what
20 the IHSA is doing to provide the leadership to
21 your member institutions regarding equity, not
22 only with boys and girls, but within all programs?

23 MS. HINRICHSSEN: IHSA has been
24 involved with two strategic planning processes

1 and those processes really have revolved around
2 increasing participation opportunities for boys
3 and girls as well as how fairly we were treating
4 all of our boys and girls.

5 Through that process and through
6 our action teams, we have been able to attack that
7 by really asking the scary question how are we doing
8 because we really don't know what direction we're
9 headed until we know where we are. So we assessed
10 our programs and created equity advisory committees
11 and made recommendations to boards.

12 And through the assessment
13 process, we really found ourselves focusing more
14 on how we are providing benefit services and
15 promotions to our programs and the byproduct of
16 that, in fact, was boys and girls equity. So
17 we've -- we've addressed that and we have had
18 some interesting situations in that they were
19 reverse situations.

20 For example, we have 698 girls
21 volleyball teams, but we have 125 boys volleyball
22 teams. So how, in fact, are we, the reverse,
23 going to make sure that the benefits and services
24 and the effect of the benefits and services of

1 the boys program are going to be treated the same?

2 Likewise, by adding boys bowling,
3 we've had girls bowling for -- since 1972, 30-some
4 years. Because of that, and because boys bowling
5 now has been initiated as a new state -- IHSA state
6 tournament, we ask the same questions. We have to
7 make sure that when we implement that program, that
8 we allow the opportunity for the boys programs to
9 have its own personality, but at the same time
10 making sure that the state tournaments, that the
11 sectionals, that the host schools, that the way
12 we expose that program allows it to be its own
13 program, but also to make sure that it has in
14 effect the same kinds of opportunities that the
15 girls have.

16 As we added boys bowling,
17 interestingly enough, we had already filed it
18 in the state series that we were offering as an
19 association. We were able to mirror the number
20 of boys and girls that were participating in
21 that state series. We had leveled up, so to
22 speak, those opportunities and from that point,
23 we were in an interesting position to have a
24 girls state series for girls bowling and not a

1 boys state series and by adding boys bowling,
2 it would have changed the number of opportunities
3 for boys.

4 We really asked ourselves the
5 question are we -- do we have policies in place,
6 have we provided fair opportunities for both boys
7 and girls, have we met the interest level that's
8 there within our schools, and is it really fair
9 for us to say to our boys program that they can't
10 be added because we have to maintain status quo?

11 Because we have leveled up,
12 that was really important to us. By leveling up,
13 we knew we were providing fair opportunities.
14 Then we added boys bowling.

15 MS. GROTH: Thank you.

16 MR. LELAND: Muffet? And then Graham.

17 MS. MCGRAW: Sue, I was wondering
18 if you had an idea of why there were so few women
19 coaches for women's sports?

20 MS. HINRICHSSEN: I think it goes back
21 to the adage people go where they are invited, they
22 stay where they are welcomed and appreciated. We
23 are in a new and interesting time where we have to
24 think outside the box. We have to look at different

1 ways in which we can -- in which we can be able to
2 mirror the population that we serve and the old ways
3 aren't working. The new ways -- we have to have
4 some new ways. But part of it is creating a
5 welcoming environment.

6 The demands of women in the
7 work force and in the family are still different
8 than that of men. But not only getting women and
9 allowing women to be welcomed is the first part
10 of it. If you look at what women have to wear
11 when they officiate, you know, we have two percent
12 of the population of women that are officiating in
13 girls basketball. We have ten percent out of
14 12,000 officials in this state, ten percent are
15 the women and we have to ask the question why.

16 Part of it is as simple as
17 saying that women are having to wear men's
18 clothes to officiate. Women, when they walk
19 into a gymnasium, are looked at differently.
20 One, because you don't see them very often, but
21 two, their credibility is different. So they
22 are treated differently.

23 Whether people intend that, I think
24 it's an unintended consequence, but it's all part

1 of that and we've got to be able to change the
2 attitudes, become self-sustaining and part of it
3 has to do with the way we look locally within our
4 schools and locally with the way we treat people
5 in order for them to -- for that to change.

6 MR. LELAND: Okay. Thank you.
7 Graham?

8 MR. SPANIER: Ms. McGee, I hadn't
9 been aware that there was contention over the
10 issue of seasonal differences.

11 Could you explain where the
12 pressure is coming from for that and why someone
13 would be concerned if men's volleyball was played
14 during certain months and women's volleyball was
15 played during other months?

16 MS. MCGEE: It's been a legal battle
17 that's been in court for the last three years.
18 The case started with -- the plaintiffs were
19 volleyball players who felt they were discriminated
20 against by playing out of season. Some of it was
21 in regards to college scholarship opportunities or
22 playing a club sport during the same time of their
23 season happened to be held during the same time.
24 So that's where the pressure came from the

1 courtroom.

2 Is that your question?

3 MR. SPANIER: Yes. So one of the
4 issues, then, would be when the university coaches
5 would have an opportunity to recruit and see them
6 and different contacts --

7 MS. MCGEE: Right.

8 MR. SPANIER: -- is that it?

9 MS. MCGEE: Right. And actually, I
10 really opposed that notion because I think our
11 numbers show that we are very high in terms of
12 recruiting and you can ask any of the basketball
13 coaches in the room.

14 College coaches, Muffet, next to
15 you, that it's pretty easy to get into Michigan to
16 recruit athletes. We're very well recruited in
17 basketball. It's just -- I think there's some
18 changes that are -- were suggested occurring is
19 that not all of the women's sports be in the
20 non-traditional season and there was a suggestion
21 that three of the sports change.

22 That would be -- the three sports
23 they suggested changing was swimming, tennis and
24 golf and leaving basketball and volleyball in

1 separate seasons.

2 MR. SPANIER: Did that come about
3 primarily because that allowed for sharing the
4 facilities to flow a little more smoothly?

5 Is that how that got started?

6 MS. MCGEE: I believe that's probably
7 the way it got started, you know, what can we best
8 do to best accommodate everyone. It seems to be
9 working quite well in Michigan.

10 MR. LELAND: Jerry?

11 MR. JONES: Actually, Mr. Chairman,
12 before Jerry speaks, can I just make a quick
13 clarification that I think will be helpful for all
14 of the commissioners on the point that Graham asked
15 about?

16 Let me just tell you what the
17 Department of Education's regulation says.
18 Essentially, the regulation requires a school to
19 provide equal athletic opportunity for both sexes
20 in interscholastic sports. What the regulation
21 does is it lists ten factors that the department
22 would look at to assess whether equal opportunities
23 are being provided and I will just read off the
24 ten factors. This is not an exclusive list.

1 These are ten factors, among others, that can be
2 considered.

3 First, is whether the selection
4 of sports and levels of competition effectively
5 accommodate the interest and abilities of members
6 of both sexes.

7 Second is the provision of
8 equipment and supplies.

9 The third factor considered is
10 scheduling of games and practice times, which gets
11 to this question of season.

12 Four is travel and per diem
13 allowances.

14 Five is the opportunity to receive
15 coaching and academic tutoring.

16 Six is assignment and compensation
17 of coaches and tutors.

18 Seven is the provision of locker
19 rooms, practice and competitive facilities.

20 Eight is provision of medical and
21 training facilities and services.

22 Nine is the provision of housing
23 and dining facilities and services.

24 Ten is publicity.

1 So this is how, you know, this
2 kind of litigation is taking over.

3 MR. LELAND: Start questioning, Jerry.

4 MR. REYNOLDS: Ms. McGee, during
5 your -- during your talk, you discussed the
6 disconnect between the types of teams offered at the
7 college level and the types of teams offered in high
8 school.

9 Do you believe that this
10 disconnect is caused by the colleges' interest in
11 complying with Title IX or do you just think that
12 they just don't know what's going on at the high
13 school level?

14 MS. MCGEE: I really think in the
15 two cases that I cited, my five-cent opinion would
16 probably be that there was a -- there was a need
17 to comply because of proportionality so it was an
18 easy thing to add women's crew because they had
19 club sports and they could get 20 scholarships and
20 so it was an easy thing.

21 I don't -- and it would have taken
22 longer to do a survey and understand what the female
23 population at the university might need. I just
24 don't know that that's right. You know, I really --

1 I think that, you know, women deserve equal
2 opportunity.

3 I believe that firmly and
4 wholeheartedly, but I think that those opportunities
5 need to be not totally grassroots, but I think what
6 you're saying, that connection between high schools
7 and colleges, maybe there needs to be something that
8 could strengthen that to know what the interests of
9 those young kids going into the college environment
10 happen to be.

11 MR. JONES: Great. Thank you.

12 MR. LELAND: Great. We'll go Tom,
13 Julie and then Rita. Hopefully, we can get those
14 done.

15 MR. GRIFFITH: I want to thank all of
16 the panelists for their presentation. Very, very
17 informative.

18 Dr. Powell, I have -- I have two
19 questions for you. I was struck by your assertion
20 that you have been involved in this process for a
21 long while and you've been involved in systems that
22 have achieved substantial compliance with the aims
23 and goals of Title IX, yet you've never used
24 proportionality as a benchmark. You say that you've

1 simply responded to interests that were expressed.

2 How did you do that?

3 DR. POWELL: The way -- the way I
4 think the success story of Title IX is, and I
5 don't think we're at the promised land. Again, I
6 won't live for it. I can see it upcoming for my
7 children -- grandchildren, but I think it's working
8 on the elementary, on the park districts.

9 In New York, it's recreational
10 programs in the towns are developing interests there
11 in girls athletics. I just look at my own daughter
12 both in New York and Illinois and the programs that
13 her mom and dad and all the other people in the
14 community worked with to generate involvement in a
15 variety of sports so that when they became -- got
16 into ninth grade, we weren't looking at just putting
17 numbers -- a formula down and the proportionality
18 or gender quotas, we already had a substantial
19 interest and that interest has been growing over
20 my 35 years as a public school servant.

21 MR. GRIFFITH: How would you determine
22 the interest?

23 Are you simply responding to
24 people who are coming to you asking that sports be

1 provided or --

2 DR. POWELL: Well, we constantly -- we
3 would constantly use questionnaires. We articulate
4 with our -- you know, in Illinois, we have, like,
5 K-8s and 9-12s. In New York, I had a K-12. So I
6 was in charge of all of the working -- getting
7 interest at the earliest possible level in athletics
8 and fine arts also. We shouldn't limit ourselves to
9 athletics. I know this discussion is.

10 Our goal was always to increase
11 interest both in males and females in areas like
12 fine arts and athletics because we knew if we
13 got kids involved and hooked on something they
14 have a passion for, they do better in school and
15 they will actually tolerate that boring math teacher
16 that I was. They'll actually do better in English.
17 They'll do better in history.

18 To me, that was -- always our
19 goal was to generate more and more interest to
20 get kids involved in things beyond that classroom
21 because we know that unfortunately, kids are not
22 always interested in just the Pythagorean Theorem.

23 MR. LELAND: Julie?

24 MR. GRIFFITH: I just have a

1 follow-up question. You asked -- you made a
2 statement, or I think it -- that --

3 DR. POWELL: Yes.

4 MR. GRIFFITH: -- it's your anecdotal
5 experience that cutting some of the men's programs
6 would be limiting opportunities for --

7 DR. POWELL: No. First of all, I've
8 never done that in 20 years as superintendent.

9 MR. GRIFFITH: Right. I think you
10 said that you're concerned about cutting some of
11 the men's programs and that it might limit
12 opportunities for minorities.

13 Is that just anecdotal or do
14 you have any data to support that?

15 DR. POWELL: Well, the -- no. It's
16 the experiences that I have with college counselors
17 working with our immigrant population in Skokie and
18 Morton Grove, which if anybody knows about the
19 population, again, there's a large number of
20 Russian, Middle East and Asian immigrants. These
21 kids, if they're interested in sports, many of those
22 sports, if you're reading the chronicles for higher
23 education, I can see how quickly male sports are
24 dropped under the Title IX -- you know, based --

1 under Title IX or under, you know, some excuse is
2 budget limitations, which I've battled for 30, 20
3 years and I don't buy either excuse.

4 These are kids that could be
5 hooked on college and stay in college because of
6 certain programs that are now being dropped. This
7 feedback comes from college counselors who have
8 been working with kids for 20 years in two different
9 states in telling me the same thing, oh, well,
10 they're dropping this. Again, this is not the kid
11 that plays football or basketball or those sports
12 that seem not to be dropped because they're revenue
13 producing.

14 MR. GRIFFITH: Thank you.

15 MR. LELAND: Okay. Let me just do
16 this. We have lots of questions up here, but in
17 deference to our future presenters, let's just ask
18 two more questions and then we'll have to close it
19 down. Julie, and then Rita.

20 MS. SIMON: Could I just follow-up on
21 Tom's question? Would you mind, Julie?

22 MS. FOU DY: Go ahead.

23 MS. SIMON: I'm very interested --

24 MR. LELAND: Microphone, please.

1 MS. SIMON: I'm very interested in
2 this whole issue of how do you measure interest.
3 I happen to be a social scientist. So I like to --

4 DR. POWELL: Okay.

5 MS. SIMON: -- measure things. But
6 also I'm very -- and this is important at both the
7 high school and college level, but I'm also very
8 interested whether high schools see it as their
9 responsibility, and this is for any of you, to
10 create interest.

11 For example, do you have
12 orientation programs at the different high schools
13 at the beginning of the year as students enter in
14 which you talk about the positive -- in fact, the
15 data, that --

16 DR. POWELL: Absolutely.

17 MS. SIMON: -- there is a positive
18 correlation between academic achievement and
19 participation in sports?

20 Do you work at creating interest
21 in sports? Do you work at creating interest in
22 sports as well as measuring interest in sports?

23 DR. POWELL: I know the answer --
24 even though I'm not talking to my two colleagues

1 on my left here that work in high schools, the
2 answer is absolutely yes.

3 MS. SIMON: You do have orientation?

4 DR. POWELL: We do. We talk to the
5 parents and to the kids, but we don't limit it to
6 athletics. We -- you know, if you're in choir, if
7 you're in drama, we know that if we get you involved
8 in school activities, you're going to be a better
9 student. And yes, we do recruit. We try to
10 generate interest. I'm sure you -- you guys can
11 both follow-up.

12 MR. BUSH: Yes. One of the things
13 that we do each year in the spring, we have what
14 we call an incoming freshman night. That night
15 is designed to invite the incoming freshman in
16 to speak about our programs. At that time, we
17 have all of our head coaches there and many of
18 the assistants to speak about their programs.
19 At the time we also have our cheerleading, some
20 of the club sports that are there to speak about
21 our programs.

22 Once the school year starts,
23 this past Friday, we had what we call an activity
24 fair for other activities not associated with

1 athletics during our lunch periods. We've got
2 probably 60 different clubs in our schools that,
3 you know, kids can get involved with and part
4 of that process is to have an experience where
5 kids can go around the different booths and
6 shop around and see what's there and get themselves
7 involved that way. So we do that and we think
8 that's been very productive for us.

9 MS. SIMON: Anyone else?

10 MS. HINRICHSSEN: Yes. I know
11 that those kinds of activities are going on and
12 particularly up in the Chicago suburban area, but
13 as we start filtering down south into the central
14 Illinois and the southern Illinois, those kinds
15 of ideas and that kind of mentality has not been
16 taking place.

17 I think it's also important to
18 recognize that as we talk about student interests
19 and we try to draw some parallel between girls
20 programs and boys programs, we need to understand
21 in this state that the boys programs have had a
22 70-year head start.

23 So it's almost like measuring
24 apples and oranges and that's why if we throw out

1 the proportionality, if we throw out the student
2 interest, you know, and we really talk about
3 fundamentally what is happening at the grassroots
4 levels, what we really have to continue to focus
5 on is the kind of experience that kids are getting.

6 We know that if it's a boys
7 basketball team and they have a coach that's
8 providing an awful experience and not treating
9 kids well, those kids are not going to go out
10 and you replace that with a new coach who comes
11 in and values kids and treats them with respect
12 and dignity, that those participation numbers
13 go up.

14 If we take that kind of mentality
15 and ask what's going on within our schools, what
16 kind of opportunities are being provided kids, we
17 know if you ask them why they participate, they
18 say because they are having fun and if you ask them,
19 boys or girls, why they are not participating they
20 will tell you because they weren't having fun
21 anymore and in this day and age, with the explosion
22 and evolution of programs for boys and girls, not
23 only at the high school level, but at independent
24 team levels, the non-high school, the non-school

1 levels, I mean, we can see that kids that are
2 provided the opportunity are going to participate
3 so much so that our association has taken a look
4 at independent team participation.

5 Our old rules weren't working and
6 we went back and we tackled the most difficult
7 subject of how on earth are we going to handle --
8 manage the rules and the opportunities that we
9 offer in schools and at the same time balance
10 that with the opportunities that kids on their
11 own choose to participate in.

12 So I think our focus really needs
13 to be more on what are we doing to provide good
14 experiences and let's make sure that we don't do
15 something that halts the growth of programs in our
16 state based on asking just one question.

17 MR. LELAND: Okay. Last question.
18 Julie?

19 MS. FOU DY: I'll be quick, Ted.

20 Ms. McGee --

21 MS. MCGEE: Yes.

22 MS. FOU DY: -- congratulations on so
23 many excellent seasons.

24 MS. MCGEE: Thanks.

1 MS. FOU DY: I haven't -- you cited the
2 legal battle and Graham talked about it a little bit
3 with the non-traditional seasons and my question is
4 how many women's sports are in non-traditional
5 seasons?

6 MS. MCGEE: Well, that is the question
7 that -- our soccer is in non-traditional, tennis,
8 golf, basketball and volleyball.

9 MS. FOU DY: So five?

10 MS. MCGEE: Swimming and diving.

11 MS. FOU DY: Seven.

12 MS. MCGEE: That's a problem. And one
13 of the reasons, and this is one of the suggestions,
14 and this is one of the -- and there was -- I think
15 there's a problem with that and the state came up
16 with a plan to change boys and girls seasons keeping
17 them separate seasons and putting three of those
18 seasons -- switching boys and girls to the
19 non-traditional seasons, but that was rejected by
20 the judge.

21 MS. FOU DY: Because are there any
22 men's sports in traditional -- in non-traditional
23 seasons as well?

24 MS. MCGEE: No, there's not.

1 MS. FOU DY: Okay. Because --

2 MS. MCGEE: And that's the problem.

3 MS. FOU DY: -- that is my question.

4 I know that the federal court has -- the district
5 court has ruled that it is discriminatory to put
6 them in non-traditional seasons and I know -- I
7 think it's still in the appeal process, but my
8 question, I guess, is if the High School Athletic
9 Association's position is that it's not
10 discriminatory, how come there isn't any men's
11 sports as well in non-traditional seasons?

12 MS. MCGEE: You know, and again, I
13 think when -- when you look at a high school program
14 and you look at the tradition, and speaking as a
15 basketball coach, the reason it's in the winter is
16 because, you know, Dr. Naismith, I think, wanted the
17 boys to have something to do between football and
18 baseball so he invented basketball.

19 I don't know if that tradition
20 is necessarily what's in the best interest of
21 females, but, in essence, it's the traditional
22 season of basketball. But I think -- I think things
23 got -- I think it was in the best interest maybe of
24 our sports to change some of those seasons so the

1 girls weren't always in the non-traditional and I
2 think the plan that came up was still trying to
3 maximize.

4 We don't -- the state of Michigan,
5 for the most part, they don't want to play in the
6 same seasons so we can maximize our facilities and
7 so we've made some decisions to try to change some
8 of those. But at this point, it's a moot issue
9 because it has not been accepted.

10 One other thing I might add to the
11 question that was asked, and I tried to sneak a
12 quick answer in, I'm really proud of what Michigan
13 has done in the last several years in adding a Women
14 In Sport Leadership Conference. We're doing this
15 not only for our high school coaches, administrators
16 and officials, we're also now offering it for our
17 students.

18 I really think this is important
19 that we continue to mentor young girls into
20 officiating, coaching, administrative positions and
21 it's -- it's been a wonderful conference. It's a
22 two-day conference. I would suggest if other states
23 aren't doing it, it's a very good thing to do.

24 MR. LELAND: Well, I want to thank the

1 four of you. One of the indicators of outstanding
2 presentations is the fact that I wasn't able to
3 control the time at all and there's another 30
4 questions up here that people would love to ask you,
5 but in deference to the next group, we need to move
6 on. But thank you very much.

7 MS. MCGEE: Thank you.

8 MR. LELAND: You're, again,
9 passionate, articulate and civil. So thank you
10 very much.

11 MS. MCGEE: Thank you.

12 MS. HINRICHSEN: Thank you.

13 (Audience applause.)

14 MS. COOPER: I'd like for Panel 2
15 to come up; Robert Gardner, Athena Yiamouyiannis,
16 I'm going to practice on that, Katherine Kersten
17 and Dr. Karen L. Sykes.

18 (Whereupon, after a short
19 break was had, the
20 following proceedings
21 were held accordingly.)

22 MS. COOPER: Bob Gardner is the
23 chief operating officer of the NFSHS since July
24 of 2000 after 15 years with the Indiana High School

1 Association.

2 He began his teaching and coach
3 career in 1970 at West Washington High School in
4 Campbellsburg. In 1972, he moved to Milan High
5 School where he was head football and baseball
6 coach from 1975 to 1978. He was head football
7 and track coach at Scottsburg High School as well
8 as director of athletics in his final year.

9 Mr. Gardner?

10 MR. GARDNER: Thank you very much.

11 Good morning. I am the chief
12 operating officer of the National Federation of
13 the State High School Association, commonly referred
14 to as the NFHS. Headquartered in Indianapolis,
15 Indiana, the NFHS serves 51 member state
16 associations, including our 50 states and the
17 District of Columbia. It also serves affiliate
18 membership in the American territories as well
19 as eight Canadian provinces.

20 I'm pleased this morning to
21 have the opportunity to speak to you today
22 representing the high school community. I
23 applaud this Commission on the review of Title IX
24 and its impact. We support your efforts and

1 pledge our assistance. Your approach is sound.
2 I also speak to you as the parent of two female
3 athletes.

4 NFHS member state associations
5 include more than 18,000 public and private high
6 schools in this nation with more than 6,700,000
7 high school students participating in athletics.
8 Another 4,000,000 young people participate in
9 activity programs for music, speech, debate,
10 spirit, dance, and drill teams.

11 From the purely numerical
12 standpoint, the high school is overwhelmingly
13 where the Title IX action is. Although the
14 collegiate level disputes have attracted more
15 public notice, we have 20 times the number of
16 participants in our nation's high schools.
17 Along with our state associations and our
18 nation's 18,000 high schools, the NFHS has been
19 a driving force for the 30 years of the success
20 of Title IX. One needs only to examine the
21 figures of participation to find the basis for
22 this statement.

23 From the beginning in 1971 with
24 less than half a million, actually 294,000 female

1 participants in athletics, there was a rapid rise
2 in the first decade to more than 2,000,000 female
3 participants. After a slight drop in the early
4 '80s, a steady increase in female participation
5 reached an all time high this past school year
6 with over 2.8 million girls participating in
7 high school athletics. You could see the rise
8 in the chart.

9 The increase in female
10 participation numbers are more significant when
11 you look at what happened with the total number
12 of high schools during that period. There were
13 just fewer than 20,000 high schools in 1971
14 that would grow to over 21,000 by 1981. Then a
15 significant drop in the number of high schools
16 caused by school consolidations reduced that number
17 to just over 18,000. That number has remained
18 fairly constant since the early '80s as school
19 consolidations have dramatically slowed.

20 This shows clearly that schools
21 and female programs have increased participation
22 opportunities for girls following the Title IX
23 implementation in our nation's high schools. At
24 the same time, male participation in high school

1 athletics remains high. With a corresponding drop
2 in participation that would seem tied to the drop
3 in the number of schools consolidated, the numbers
4 of male participants has also slowly risen to over
5 3.9 million in the past year. That would indicate
6 Title IX has had the desired effect at the high
7 school level of increasing opportunities for girls
8 without decreasing opportunities for boys.

9 Look at the total number of
10 programs in our next slide. The numbers that are
11 indicated here, when you go back in the beginning
12 of Title IX, we surveyed all of our high schools.
13 There were 30 programs out there in athletics for
14 boys, 14 for girls. Look at the current year; 47
15 different athletic programs for boys and 46 for
16 girls. You can see the dramatic growth during
17 the 30-year period of Title IX.

18 Title IX has been a good thing
19 for the masses of young people and it continues
20 to be a good thing. The evidence is
21 incontrovertible that participation in athletic
22 increases -- improves academic performances,
23 encourages positive attitudes, it diminishes
24 dropouts, reduces drug, alcohol and teen pregnancy

1 problems. That girls share equally in these
2 benefits is beyond dispute.

3 I would like to also address
4 question number four that was posed this morning.
5 As athletic activities expand in our country, one
6 of the troubling issues faced by secondary schools
7 is the correct definition of the word sport.
8 Interpretations of Title IX have struggled with
9 this. Please understand that the NFHS supports
10 both athletics and activities and we shall
11 continue to support both regardless of how the
12 word is defined.

13 However, along with many of our
14 member state associations, we believe there are
15 certain components that separate sports from
16 other energetic activities. These include being
17 recognized and governed by a state association,
18 sponsored for the primary purpose of athletic
19 competition against other similar teams scheduled
20 during the regular season with starting and ending
21 dates determined by state associations, governed
22 by rules published by a state association or
23 national organization, participants prepare and
24 engage in competition in the same manner as other

1 teams and interscholastic athletic programs.

2 The team has a designated coach,
3 the activity has tryouts, regularly scheduled
4 practice sessions and competitions. The team
5 selection is based primarily on athletic ability.
6 There are registered, trained officials that work
7 the contest, follows competition structure similar
8 to other sports to a state championship level and
9 stands alone as a primary event without being
10 scheduled simultaneously with another event.

11 Competition between teams and
12 individuals results in a champion and place order
13 finishes for other competitors. It's the presence
14 of these components that should determine the
15 sport.

16 We sincerely hope that as this
17 Commission completes its deliberations, it will
18 incorporate that for interpretation by the OCR.
19 Our recommendations to the Commission are as
20 follows: Keep your eye on the central issue,
21 which is the opportunity for athletic participation
22 by young people.

23 Matters such as college
24 scholarships affect only a few and can distract

1 from what matters most from a societal standpoint.

2 The heart of Title IX is the
3 chance to participate. That means we should spend
4 our money on providing adequate coaches, a critical
5 part of the whole issue. There's tremendous
6 turnover at the high school and elementary level
7 for the number of coaches each year so we need to
8 really look critically at providing education for
9 coaches. Coaching education is an important part
10 of the whole process in providing equal
11 opportunities.

12 We also should be providing
13 equal equipment and playing fields. Worrying
14 about comparative grandstand sizes, scoreboards
15 and spectator facilities is, at best, a secondary
16 concern.

17 With all respect, Title IX
18 is about something more important than relative
19 treatment of the nation's elite male and female
20 athletes. It's a gateway that benefits -- of
21 athletic opportunity to the masses of girls and boys
22 in our schools.

23 If our millions of school-aged
24 daughters and sons have a chance to participate in

1 sports at whatever level is appropriate, we, as a
2 society, are achieving the goals of Title IX.

3 Thank you very much.

4 MS. COOPER: Thank you.

5 (Audience applause.)

6 MS. COOPER: Athena Yiamouyiannis is
7 the executive director of the National Association
8 for Girls and Women in Sport, NAGWS. Prior to
9 NAGWS, Athena worked at the NCAA for ten years
10 as director of membership services at the NCAA. She
11 oversaw the NCAA rules education programs and
12 assisted the NCAA's committee on women's athletics
13 with a number of Title IX and gender equity
14 initiatives including the development of seminars
15 and publications.

16 While the NCAA -- while at the
17 NCAA, she also helped conduct a gender equity audit
18 of NCAA programs, activities and championships and
19 helped develop recommendations for areas that needed
20 improvement.

21 Athena?

22 MS. YIAMOUYIANNIS: Thank you.

23 Members of the Commission, I
24 greatly appreciate the opportunity to be here today

1 to speak with you about Title IX in athletics. It's
2 also nice to be here and seeing a number of former
3 NCAA colleagues on the Commission.

4 After having worked at the NCAA
5 for over ten years and having been involved in
6 gender equity issues in NCAA Title IX programs
7 for most of the time, I'm quite familiar with
8 many of the questions and answers related to
9 this topic and I'm very interested in assisting
10 this Commission in developing some solutions to
11 address the issues.

12 During my allotted time this
13 morning, I would like to share with you some
14 facts about Title IX and possible solutions
15 to the concerns that you have heard from those
16 individuals who lost sport opportunities.
17 This information is available in the NCWGE
18 report that you received and then I plan to
19 conclude my remarks with an analogy that I
20 hope you will find helpful.

21 Let me begin with the report.
22 The National Coalition for Women and Girls in
23 Education is a nonprofit organization comprised
24 of 50 diverse organizations dedicated to improving

1 educational opportunities for girls and women.
2 It was established in 1975 and the coalition
3 has been a major force in developing national
4 educational policies that benefit all woman
5 and girls.

6 Primary writers of the report
7 included members of NACWAA, NAGWS, NWLC, the
8 National Women's Law Center, the Women's Sports
9 Foundation and the American Association for
10 University Women. The full report was mailed
11 to all of you last week and it does focus on
12 collegiate athletics. It is titled "Title IX
13 Athletics Policies: Issues and Data for
14 Education Decision-Makers." It contains an
15 executive summary as well as four sections.

16 Number one, the first section
17 is on the law and its impact.

18 The second one is on the
19 discontinuation of men's and women's teams, trends
20 and reasons.

21 The third section is on financial
22 issues facing schools and possible solutions.

23 And the last section basically
24 addresses the questions raised by the Commission

1 on opportunity in athletics.

2 The report, in summary,
3 demonstrates the following: Number one, female
4 athletes are not receiving equal treatment or equal
5 opportunities to participate 30 years after passage
6 of Title IX. Although male and female participation
7 in athletics has grown steadily, female students lag
8 in participation opportunities, they lag in the
9 receipt of scholarships and allocation of operating
10 and recruiting budgets. Thus, we have not yet
11 reached the Title IX goal of gender equity.

12 Number two, as the report
13 demonstrates, the three-part test is flexible,
14 lawful and reflects fundamental principals of
15 equality. It indicates that every federal
16 appellate court that has considered the validity
17 of the three-part test has upheld it as
18 constitutional and consistent with the statute.
19 The courts have repeatedly recognized that the
20 three-part test in no way creates quotas.

21 Number three, Title IX has been
22 wrongly blamed by its critics for cuts to some men's
23 sports teams at educational institutions. Schools
24 choose to support, eliminate or reduce particular

1 sport opportunities on both the men's and the
2 women's specific teams for a variety of reasons
3 including varying interests, budget resources,
4 liability and so forth.

5 Number four, as is proven by
6 the increase in women's participation in athletics
7 since 1972, given the opportunity to play, women
8 are just as interested in athletics as men. The
9 remaining discrepancies of participation rates
10 are the result of continuing discrimination in
11 access to equal athletics opportunities.

12 It is neither logical nor
13 permissible to posit a lack of interest in college
14 sports participation on the part of female athletes
15 when fewer than 200,000 college participation
16 opportunities exist for females and you're going
17 from a pool of 2.7 or 2.8 million high school
18 girls that are participating.

19 Therefore, based on the
20 information provided, it is the position of
21 the National Coalition for Women and Girls in
22 Education that number one, no changes to the
23 Title IX standards as applied to athletics
24 are warranted or necessary.

1 The three-part test, including
2 the proportionality prong, is an appropriate and
3 necessary means to implement Title IX's requirement
4 of equality. Modification to the standards that
5 would limit future opportunities for women in favor
6 of expanded opportunities for men would violate the
7 goal of gender equity.

8 Any modification to the standard
9 that is based on the premise that women are less
10 interested than men in sports, for example, using
11 the results of an interest survey to limit the
12 women's participation opportunities would be both
13 factually inaccurate and legally invalid.

14 Number two, what is necessary
15 to ensure equal opportunity is vigorous federal
16 enforcement of Title IX and all of its implementing
17 policies at every level of education, not revisions
18 to the standards that have moved our nation toward
19 that equality. The responsibility of the federal
20 government is to ensure equal opportunity, not to
21 ensure that particular sports teams are added,
22 discontinued or maintained.

23 And number three, the nation's
24 commitment to the civil rights laws must be upheld

1 regardless of institutional budget decisions and
2 priorities to emphasize selected sports programs or
3 in other ways determine the appropriate number of
4 teams, size and expenses of athletics programs.
5 As a Commission, you have been charged with
6 reviewing the Title IX issues and are to report back
7 in January. I am confident that you will find the
8 information contained within the NCWGE report
9 extremely useful throughout your deliberations.

10 Remember that the law requires us
11 to value both men and women equally in education
12 including in sports so this should be our number one
13 priority. Instead of thinking about ways to change
14 the law or to lower the bar, the focus should be
15 about increasing opportunities for all.

16 You, as a Commission, have an
17 obligation to the American people to first work
18 within the existing approved regulations to make
19 this happens. I am confident that you will be
20 successful in identifying real solutions within
21 the existing guidelines.

22 Some suggested real solutions
23 to assist educational institutions in increasing
24 opportunities for all involved parties are number

1 one, consider the numerous cost containment
2 suggestions listed on Pages 31 and 32 of the report
3 and utilize the savings to increase opportunities.

4 For example, consider increasing
5 the number of players who can receive football
6 scholarships and decrease the cost. Adopt a
7 rule or ask the NCAA to adopt a rule to allow
8 90 scholarships instead of 85 scholarships,
9 except provide 45 full scholarships and 45 half
10 scholarships. Such a change would result in a
11 greater number of football players on aid, but
12 would free up 17.5 extra scholarships per year
13 that could be used for sports such as a new women's
14 soccer program or the existing men's wrestling or
15 gymnastics team.

16 I'm going to go through a couple
17 of these highlighted and continue on because I know
18 we have limited time here. The second one I'd like
19 to touch base on is adopting state law legislation
20 to help at the grassroots level. Basically, look at
21 the Florida and Georgia laws that says we need data
22 collection and we need colleges or high schools to
23 review their programs. Replicate that law across
24 the country and encourage the high schools to

1 evaluate the programs and get up to speed on areas
2 that they may be deficient.

3 The third one I'd like to touch
4 on is as a Commission, consider recommending that
5 the NCAA establish a committee to identify cost
6 containment methods. The NCAA legislation could
7 be proposed to address the situation for the
8 various divisions.

9 For example, as the Knight
10 Commission -- members of the Knight Commission
11 pointed out in the newspaper currently if you
12 have a Nike shoe contract, the money is going
13 into the pocket of the coach. Rules could be
14 put in place to require that those funds go
15 to the university as compared to going to the
16 coach.

17 So if we get a committee
18 together to look at some of these issues,
19 staying in the hotel the night before a home
20 game and spending hundreds of thousands of
21 dollars, if there's -- if we can get a committee
22 together to look at some cost containment issues
23 and you could have parity across the division,
24 it won't impact one specific university. It

1 would be helpful for the greater pull.

2 I'm going to conclude by sharing
3 an analogy with you as well as providing a few
4 closing comments. In the analogy that I would
5 like to present, a car, an automobile, is an
6 opportunity to play college sports. A free car
7 is a full college scholarship to play sports.
8 So a car is an opportunity to play college sports
9 and a free car is a full college scholarship to
10 play sports.

11 Thirty years ago, only women
12 were given the opportunity to own cars. People
13 had said men aren't interested in cars and they
14 might not be able to father children if they drove
15 cars. One female senator, however, thought that
16 men should have equal rights and so a law was
17 adopted in order to require colleges to let men
18 have the opportunity to own cars.

19 Thirty years later, women still
20 owned most of the cars. Women also get most --

21 MS. COOPER: One minute.

22 MS. YIAMOUIYIANNIS: -- of the free
23 cars offered by colleges. As a matter of fact,
24 of three cars given out by colleges, women get

1 about 60 percent of the free cars and men only
2 get about 40 percent.

3 It is 2002 and the college is
4 now faced with a budget squeeze and decides to
5 make some cuts. They decide to take a few of
6 the cars away from the women since women have
7 more cars than men and they force the women who
8 are the low ones on the totem poll to give up
9 their second-hand cars. When this occurs,
10 these women let the world feel their pain.

11 Since they have influence in
12 Congress, they are able to get the government
13 to conduct several GAO studies on this topic.
14 When that doesn't help their cause, they sue
15 the federal government because their rights
16 have been violated. When this doesn't help,
17 they convince the Department of Education to
18 address this issue by appointing a Commission
19 to hopefully change the laws so that women
20 could keep their cars.

21 Ironically, no one pays any
22 attention to the men who still receive only
23 close to 40 percent of the free cars, but I
24 guess that's okay because men are really not

1 interested in cars even though 2.7 million
2 high school boys own cars and even though
3 there are only 200,000 cars available in
4 college, if we --

5 MS. COOPER: Thank you.

6 MS. YIAMOUYIANNIS: -- develop a
7 survey, maybe we can show that we can't find enough
8 men interested in cars at college.

9 Meanwhile, women's basketball
10 players are meeting the car dealer to receive
11 their brand new Limited Edition Gold Series
12 Lexus cars. These women have a great dilemma.
13 Should they go with red leather or blue leather?
14 Luckily, they have a \$2 million coach to help
15 them make the tough decision.

16 This, my friends, is the
17 perception out there in the real world of women's
18 sports. The law was created to provide equal
19 opportunity. Sixty/fifty is not equal. Neither
20 is 58/42. It is your job as a Commission to make
21 sure that the original intent of the law, equal
22 opportunity for all, is upheld.

23 MS. COOPER: Thank you. Thank you.

24 MS. YIAMOUYIANNIS: Thank you.

1 MS. COOPER: Sorry.

2 (Audience applause.)

3 MS. COOPER: Katherine Kersten?

4 Katherine Kersten is a senior
5 fellow in cultural studies -- for cultural studies
6 at the Center of the American Experiment in
7 Minneapolis. She was a member of the center's
8 board of directors from its inception through
9 spring 2001 and served as a chair from 1996 to
10 1998.

11 Katherine is a columnist for
12 the Minneapolis based Star Tribune. She has
13 also been a commentator for the national public
14 radio -- for National Public Radios. All things
15 considered -- and has written for a variety of
16 publications, including the Wall Street Journal,
17 Christianity Today, The Weekly Standard, First
18 Things and Policy Review.

19 MS. KERSTEN: Thank you. This is
20 on, right?

21 Title IX prohibits sex
22 discrimination in all aspects of education. So
23 how are boys and girls fairing relative to one
24 another in American schools today? There are

1 striking gender disparities and they are repeated
2 in one form or another in schools all across
3 America. Generally, however, these disparities
4 don't favor boys, but girls.

5 On average, American boys'
6 academic performance is well below girls. In
7 the Twin City suburb where I live, for example,
8 girls are 67 percent of top ranked students and
9 they earn 65 percent of A's and 59 percent of
10 B's. Boys, on the other hand, are 75 percent
11 of special ed students and 90 percent of students
12 who are disciplined or suspended. The boys'
13 relatively poor academic performance is a major
14 reason for the growing gender gap we see in
15 college attendance today.

16 Fifty-seven percent of college
17 students are female and 43 percent are male. The
18 gap is expected to widen in the future. Girls
19 also dominate most high school extracurricular
20 activities. Nationally, they are 70 percent of
21 students in both music, 64 percent in orchestra,
22 and 61 percent in speech and drama. They also
23 outnumber boys in activities like year book,
24 honor society and student government.

1 Now, what causes these
2 disparities? If we apply the proportionality
3 test used in connection with Title IX, our
4 analysis would be simple. We'd compare the
5 percentage of boys and girls; girls and boys
6 in orchestra, 64 to 36 percent with student
7 enrollment 50/50, and we'd conclude that sex
8 discrimination, specifically anti-male bias,
9 is to blame. But as we all know, no one thinks
10 of looking at this matter this way.

11 The reason is that American
12 parents and educators know the world is much
13 more complex than this analysis suggests.
14 Parents who learn that boys are 90 percent of
15 those suspended don't think about discrimination
16 first thing. They know that boys have a greater
17 tendency than girls to engage in rowdy behavior.
18 My own son isn't in orchestra or in French club,
19 but not because bias keeps him out, his interests
20 are playing basketball and soccer and playing drums
21 in his rock band.

22 Here's the point. Today, there
23 are many, many gender gaps in American educational
24 institutions, but there is only one situation where

1 statistical disparities are automatically assumed
2 as a matter of policy and with no further proof
3 to be due to illegal sex discrimination. That
4 area is college sports, as governed by the
5 proportionality test of Title IX.

6 The proportionality test purports
7 to be a test of gender fairness, but its logic rests
8 on one critical and dubious assumption, that males
9 and females at every college in the nation have an
10 equal desire to play competitive team sports.

11 Now, the key word here is equal.
12 It's clear that tens of thousands of women do want
13 to play, but are women as a group interested enough
14 in intercollegiate sports to make strict
15 proportionality the standard of fairness and equal
16 access? If the answer is no, the proportionality
17 test has no basis in logic.

18 There is significant evidence
19 that women as a group have less interest in
20 collegiate sports than men in part because they
21 have broader extracurricular interests. This
22 evidence comes from many sources including SAT
23 interest surveys, sports participation rates at
24 all women schools and women's participation rates

1 in intramural and community sports programs.

2 Now, the reason that we're here
3 today is that opponents of the proportionality
4 test claim that many schools have discriminated
5 against men by cutting male teams and roster sizes
6 in an effort to comply with that test's numerical
7 balance requirements. Advocates of proportionality
8 make several arguments in favor of Title IX's
9 current enforcement mechanism.

10 Initially, some of these seem
11 plausible, but it's important to examine closely
12 their basis in fact. The first claim is that the
13 proportionality test is only one of three prongs
14 of the regulatory test for compliance with Title IX
15 and that schools are free to choose whichever prong
16 they wish to use. But in reality, things don't
17 work that way.

18 Proportionality, with its gender
19 quotas, is the only safe harbor for schools that
20 wish to avoid costly time-consuming investigations
21 and lawsuits. Prongs two and three are merely
22 temporary measures on the way to full compliance
23 and they invite future lawsuits.

24 Proportionality advocates'

1 second claim is that men's teams and opportunities
2 have actually increased, not decreased since Title
3 IX was adopted. Advocates point to NCAA and GAO
4 studies purportedly show an increase in men's
5 opportunities since 1981. In fact, however, over
6 the period those studies cover, many colleges joined
7 the NCAA and the NAIA and brought their existing
8 men's teams with them. As a result, the appearance
9 of expanded male opportunity is illusory. In 1985,
10 there were 253 male athletes per NCAA campus and in
11 2001, there were only 199.

12 A proportionality advocate's
13 next claim is that athletic opportunities for
14 college women remain in short supply. In fact,
15 however, in 2001, the NCAA had about 560 more
16 women's teams than men's teams and in most
17 sports, women's teams were entitled to more
18 scholarships than men's.

19 Advocates' fourth claim is
20 that Title IX, as currently enforced, is not
21 fundamentally about numbers, that is, gender
22 quotas, but about budgets. If only that stubborn
23 school would cut its football budget, they say,
24 it could comply with Title IX. Again, the reality

1 is different.

2 The proportionality test clearly
3 focuses not on budgets, but on numbers of athletes
4 by sex. And that's why, in an effort to comply,
5 some schools have cut men's teams even though
6 donors have offered to underwrite the team's
7 expenses completely. Men must go to bring
8 male/female numbers into balance.

9 Proportionality advocates also
10 claim that most colleges, 72 percent to be precise,
11 have managed to comply with Title IX without cutting
12 men's teams, but colleges that haven't yet cut teams
13 may have to do so tomorrow. Title IX is a moving
14 target especially as female enrollments climb.

15 The most common mechanism that
16 schools use to reach proportionality without cutting
17 men's teams is rigorous roster management, a process
18 largely invisible to outsiders. Today's schools
19 routinely cap participation on men's teams often
20 at levels well below what is required to build a
21 competitive program. They also prohibit male
22 walk-ons, thus, withhold the chance to participate
23 from athletes who cost the schools next to nothing
24 and play only for the love of the game.

1 Finally, advocates of
2 proportionality point to football as a primary
3 culprit in blocking Title IX compliance. However,
4 at many big football schools, football is the
5 goose that laid the golden egg. It helps to
6 finance women's sports. Two recent studies show
7 that women's sports are strongest at schools where
8 football makes money. The fact is though some
9 proportionality advocates may not approve, American
10 sports fans love football. At many large schools,
11 football games attract thousands of alumni and
12 potential donors to the campus with results that
13 benefit everyone.

14 Proportionality advocates
15 frequently point to football excesses like training
16 tables and hotel stays before home games to keep
17 players away from dorm noise and distractions. At
18 the University of Minnesota, dropping these would
19 save about \$50,000 a year, a sum that wouldn't begin
20 to cover the costs of a new women's sports team.
21 I do think, however, that proposals to address
22 football coaches' salaries deserves serious study.

23 Now, this is how the data on
24 Title IX looks to me, but others obviously see

1 things differently. How is this Commission to sort
2 through our varying interpretations? I encourage
3 the commissioners to appoint a panel of social
4 science experts to carry out rigorous statistical
5 analysis of the data at issue here. This data
6 should be subjected to rigorous regression analysis,
7 a tool that's become routine in legal cases
8 involving charges of discrimination.

9 Regression analysis can reveal
10 whether factors like differences in student
11 interest or student demographics rather than
12 intentional discrimination account for numerical
13 disparities. And I suspect that this analysis
14 would reveal that proportionality is a relatively
15 crude measure of gender fairness, which uses an
16 essentially arbitrary benchmark.

17 One final thought. In recent
18 years, all across the legal world, proportionality
19 tests like the one that Title IX employs --

20 MS. COOPER: One minute.

21 MS. KERSTEN: -- have essentially
22 gone the way of the buffalo. Whether this issue
23 is school desegregation or college admissions or
24 employment or housing, courts no longer presume

1 discrimination simply on the basis of statistical
2 disparities, and as we revisit Title IX's
3 enforcement mechanism, shouldn't we take this into
4 account?

5 Today, Title IX is at a
6 crossroads. For years, Americans have heard
7 about the law's beneficial purposes and results
8 and now for the first time, they are beginning
9 to learn about the dark side of Title IX as it
10 is currently enforced. Americans prize their
11 daughters' athletic opportunities, but they
12 also prize their sons' and if proportionality
13 begins to creep into high schools, I think it
14 will meet very determined resistance. Americans
15 believe in justice, fair play, and rewarding
16 individual merit. In my view, Title IX's
17 proportionality test flies in the face of all of
18 these. Thank you.

19 MS. COOPER: Thank you.

20 (Audience applause.)

21 MS. COOPER: Dr. Karen L. Sykes?

22 Dr. Sykes is the president of the
23 National Junior College Athletic Association, NJCAA,
24 and she is presently the head women's softball coach

1 and sports information director for the athletic
2 department as well as a full-time faculty member at
3 Dean College in Franklin, Massachusetts.

4 Her affiliation with the NJCAA
5 began in 1975 when she represented Dean College
6 at a Region 21 meeting. Her most recent honor
7 has been named as the NAIA Junior Community College
8 Administrator of the Year by the National
9 Association of Collegiate Women's Athletic
10 Administrators.

11 Dr. Sykes?

12 DR. SYKES: Thank you. I want to
13 thank the Commission for the opportunity to speak
14 this morning. As many of you can probably tell
15 by the number of grey hairs on my head, I went
16 to high school and to college right before Title
17 IX.

18 In high school, I stood on the
19 sidelines pounding my glove and wondering why no
20 one would let me play. At Penn State, where I
21 attended as an undergraduate, they were just
22 beginning their venture into women's athletics.
23 I finally had a chance to take the field in my
24 white-collared shirt and navy blue bermuda shorts

1 and thought that I was a hot ticket.

2 As a teacher, as a coach, and
3 as administrator, I have taught, believed and
4 lived Title IX since my first professional job.
5 And if I were speaking to you today on my own,
6 I would ask how anyone would dare conceive of
7 touching the legal insurance policy which has
8 moved so many young women from the bench onto
9 the playing field. But I'm here speaking not
10 just for myself, I'm here speaking as the
11 president of the National Junior College Athletic
12 Association.

13 My statements do not represent
14 the opinions of every member of our organization,
15 but do represent an accurate portrayal of what
16 has and is occurring with regard to Title IX and
17 the two-year college athletic programs.

18 Two-year college athletics offer
19 up somewhat of a black hole, recognized by some,
20 totally ignored by others. Called upon at times
21 to support broad based issues of shared importance
22 and criticized at others, we represent a large
23 constituency that doesn't fit neatly with either
24 secondary schools or four-year colleges.

1 Our unique student profiles and situations make
2 our concerns and our needs somewhat different
3 that many you may hear from others today.

4 Has Title IX had an impact on
5 college athletics? Most definitely. In 1974, the
6 NJCAA began offering invitational championships in
7 three different women's sports. In 1975, the NJCAA
8 took the bold step of creating a governance
9 structure that recognized a women's division as
10 a separate, but totally equal branch. Since
11 that time, the key to all decisions has been the
12 equality issue.

13 I am not naive enough to sit here
14 today and try to tell you that a generous group of
15 men suddenly decided it would be nice to offer women
16 opportunities back in 1975. The specter of Title IX
17 has always hovered in the background of our
18 decision-making, but I am telling you that the
19 effort, once begun, focused itself on equality.

20 Title IX has been like a
21 conscience for us. While not always in the
22 forefront of our decisions, it has served as a
23 moral and ethical presence which keeps us thinking
24 in terms of what is best for all of the athletes

1 we serve. However, I think everyone needs to be
2 realistic about what our profile actually is.

3 The mission of two-year college
4 athletics is quite different than that of both
5 secondary schools and most four-year colleges.
6 While we are all focused on providing educational
7 opportunities, our population and their reasons
8 for attending are quite different from those of
9 the others.

10 If I were to use the Florida
11 Community College system as an example, the average
12 age of students attending is 31. We see folks that
13 are returning to school, just deciding to attend or
14 really trying to improve their life situation.
15 Their life circumstances and interests are quite
16 different from those of the traditional 18 and 19
17 year olds. I would not mean to imply that men and
18 women at this age do not have athletic interests,
19 but their ability to take advantage of opportunities
20 is definitely different. With these folks as a
21 major presence on many of our campuses, interest
22 assessments and meeting proportionality tests
23 take on differing dimensions.

24 Further, the surrounding -- the

1 concerns surrounding the impact of large revenue
2 generating programs in men's football and basketball
3 are not as relevant when speaking about two-year
4 college athletic programs. Less than 16 percent of
5 our programs have football. Few of these, very few
6 of these, generate much, if any, revenue. If many
7 of you have been to a community college football
8 game, you realize it -- well, it probably looks
9 remotely like a high school game.

10 Most football programs at NJCAA
11 institutions are in place purely to generate FTEs.
12 The more FTEs, the more federal and state dollars
13 the institution received. At my own institution,
14 a small private one with less than 1,000 students,
15 we have football to generate bodies, almost 80 of
16 them a year. It is the tuition that comes from
17 those 80 bodies that's helped supplement our
18 operating expenses, not any hope of revenue and
19 that is what keeps our football program on as a
20 part of our athletic program.

21 When decisions are made to
22 drop programs to meet budgetary constraints and
23 to fulfill Title IX obligations in those limited
24 number of schools having football, our college

1 presidents are not going to, nor can they afford
2 to eliminate football because of its revenue and
3 the revenue that comes from FTEs. Something else
4 will almost always have to go before that.

5 The highest percentage of
6 membership in the NJCAA comes from community
7 college ranks and from some private schools.
8 As state budgets are affected by circumstances
9 in the economy, athletic budgets at these
10 institutions have had to take proportionately
11 high hits. The ability of institutions to meet
12 and stay in compliance with Title IX have been
13 compromised in many situations. The alternative
14 for most has been the elimination and not creation
15 of programs and that has been across the board.

16 In the state of Connecticut,
17 the community college athletic program has taken
18 dramatic hits in recent years. From season to
19 season, one budget cycle to the next, opponents
20 are never certain programs will exist or even
21 be able to travel. It has become a scheduling
22 nightmare for everyone and most importantly for
23 the students involved.

24 What do we recommend for Title

1 IX? We definitely believe and are committed to
2 the strong support of Title IX. We do not think
3 that football should be eliminated from the
4 proportionality equation because, in our case, it
5 is a competitive activity that requires resources
6 and should be considered of no more importance than
7 those of other activities that students express an
8 interest in. We are not in the revenue business.

9 The emphasis in ascertaining
10 compliance must place greater emphasis on elements
11 2-31, that while proportionality is important at
12 the two-year college level having full-time coaches,
13 equal access to facilities, support and practice
14 times as well as scholarship dollars can go a long
15 way to ensuring the success and even the viability
16 of our women's programs. At many schools, just the
17 presence of a full-time coach can ensure success.

18 In my region, the number of
19 full-time coaches that are part of women's
20 programs is relatively small. We believe that
21 the proportionality test should be maintained,
22 but it may be necessary in its present form to
23 alter it somewhat. But it may be time to look
24 at some relief in the percentage number.

1 Moving from five to seven and a half percent
2 in the equation might provide some relief for
3 some of our programs.

4 A possible new look at the
5 way needs analysis is done, some of our community
6 colleges have over 100,000 students. Miami-Dade
7 has 150,000 students. This makes the analysis
8 quite difficult when you're talking about the
9 type of moving population we are dealing with.

10 We strongly support the concerns
11 of four-year college advocates for Title IX and
12 for that reason, it may be time to look at the
13 way Title IX is addressed at each of the levels.
14 It is obvious we have some different concerns
15 from those of our senior colleges and it may be
16 time to recognize these in the Title IX formula.

17 Do I wish I could sit here today
18 and say we have come so far in society to recognize
19 the fundamental good that Title IX has offered in
20 all our young people by providing equal access and
21 opportunities for both females and males in
22 athletics? Yes, I wish. But the reality is that
23 with so many other aspects where money and access
24 equate with power and influence, we still have a

1 ways to go and to fundamentally alter the vehicle
2 which has gotten us thus far would be a mistake for
3 all those still seeking opportunities and access.

4 I would ask that some adjustments
5 be considered to application and emphasis taking
6 into consideration the different circumstances
7 surrounding competition, but that you protect the
8 concept and its fundamental application. Thank you.

9 MS. COOPER: Thank you.

10 (Audience applause.)

11 MS. COOPER: And I want to thank panel
12 two.

13 MR. LELAND: We'll have 15 minutes for
14 questions.

15 MS. COOPER: We'll have 15 minutes for
16 questions now.

17 MR. DeFILIPPO: Gene DeFillipo
18 from Boston College. I'd like to compliment the
19 panelists on a job well done. Very, very good
20 presentations and very -- articulated very well.

21 I have a question. One of our
22 previous panelists, Dr. Griff Powell, said that
23 he surveys both boys and girls on a high school
24 level in most extracurricular activities.

1 Katherine Kersten said in her
2 presentation that there's significant evidence
3 that women as a group have less interest in
4 collegiate sports than men and this evidence
5 comes from many sources, including SAT interest
6 surveys, sports participation rates, et cetera.
7 Yet Athena said that these surveys would be
8 factually inaccurate and not valid.

9 I would like for you to speak
10 to that, if you would, and why you think they
11 would be factually inaccurate and not valid.

12 MS. YIAMOUYIANNIS: Okay. Thank you.
13 And let me say this, that the use of the survey --
14 there's two uses that we've been talking about that
15 you can use the survey for.

16 One is to help you with prong
17 three to see what athletes might be interested
18 in, serving the interests and abilities of the
19 under-represented gender. And so what the NCAA
20 did with OCR in 1992 was to work on developing
21 a survey instrument, which they did. It was used
22 in addition with other tools, for example, at the
23 high school. The high school has stats on what
24 sports are offered at the high school level.

1 The college has other conference schools that
2 offer a certain sport. At the Olympic level as
3 well, you look at that information.

4 So basically, a survey could
5 be used to see what sports should we add for
6 the under-represented gender? What we're saying
7 on the other side is that interest surveys should
8 not be used to cap opportunities for women, and
9 let me take a piece out -- this is from the NCWGE
10 report, but it's from the Brown case and it says
11 to assert that Title IX permits institutions to
12 provide fewer athletics participation opportunities
13 for women than for men based on the premise that
14 women are less interested in sports than are men
15 is, among other things, to ignore the fact that
16 Title IX was enacted in order to remedy
17 discrimination that results from stereotyped notions
18 of women's athletics and abilities.

19 Interests and abilities rarely
20 develop in a vacuum. They evolve as a function of
21 opportunity and experience. Women's lower rate of
22 participation in athletics reflects women's
23 historical lack of opportunities to participate in
24 sports.

1 Moreover, the Supreme Court has
2 repeatedly condemned gender based discrimination
3 based upon archaic and over broad generalizations
4 about women, end quote. This is on Page 7 of the
5 report.

6 MR. DeFILIPPO: I've got it, right.
7 Do I have time to ask Katherine to --

8 MS. KERSTEN: Yeah, if I could just
9 respond to that.

10 MR. DeFILIPPO: -- respond?

11 MS. COOPER: Go ahead.

12 MS. KERSTEN: This is 2002. It's
13 not 1972. The girls who are playing today have
14 no memory of the kinds of incidents that have been
15 described here and, in fact, that I experienced in
16 high school as well. I think to -- to assume that
17 if women simply have another 50 years of sports
18 participation under their belt, that will get them
19 to a 50/50 level of interest in competitive
20 time-consuming intercollegiate sports is not at all
21 a safe assumption.

22 Otherwise, why don't all boys play
23 sports today in college? I mean, they've had 100
24 years to work up to that level. Vocal music, that's

1 been around for boys in high schools and colleges
2 for well over 100 years and you still only have 30
3 percent of boys doing that. That's what I'm talking
4 about.

5 This is not to say that women
6 don't have an interest. Of course, they do. The
7 question is do women as a group have the same kind
8 of interest and commitment to intercollegiate sports
9 as men do and the evidence has -- strongly suggests
10 that they do not.

11 MS. GROTH: Ms. Kersten, I'm actually
12 interested in your evidence and so I'd like to ask
13 you, you cite in your comments that there is
14 significant evidence that women as a group have
15 less interest in collegiate sports than men in
16 part because they have broader extracurricular
17 interests. Statistics actually show us that, in
18 fact, there has been an 847 percent increase in
19 high school girls participation in sports since
20 1972.

21 MS. KERSTEN: Right.

22 MS. GROTH: And a 411 percent
23 increase in women's participation at the collegiate
24 level. This is at the same time there seems to be

1 continual -- a continuing decrease in girls and
2 women's and even boys and men's participation in
3 extracurricular activities.

4 What are your thoughts regarding
5 those recent statistics?

6 MS. KERSTEN: Well, women's teams,
7 as we all know, started from almost nothing.
8 Certainly, there has been a very significant
9 increase. What I'm talking about is the fact
10 that overall in -- at the high school level,
11 which, of course, is where things start.

12 When it comes to college students,
13 women are far more involved as a group. We're not
14 talking about individuals here, of course, but
15 the entire group of American female high school
16 students. They are simply far more involved in
17 a far larger range of extracurricular activities
18 than boys are.

19 And so when it comes to college,
20 and as someone put it, actually two percent of all
21 high school athletes will play at the college level,
22 there simply isn't the same kind of level of
23 interest among women whose interests have been
24 spread over a much larger range of activities

1 among them as there is among men. It's been
2 about 60/40 for the last -- since, say, 1985,
3 is my understanding.

4 So we see, I think, especially
5 when you look at women's participation in voluntary
6 sports activities at the college level, there's a
7 study done six years ago surveying NCAA schools
8 showing that when you look at intramural sports,
9 women were 22 percent of participants and men were
10 78 percent. That's totally voluntary. That shows
11 quite a significantly different level of interest.
12 SAT surveys three to one of boys expressing interest
13 in varsity college sports over girls.

14 MR. LELAND: Okay. Donna and then
15 Rita.

16 MS. De VARONA: I'd just like to point
17 out that there are almost three million young girls
18 playing sports because of Title IX and that there
19 are only 200,000 participation opportunities. So in
20 the collegiate level, women's needs are not being
21 filled.

22 I'd also like to make a
23 clarification about rowing, which was a discussion
24 during the last conference, and it has been

1 traditional that rowing has been offered as a
2 sport to only colleges because of access. We know
3 that many schools can't afford to find the water
4 so many young athletes are recruited in college
5 because some decide to change a sport. For
6 instance, swimmers may decide to row. My father
7 was an all American football player at Cal who
8 played in the Rose Bowl and he was picked during
9 campus recruitment activity to row for the
10 University of California and became one of the
11 best rowers in the country or in the world.

12 So I think that as we look at
13 these subjects, we have to look at the history
14 of them and behind them. But I have a much more
15 fundamental question and I want -- I want both
16 Athena and I want you to respond to it and that
17 is since the focus seems to be that we are
18 considering or the thought is to consider
19 interest surveys in determining how we allocate
20 funds on college campuses, since that is a --
21 that is a consideration and since we are looking
22 at proportionality from two different points
23 of view; one is that we need it to be the
24 insurance that supports women's opportunities

1 because we've been discriminated in the past,
2 which I don't think is a fair assumption. Athena,
3 what is your view that if proportionality was
4 taken out as one of the parts of the three-prong
5 test, if that was a recommendation, what would
6 the landscape of women's sports look like and how
7 would that affect the collegiate environment
8 and high school environment? And I want both of
9 you to respond to that question or all of you.

10 MS. YIAMOUYIANNIS: Well, the
11 proportionality piece, basically, the law says
12 you have to provide equal opportunity and if you
13 are providing equal opportunity and if half of
14 your students are men and half of your students
15 are women and half your athletes are men and half
16 your athletes are women, to take out that first
17 prong is being a disservice to your university.

18 That should -- equal opportunity
19 in that sense has probably been achieved. What
20 the law says, and this is a liberal interpretation
21 of the law, these regulations in themselves say you
22 don't just have to get equal opportunity, you can
23 do two other things to get there, and the second
24 piece, which is show a history of making some

1 progress for the disadvantaged population and the
2 third way is to see if you're meeting the interest
3 and abilities for the under-represented gender.

4 So -- and a number of schools --
5 and if you look at the statistics here, I think
6 it was about 78 schools that were investigated
7 by OCR in that time period and 66 percent of
8 those or 66 fell into the prong three. They --
9 that we've been meeting the interests and abilities
10 of the under-represented gender and if OCR is able
11 to investigate a school and they are able to see
12 that they've actually achieved that third prong,
13 I guess that's where I get into the question of
14 how could people say it's all proportionality when
15 a number of our schools haven't been investigated,
16 have met prong three, and they've met it well with
17 survey instruments and with looking at the --
18 basically you look at what schools do offer in our
19 conference.

20 If you don't have competition
21 in the area and you don't have able students to
22 compete, that's a different story, but what happens
23 is if you have a viable club team at your university
24 that wants to go varsity and the people are capable

1 of competing at that level and you offer that --
2 that sport within your conference, then, you, as an
3 institution, if you don't meet prong one -- prong
4 two are obligated to add the sport for women.

5 MR. LELAND: Okay. Rita?

6 MS. de VARONA: No, I want --

7 MR. LELAND: I'm sorry.

8 MS. KERSTEN: I think that Title IX
9 is a very important piece of legislation, but I
10 differ from a number of folks. I've heard in the
11 assumption that Title IX is wholly responsible
12 for the kind of increase in women's sports across
13 K through 12 and beyond that we've seen in the
14 last 30 years. It didn't spring fully from it.
15 From where? There have been massive changes in
16 society in the last 30 or 40 years.

17 This ground swell is what
18 brought Title IX to existence in the first place.
19 Many of the women say on the prize winning
20 hockey -- women's hockey teams and soccer teams
21 didn't play in their early years because of Title
22 IX at all. They played in the community sports
23 programs that parents put together because of the
24 girls' interests.

1 I don't think that we'd see any
2 significant change at the college level if the
3 proportionality rules were dropped. I think what
4 we need to do is follow the law's intent, look
5 at interests and abilities of students of
6 both sexes so we use survey instruments, we look
7 at demonstrated participation rates at high
8 schools and we try to craft our college programs
9 to correspond with those at the University of
10 Minnesota, for example.

11 We are in the process of
12 eliminating our men's golf team and our women's
13 golf team as well as men's gymnastics. We have
14 put in place a women's crew team. The reason
15 everyone likes crew, of course, or at least in
16 large part is that the rosters are so large that
17 they help to balance the football rosters. We
18 have no high school crew teams in Minnesota.
19 We have 500 golf men's and women's teams in high
20 schools there.

21 There's no place for our golfers
22 to go now or won't be and then place -- in its
23 place we have this crew team with nobody who is
24 there in the state high school league to fill those

1 positions. So that kind of thing, I think, is a
2 problem and would be less a problem if we didn't
3 have to worry about proportionality.

4 MR. LELAND: Okay. Rita?

5 MS. SIMON: I think this panel,
6 perhaps more than some of the others, pose
7 the issue more sharply about interest versus
8 proportionality. I think, Katherine, that we
9 could get good measures -- valid measures of
10 interest, certainly regression analysis, et
11 cetera. And also we would have to measure
12 interest continually --

13 MS. KERSTEN: Absolutely.

14 MS. SIMON: -- just as we measure
15 proportionality. You can't do a one-time test
16 of interest. So you'd have to do the interest
17 measure as often as you do the proportionality
18 measure. But I know you have a law degree and
19 so I'm curious as your reaction to the statement,
20 and Athena, it's in your report, and I find it
21 very interesting that even if we had good measures
22 of interest when presented, they would be legally
23 invalid.

24 Would measures of interest be,

1 in your opinion, not acceptable in the courts and
2 I'm sure they would be taken to the courts?

3 MS. YIAMOUIYIANNIS: You're asking
4 that of me?

5 MS. SIMON: No, I'm asking -- I think
6 Katherine should respond. Would they be legally
7 invalid?

8 MS. KERSTEN: Oh, I think the legal
9 landscape here is very interesting. It's true
10 that federal appellate courts that have heard these
11 cases have come down the side of proportionality.

12 MS. SIMON: Yes.

13 MS. KERSTEN: But I think that's the
14 large part because those courts were carefully
15 selected by the individuals and groups putting
16 together the legal case as it moves forward here.
17 If you look at, say, the fourth and fifth circuits
18 where it hasn't been tested, I think you'd have --
19 find quite a different approach, and there have been
20 a couple federal district courts that have been
21 concerned about proportionality and talked about
22 interest surveys and their importance.

23 MS. SIMON: And, Katherine, what about
24 the measures that were put forth, the data about

1 interest?

2 MS. KERSTEN: Right.

3 MS. SIMON: Were they ever validated?

4 MS. KERSTEN: Well, Brown University,
5 for example, to my knowledge, really went into this
6 in great detail and had very significant interest --
7 evidence to present and the court did not consider
8 it. But this is contrary, I think, to the -- to the
9 spirit of the original legislation itself.

10 MR. LELAND: Okay. Julie, Cary and
11 then we're up against the time.

12 MS. FOU DY: I have a question for
13 Mr. Gardner. I know that you guys collect data on
14 numbers of athletes in men and women participating
15 in high school athletics, but in light of the recent
16 lawsuits with Title IX and the fact that there's --
17 it's hard to get data on budget decisions and
18 economic decisions, is there anything in place
19 with the National Federation of State High School
20 Association's to collect that information, not
21 just numbers, but something similar to the EADA
22 that they do at the NCAA level and some of those
23 reports that they do at the NCAA level?

24 MR. GARDNER: No, Julie, there is not.

1 The difference basically between the federation and
2 the NCAA is very huge. We are a federation so our
3 state associations are autonomous and we do not have
4 the ability to compel them to follow the rules as
5 the NCAA would being an association. So we do not
6 have the ability to collect that data.

7 MS. FOU DY: Is there -- is there any
8 way that you could foresee Congress or some type of
9 commission asking high schools? Is it possible to
10 do? I mean, I don't know the logistics. I'm naive
11 on that side, but is there any way you can collect
12 data like that?

13 MR. GARDNER: My sense would be that
14 it would be possible, yes.

15 MS. FOU DY: It would be possible?

16 MR. GARDNER: Yes.

17 MR. LELAND: Okay. Cary?

18 MR. GROTH: Athena, I think this
19 question has been asked, but it's -- I'd like to
20 get a little bit further detail from you. In
21 Atlanta, there was much discussion as there is
22 today about interest surveys. What are your
23 thoughts on the interest surveys? We've read
24 your report, but if you could elaborate a little

1 bit more on the interest surveys.

2 MS. YIAMOUYIANNIS: Okay. Kind
3 of going back to what I mentioned before, that
4 if you truly want to use the interest survey
5 and the best method possible, go back to what
6 was done in 1992 when the NCAA met with the
7 department -- Office for Civil Rights.

8 The sociologists and psychologists
9 and individuals from around the country, they
10 developed basically a survey instrument to help
11 their colleges with basic -- parts of prong three,
12 which is to say we want to identify what our
13 students might be interested in to see what could
14 be added for the under-represented gender.

15 So interest surveys, if they are
16 used for that purpose, to identify not just women,
17 but also men if you're increasing opportunities for
18 men as well, hopefully on both sides, increasing --
19 using that tool to increase opportunities.

20 The flip side is I agreed with
21 the courts, the eight -- and I believe it's nine
22 courts now -- that have said that you cannot cap
23 women's opportunities by saying they're not
24 interested. And you've heard the panelists this

1 morning talk about if you're welcome and you're
2 invited and you're provided an opportunity, there
3 will be interest.

4 So the courts have said provide
5 the opportunity and the interest will follow and
6 that, I guess, would be -- I would support the
7 courts and I would support that argument.

8 MR. LELAND: Okay. One more. Just
9 one.

10 MR. REYNOLDS: Excuse me. Athena,
11 with respect to using surveys, have you looked at
12 the feasibility of using surveys for prong one?

13 MS. YIAMOUIYIANNIS: Feasibility of
14 using surveys for prong one?

15 MR. REYNOLDS: Yes.

16 MS. YIAMOUIYIANNIS: Prong one is
17 basically saying if you have half of your athletes
18 male and half your athletes female, then you
19 should -- and if your student athletes are -- I'm
20 sorry -- if half your students are male and half
21 your students are female and if you meet -- if you
22 count up the number of athletes on your teams and
23 you see you have 50 percent, 50 percent, you meet
24 prong one. So in effect, there's no need to use an

1 interest survey for prong one because it's a number
2 count and you can do that across the country.

3 MR. REYNOLDS: But I'm just trying
4 to find out whether you or your organization has
5 looked -- have looked into this.

6 MS. YIAMOUYIANNIS: The --

7 MR. REYNOLDS: As opposed to whether
8 we should, I'm trying to find out whether you've
9 actually looked at the feasibility of using surveys.

10 MS. YIAMOUYIANNIS: I used to work
11 at the NCAA. I don't anymore, but that's -- my
12 understanding was the Division II group, and this
13 is based on the interest survey intro, and it
14 basically said it was not designed to test interest
15 under prong three. It was designed to help colleges
16 plan. They come out with that statement.

17 And based on Judy Sweet's
18 comment from the last Atlanta hearing, basically
19 the NCAA came out in support, that was my
20 understanding, in support of the existing
21 regulations as is.

22 MR. REYNOLDS: So you haven't looked
23 at feasibility?

24 MS. YIAMOUYIANNIS: The NCAA did look

1 at feasibility of the survey, but they said the
2 feasibility of the survey should be for the purpose
3 of assessing what sports to add compared to capping
4 women's opportunities.

5 MR. BATES: I have just a -- one quick
6 question for Katherine. You indicated that the
7 added opportunity for men actually came from schools
8 being added.

9 MS. KERSTEN: Right.

10 MR. BATES: Is there data for that?

11 MS. KERSTEN: Oh, definitely, yeah.

12 It's very, very clear.

13 MR. BATES: Okay. All right.

14 MS. KERSTEN: The period, I think,
15 is -- there are two studies, 1981 to '99, I believe,
16 was the first and '81 to 2001 or something is next.
17 But what -- what's rarely said is that there were
18 many schools added. They change leagues during that
19 time so they brought existing teams with them.
20 Yeah. That's clear.

21 MR. BATES: Okay. Thank you.

22 (Audience applause.)

23 MR. LELAND: Okay. Thank you very
24 much again, the four of you, and I hope you'll join

1 us for lunch a little bit later and if we could make
2 a quick transition, it would be appreciated.

3 (Whereupon, after a short
4 break was had, the
5 following proceedings
6 were held accordingly.)

7 MR. LELAND: Could the commissioners
8 please move to their seats. Could the commissioners
9 please come to the front? We need some of the
10 commissioners to come here. We need a forum in
11 order to get the public testimony.

12 We were expecting Dr. Wayne Watson
13 to be our next speaker. He's the chancellor of the
14 City Colleges of Chicago. This is an educational
15 institution with 160,000 students in a large urban
16 community. It's a system of colleges and it's the
17 largest single institution of higher education in
18 Illinois.

19 Dr. Watson could not be with us
20 today, but he has sent Cathleen Welsh to read his
21 statement. Cathleen Welsh is the dean of students
22 and director of athletics at the Kennedy-King
23 College, one of the City Colleges of the City of
24 Chicago. Go ahead.

1 MS. WELSH: Good morning.

2 Dr. Wayne Watson is the chancellor
3 of the City Colleges of Chicago, the second largest
4 urban community college system in the United States
5 of America. The City Colleges of Chicago has over
6 165,000 students enrolled in college degree
7 programs, vocational, customized training, adult
8 and continuing education and special interest
9 courses. Of the over 165,000 students, 70 percent
10 are enrolled part-time, 61 percent are women, the
11 average student age is 31.

12 Almost 50 percent of all students
13 have part or full-time jobs while attending school.
14 In the case of credit students, 61 percent work full
15 or part-time. Students' goals range from learning
16 English as a second language and developing
17 technical/employment skills to preparing to
18 transfer -- for transfer education or pursuing
19 personal interests.

20 The City Colleges of Chicago are
21 a learned, centered, multi-campus institutions of
22 higher education offering students of diverse
23 backgrounds, talents and abilities a quality
24 education leading to baccalaureate degree, career

1 advancement or personal developments.

2 The urban nature of our City
3 Colleges presents our city and our staff with
4 serious challenges and opportunities. We are
5 the beacon for many inner city residents who
6 without the City Colleges would have no other
7 vehicle through which to travel to their destination
8 of a better quality of life for themselves and their
9 families. We have specifically designed programs to
10 greatly encourage the youth of our inner city to
11 continue their education to better themselves and
12 their surroundings.

13 One of the tools used to this end
14 in this -- is the presentation and availability of
15 various athletic programs in the City Colleges of
16 Chicago for men and for women. Our efforts may end
17 with men and women, but they begin with our
18 children. In this respect, the City Colleges have
19 developed programs and activities for young people.
20 These programs include college for kids on weekend,
21 the National Youth Sports Program in the summer,
22 and a special sports for girls program that teaches
23 young girls how to golf.

24 As the leader of the City

1 Colleges of Chicago, I applaud and support Title IX
2 of the Education Amendments Act of 1972. This
3 legislation prohibits sex discrimination in any
4 education program or activity receiving federal
5 financial assistance. It is my belief the
6 legislation's intent is noble and honored. Now,
7 some 30 years later, we are asked what's happened.
8 How could legislation meant to do so much good have
9 caused such a rancor?

10 I'm sure you've heard many experts
11 and many university officials stand before you and
12 give their analysis on what is wrong and how you
13 might fix it. I would talk to you from my
14 perspective, the community college perspective,
15 the urban city perspective. What I will tell you is
16 that -- what I will tell you is even in good -- if
17 legislation is good, implementation is not so easy.
18 For the City Colleges of Chicago, and probably the
19 other institutions of higher education, we will be
20 severely challenged to implement the legislation
21 proportionally.

22 In this context, this means that
23 intercollegiate participation opportunities for male
24 and female students should be provided in numbers

1 substantially proportional to their respective
2 enrollment.

3 In the City Colleges of Chicago,
4 unfortunately, in our community, a great majority of
5 our females attending our colleges must work during
6 the day or night to pay for their tuition. Our
7 female students are single or married mothers with
8 families to care for or are attending college
9 courses with a specific goal in mind.

10 Please hear me. They are taking a
11 course, going to school part-time and fighting to
12 survive. Many of these women are not interested in
13 participating in sports programs. The problems that
14 I have is that these female students are still
15 counted in our numbers with respect to proportion in
16 enrollment.

17 Under the guidelines and the
18 prongs of proportionality, if females choose not to
19 participate in sports, a great tragedy occurs to
20 the teams and the number of male athletes. These
21 teams and numbers of male athletes are cut to
22 reflect proportions or quotas.

23 As I tell you today, as if you
24 don't already know, we do not need to have more

1 men standing on the corners of our city streets.
2 The fact of the matter is inner city males face a
3 plethora of harmful, destructive situations and
4 college can only help them out of this quagmire.

5 Proportionally, as it exists
6 today, leads to the disenfranchisement of inner
7 city male students. When the under-represented
8 gender chooses not to participate, why should the
9 other gender be penalized?

10 Title IX should be enforced on
11 a fair and common sense basis. While records
12 indicate that more than 350 men's sports teams
13 have been eliminated, positions and numbers on
14 women's teams go unfilled. Team sports can be a
15 natural draw for a woman or a man who would normally
16 choose not to enter college.

17 At the City Colleges of Chicago,
18 we reach out to the Chicago Public Schools. We
19 invited the coaches and athletic directors to a
20 dinner meeting on April 16, 2002, to let them know
21 we want their student athletes to continue their
22 education with us. We did not ask them to send
23 their superstars. We asked them to send their team
24 players, their C students. We asked them to send

1 their girls and their boys to the City Colleges of
2 Chicago.

3 We are serious about helping
4 the citizens of Chicago, females and males. My
5 organization is an equal opportunity employer.
6 It seems the proportionality test is in direct
7 contradiction to me. The Title IX policy undermines
8 equal opportunity by enforcing colleges to eliminate
9 men's sports opportunities in order to provide
10 additional sports opportunities for women. We
11 should be about adding athletic opportunities for
12 all, not two dimensional.

13 MS. COOPER: Thank you.

14 (Audience applause.)

15 MR. LELAND: Thank you. Thank you.

16 Next is Deborah Dahlen Zelechowski.

17 DR. ZELECHOWSKI: That's good.

18 MR. LELAND: Dr. Zelechowski is
19 the senior vice-present of institutional advancement
20 at Robert Morris College in Chicago. She is
21 responsible for the operational and institutional
22 leadership of all academic divisions and student
23 services including athletics.

24 Robert Morris College gives the

1 most degrees to minorities in the state of Illinois
2 and ranks fourth in the nation in that category.
3 Robert Morris College's athletic program is unique
4 in that it operates out of a downtown building
5 without any athletic facilities of its own. It
6 must rent off campus facilities to practice and play
7 their games.

8 Dr. Zelechowski?

9 DR. ZELECHOWSKI: Thank you. I'm
10 happy to be here to explain some of the challenges
11 we have had with Title IX in implementing a
12 relatively new athletic program.

13 Before I proceed, I want to
14 ensure the Commission that we are in support of
15 gender equity and opportunities for women. Robert
16 Morris College, as said, is a nonprofit institution
17 of higher learning that grants applied Associate
18 and Bachelor's degrees. We are located in Illinois
19 with a multi-campus institution and serve a commuter
20 population of 6,000 full-time students, 90 percent
21 of whom are first generation college students.

22 Our mission is to provide applied
23 education in a collegiate environment to
24 under-served communities. We have earned the

1 distinction of granting more associate degrees to
2 minorities than any other four-year institution
3 in the nation and we also graduate more minorities
4 than any other institution in the state of Illinois.

5 These distinctions have been
6 attained with the assistance of our athletic
7 program. The college has nine women's teams and
8 five men's teams. Currently, the college complies
9 with Title IX by showing a history and continuing
10 practice of adding women's sports. In fact, we've
11 added, like I said, nine teams in eight years.

12 Robert Morris College is an
13 evolving institution. The demographics of our
14 student body have dramatically changed as our
15 academic programs and student services have.
16 Twenty years ago, we served a female population
17 of secretarial students.

18 Today, we serve a diverse student
19 body of Hispanic, African-American and Caucasian
20 students who truly reflect the ethnic demographics
21 of the community. The change in our student profile
22 is consistent with other single sex educational
23 institutions. Survival depended on becoming a
24 co-ed institution. To meet the needs of the

1 community and to remain viable, Robert Morris
2 College made cultural and institutional changes.

3 Eight years ago, as part of our
4 strategic plan to improve the collegiate environment
5 and increase male enrollment, the college added
6 student clubs, activities, and an athletic program
7 for men and women. Since the creation of the
8 athletic program, our institutional enrollment
9 has increased 171 percent and our male enrollment
10 has increased 250 percent.

11 The college credits our athletic
12 program with assisting and attracting males. Today,
13 our male enrollment is 36 percent of our student
14 body and 36 percent of our associate degree
15 graduates are also male.

16 Now, we find two aspects of Title
17 IX in particular that have created challenges for
18 our evolving institution with our mission and our
19 history. The guidelines and interpretations of both
20 proportionality and student interest have put us in
21 an awkward position of complying with Title IX.
22 Specifically, regardless of ethnic or racial
23 background, all males are treated as one group.

24 Second, colleges whose student

1 bodies are shifting from single sex institutions
2 to include male students are caught in a statistical
3 anomaly.

4 And third, non-traditional
5 students are treated the same as traditional
6 students even though their ability to participate
7 in athletics is not the same.

8 My statement further explains
9 these three challenges. Nationally, male bachelor's
10 degree recipients represent only 43 percent of
11 graduates. Male associate degree graduates
12 represent only 40 percent. These percentages
13 drastically decline for minority males. Whereas
14 black and Hispanic males represent nearly 15 percent
15 of the U.S. population, they receive only five
16 percent of the nation's bachelor's degrees and only
17 seven percent of associate degrees.

18 Minority males in higher education
19 are grossly under-represented when we look at these
20 demographics. According to the Justice Policy
21 Institute on state spending for prisons, there are
22 more African-American males in prison than in higher
23 education. In fact, there are 188,000 more
24 African-American males incarcerated than enrolled

1 in college.

2 There's a social issue here. At a
3 time when America needs to increase the graduation
4 rate of minorities, but particularly, the graduation
5 rate of minority males, more can be done to increase
6 their participation in education. Equal opportunity
7 needs to consider ethnicity as well as gender
8 because minorities historically have not had the
9 same opportunities. We need to meet students where
10 their interest lies.

11 The second situation we found
12 ourselves in pertains to moving from a history of
13 primarily serving females to include males. The
14 first question the Commission on athletic
15 opportunity wishes to address, namely, are Title IX
16 standards for assessing equal opportunity in
17 athletics working to promote opportunities for male
18 and female athletes is extremely difficult for
19 Robert Morris College to answer.

20 The college is, in some ways, in a
21 catch 22. To attract more males, we need more males
22 yet we cannot offer more male athletic teams because
23 we do not have more male students enrolled.

24 The third situation we found

1 ourselves in centers on our student body, which
2 includes many non-traditional students. Our
3 students are primarily commuter students and many
4 are older working adults. Many of these students
5 have no time or desire to participate in sports.
6 They choose to go to college to earn a degree as
7 fast as they can. There needs to be a way to
8 address their interests that considers these
9 students.

10 So to the second question offered
11 to the Commission, is there adequate Title IX
12 guidance that enables colleges and school districts
13 to know what is expected of them and to plan for an
14 athletic program that effectively meets the needs
15 and interests of these students, Robert Morris
16 College has a ready answer. We need a clear
17 definition of interest and a clear way to measure
18 it.

19 The letter of the law of Title IX
20 is interfering with the spirit of the law. If the
21 intention is to create equal opportunities, it is
22 preventing us from creating equal opportunities for
23 minority men.

24 Second, how is equal opportunity

1 to be determined for institutions moving from single
2 sex institutions to include males?

3 And finally, non-traditional
4 students who have no interest in athletics need
5 to be considered differently. The college needs
6 additional guidance on how to honor the spirit
7 of Title IX while meeting our institutional mission
8 to address the greater needs of under-served
9 students, especially minority males and
10 non-traditional students.

11 Thank you for this opportunity
12 to speak to you.

13 MR. LELAND: Thank you.

14 MS. COOPER: Thank you.

15 (Audience applause.)

16 MR. LELAND: Next up is Kevin
17 McCarthy. He's director of athletics and chairman
18 of the department of physical education at
19 SUNY-Cobleskill in New York, which, of course,
20 is in New York.

21 He administers 22 intercollegiate
22 sports. SUNY-Cobleskill is part of a state
23 university system and it is a large two-year
24 college. He is a member of the board of directors

1 of the NJCAA Region 3. He's been named Mountain
2 Valley Coach of the Year three times, NJCAA Region
3 3, Division III, Coach of the Year twice and was
4 NJCAA District I, Coach of the Year in 1998.

5 Mr. McCarthy?

6 MR. MCCARTHY: Thank you. I welcome
7 the opportunity to share with the Commission
8 information relative to challenges associated
9 with the two-year college level.

10 As you indicated, Chairman Leland,
11 I am the director of athletics and chairman of the
12 Department of Physical Education at one of 32
13 two-year colleges publically funded in the state
14 of New York.

15 Cobleskill is a residential
16 college of 2,400 full-time students in rural New
17 York located 35 miles from the state capital Albany.
18 We sponsor 22 sports; 11 men and 11 women sports.
19 Intercollegiate athletics at Cobleskill is an
20 integral part of the college experience from
21 both an academic and an extracurricular perspective.
22 Administratively, the college supports a strong
23 and vibrant broad-based program that embraces
24 the ideal of equal opportunities for men and

1 women.

2 As a school of agriculture and
3 technology, for the past three years, our full-time
4 enrollment average is 55 percent men and 45 percent
5 women. At the same time, our intercollegiate
6 participation numbers mirror that of the student
7 body identically, while we are also committed to
8 maintaining equity in budget and personnel
9 distributions.

10 As you can imagine, we are most
11 pleased and fortunate to have achieved the Title IX
12 safe harbor of proportionality. However, this has
13 not been an easy task and at times, sacrifices have
14 been made in an effort to maintain these standards.
15 Three years ago, our then president, Dr. Kenneth
16 Wing, began to explore initiatives to increase
17 enrollment. Unfortunately, beginning in 1998,
18 student full-time enrollment at SUNY-Cobleskill was
19 declining. At the same time, several of our sister
20 institutions, in an attempt to increase enrollment,
21 balance institutional budgets and fill classroom
22 seats, were adding football and hockey to their
23 two-year programs.

24 At Cobleskill, we spurned the

1 opportunity to even assess the potential for
2 adding these sports as institutionally this would
3 jeopardize our ability to maintain proportionality
4 in our athletic program. Since that time, we've
5 received dozens of inquiries each year as to the
6 availability of football and/or hockey on our
7 campus. We annually lose students to enrollment
8 as five two-year schools in the state have added
9 football and hockey in the last four years.

10 With over 80 percent of New York
11 high schools sponsoring football and over 20 percent
12 of male high school athletes participating in
13 football, I do have a concern that we are missing
14 an opportunity to market our college to a specific
15 constituency. As a result, our enrollment does
16 continue to decline.

17 Today, as I speak to the
18 commission, our enrollment are numbers down for the
19 third straight year. Faculty positions are
20 threatened, the college faces an \$800,000 budget
21 shortfall also while the decline in students also
22 compromises our athletic budget. These difficult
23 economic times could result in cuts in our
24 broad-based program that would be unfortunate.

1 These cuts could result in program deletions, not
2 only on the men's side, but also on the women's
3 side.

4 In addressing the body today, I
5 believe it's important to describe who we are at the
6 State University of New York at Cobleskill. We are
7 a proud Division III member of the National Junior
8 College Athletic Association. We offer no
9 scholarships. As a small state institution, our
10 endowment is very modest and as a result, we offer
11 a minimal amount of merit-based scholarships. As a
12 result, our students all pay to attend college.

13 My intentions are not to paint a
14 bleak picture of our institution or our athletic
15 program. As a matter of fact, many of our programs
16 have outstanding performers having obtained national
17 championships and/or national rankings in recent
18 years. Three years ago, our women's cross-country
19 team won the NJCAA national championship. For the
20 last eight years, our men's basketball program has
21 been nationally ranked every single week for eight
22 years and at the same time, during the 2001 season,
23 our women's track -- outdoor track and field team
24 was national runner-ups.

1 My point is that as a
2 non-scholarship institution that is tuition driven,
3 we must have the flexibility and creativity to
4 continue to build and excel in intercollegiate
5 athletics while one of our main goals
6 institutionally is to assist a college in its
7 efforts to increase enrollment.

8 A specific illustration of the
9 daily challenges we face is delineated by our soccer
10 programs. In our men's and women's programs, both
11 are guided by full-time coaches who are professors
12 in the Physical Education Department. Both of these
13 head coaches are outstanding, dedicated
14 professionals equally intent on developing the
15 finest teams possible. Each program also has an
16 assistant that is a full-time employee of the
17 college. Each program has a recruiting budget that
18 consists of unlimited phone calls, unlimited travel
19 within the state and unlimited postage for mailings.
20 At the same time, uniform and equipment budgets are
21 almost identical.

22 What I find most interesting is
23 that the -- through similar efforts this past year
24 on behalf of the coaching staff, we recruited 35

1 freshman male soccer athletes and unfortunately only
2 11 female freshman soccer players. As an
3 administrator, my dilemma is do I enact a policy
4 for cutting or trimming the men's numbers to limit
5 a travel squad? Do I increase the women's
6 recruiting budget? Should I be concerned with
7 proportionality and its potential negative effects
8 on our overall program? Do I eliminate some of
9 these non-scholarshipped athletes from
10 participating?

11 In conclusion, like many before me
12 who have addressed this group, I have dedicated my
13 life to education and athletics. This year, I began
14 my 25th year in coaching and 19th year in athletics
15 administration. During my tenure, I have had the
16 opportunity to coach women's track at the Division I
17 level, men's basketball at the Division III level,
18 women's basketball at the Division III level and
19 men's basketball at the junior college level. I
20 have been blessed to have coached both outstanding
21 young men and young women in both team and
22 individual sports. As a parent, I have three
23 children; a daughter and two sons, all who are very
24 active in sports in their own respective school

1 programs.

2 As a result, my comments are
3 intended to help the committee make recommendations
4 that will guide the future of athletics in our
5 country, a nation that preaches inclusion for all, a
6 nation that professes that not one individual should
7 be discriminated against, not one young man or one
8 young lady should be denied a fair opportunity at
9 an athletic experience that will help them grow,
10 mature, develop and become productive members of our
11 society.

12 We should not look for ways to
13 restrict the participation of dedicated, deserving
14 athletes. Surely, we will be able to find an equal
15 opportunity for all that are interested in
16 participating. We have much at stake on behalf of
17 our youth. Great strides have been made in the last
18 30 years on behalf of young women. I am proud to
19 have supported these initiatives over my
20 professional career. I, too, want to ensure that
21 for the next generation, all young men and young
22 woman will be given fair opportunities. Thank you
23 very much.

24 MR. LELAND: Thank you, Mr. McCarthy.

1 (Audience applause.)

2 MR. LELAND: Next up is Ron Case.
3 He's the director of athletics at Gloucester County
4 College in Sewell, New Jersey -- Sewell, New Jersey.

5 MR. CASE: Sewell, New Jersey.

6 MR. LELAND: Sewell, New Jersey,
7 excuse me, since 1991. He was selected as the
8 recipient of the L. William Miller award presented
9 by the National Alliance of Two-Year College
10 Athletic Administrators as the outstanding
11 administrator. He has served on that governing
12 body's executive committee since 1993 and was the
13 association's president in 1999/2000.

14 He also served as president
15 of the national -- of the Collegiate Athletic
16 Administrators of New Jersey for one year and had
17 served on the organization's executive committee
18 since 1995.

19 Mr. Case?

20 MR. CASE: Thank you. I, too,
21 would like to welcome the opportunity to speak here
22 with the Commission. Unfortunately, for me,
23 perhaps, I am the twelfth speaker of twelve so
24 I may be going over some ground that has been

1 covered previously.

2 I would like to do two basic
3 things this morning. The first is to give you a
4 brief overview of our program at Gloucester County
5 College, which is a commuter two-year campus in
6 South Jersey, just outside of the city of
7 Philadelphia. As Mr. Leland mentioned, I've been
8 the director of athletics and now dean of health
9 physical education and recreation since 1991. I
10 came to that role after being the head women's
11 soccer and softball coach in the Division I program
12 at Colgate University, who, over the years, has had
13 some Title I (sic.) problems of their own.

14 When I took over the program at
15 Gloucester County College, it was certainly ripe for
16 a Title IX lawsuit if ever a program was. They had
17 had a very, very successful men's program. However,
18 the women's program consisted of about six athletes.
19 I found one female cross-country runner, three to
20 four women's tennis players and one shot putter on
21 the outdoor track and field team. This did not seem
22 to bother anyone necessarily at the school, but it
23 certainly bothered me.

24 At that time, we were totalling

1 six men's programs and three programs for women. I
2 had tried to address Title IX concerns as I could.
3 Obviously, money is always a driving factor in
4 two-year colleges, maybe even more so than other
5 places. We added programs on a steady basis. We
6 tried to create a level playing field in all of our
7 opportunities for men and for women and we were
8 trying to increase the number of programs to where
9 we now have 13 programs; seven for men and six for
10 women.

11 One of my goals was to continue to
12 maintain the success of the men's program while we
13 built a successful women's program. Over the period
14 of time that I've been there, we have achieved 11
15 NJCAA Division III national championship teams and
16 we have had 28 teams finish in the top three in the
17 country. Many of those programs have been women's
18 programs. We've been able to add women's soccer,
19 women's softball and women's basketball and we've
20 been able to enhance the other three programs that
21 existed.

22 One of the obstacles that I
23 encountered when coming to the program was a real
24 lack of driving force on campus either at the

1 administrative level or at lower levels for
2 enhancement of the women's program and, therefore,
3 undertook the job of trying to build this program
4 on my own shoulders.

5 As I mentioned, I'm happy to
6 report that we've done very, very well in our
7 programs. We have devised something in the state
8 of New Jersey that's similar to the National
9 Director's Cup, which might also be referred to
10 as the Sear's Cup. Hence, from time to time,
11 Mr. Leland has referred to it as the Stanford Cup,
12 which is positive -- which is a very positive
13 statement on my benefit.

14 MR. LELAND: Some of these guys.

15 (Audience laughter.)

16 MR. CASE: Oh, no. That's a very
17 positive thing.

18 And I'm pleased to say that in a
19 program that we've designed statewide to recognize
20 equal levels of competition and the success that
21 we have won four of the five CAANJ cups that have
22 been awarded in New Jersey. Again, I think that we
23 should be very, very proud of that.

24 Gloucester County College is

1 very, very similar to many of the two-year
2 colleges throughout the country in that we give
3 no scholarships. The average two-year school
4 in America doesn't give scholarships. Therefore,
5 in terms of talking about equal number of
6 scholarships and Title IX problems, that really
7 is not something that comes into our evaluation
8 of the process.

9 There are constant increasing
10 pressures to increase enrollment, as Kevin
11 mentioned. FDEs are what drives us. The things
12 that make our funding are basically how many
13 full-time enrolled students do you have. Many
14 of us have witnessed over the years a decrease
15 in operating funds and many times that means
16 that we have to find ways to increase offerings
17 for female programs and at the same time doing
18 it on less and less dollars being given to us
19 in our budgets.

20 In terms of football being the
21 determining factor at the two-year college level,
22 it was mentioned earlier that only 16 percent of
23 the two-year colleges in America have football
24 and so how that skews the numbers in Title IX

1 considerations may not be something that necessarily
2 affects us at our level.

3 And one of the other things that's
4 very, very interesting, of course, that not too many
5 people have mentioned is the commuting student. The
6 average two-year college student in America lives at
7 home or lives off in an apartment on their own and
8 commutes, and I think that this has a great deal of
9 input and emphasis on whether or not that student is
10 interested in participating, are they a student who
11 has to work and try to make a living while they're
12 going to college at the same time.

13 The number of non-traditional
14 students that attend two-year colleges is very,
15 very significant and looking at Gloucester County
16 College, when I broke down the statistical
17 information, I found that when we broke that
18 information down, we had almost a 50/50 split in
19 traditional age students and at two-year colleges,
20 I believe that would be age 17 through 21.

21 However, when I started to review
22 the number of students that were at our campus that
23 were older than the non-traditional age, I found
24 that the split became 58 female and 42 percent male

1 when we went beyond the age of 22, and I also found
2 that there were several age limits once we got into
3 the range of the thirties where there were some
4 cases where we would go three or four ages in a row
5 where there were no male full-time students.

6 Obviously, if we're to use
7 proportionality, I think it behooves the Commission
8 to take a look at non-traditional students that
9 attend two-year and community colleges and make sure
10 that that's something that's looked at in a fair and
11 equitable manner.

12 One of the other great
13 difficulties that we have as part-time coaches in
14 terms of trying to secure quality coaches for our
15 female programs and to try to get females to be
16 coaches. Many times, we have now gotten into
17 situations where we're almost begging people to
18 coach. We may advertise jobs and I live in a
19 pretty highly populated area where there are a
20 lot of potential candidates where you may only
21 have one or two applicants for a job and sometimes
22 what happens is you're now hiring people that ten
23 years ago, you wouldn't have even considered just
24 because of the time commitment and the low pay.

1 We're finding that young people
2 who are coming out interested in coaching are making
3 more money coaching junior high programs than they
4 are coaching two-year college programs.

5 I think it's important for the
6 Commission to keep the three-part test particularly
7 parts two and three because that is how two-year
8 colleges can try to achieve some type of parity and
9 some type of compliance. I think it is possible
10 for us to demonstrate a history and the continued
11 practice of program expansion. I think that it is
12 possible for us to fully accommodate the interest
13 and abilities of the under-represented sex and more
14 important, I think that it is very, very possible
15 for all of us to give equal treatment to male and
16 female student athletes in the 11 components that
17 were listed much, much earlier today.

18 Things like equipment, supplies,
19 scheduling of games, travel and daily allowance per
20 diem, access of tutoring, coaching, locker rooms,
21 practice in competitive facilities, medical and
22 training facilities and services, housing and dining
23 facilities and services, publicity and promotion,
24 support services, recruitment of student athletes

1 are all areas which can be, if people are committed,
2 they can be addressed and they can be addressed in
3 an equal and equitable manner.

4 Recently, at the two-year college
5 level, we have started to comply with the EAD, which
6 is the Equity and Athletics Disclosure Act survey.
7 This is done on an annual basis with our people who
8 come up with statistical information at the campus
9 and I have found that as an excellent means in terms
10 of evaluating my own program on an annual basis and
11 once you cut through the red tape of trying to
12 compile all of the statistical data and you start
13 doing it at the beginning of the year instead of
14 finding out at the end of the year that you've got
15 to do it, I've found that that is a very, very good
16 method of self-evaluation.

17 One of the things that is listed
18 on that is per athlete expenditure and I would
19 encourage this Commission to continue to take a
20 look at per athlete expenditures. I think that's
21 very important because one of the things -- cases
22 that I would make would be that in some sports,
23 if I were to take, say, men's and women's
24 basketball, we may have 12 or 13 women try out

1 for the women's basketball team and we cut no one.
2 We may have 35 men and we may cut down to a squad
3 size of 15. Now, we certainly would take a squad
4 of 15 women if we had that many women try out for
5 the team and I think that it is in -- within the
6 spirit of Title IX that if each individual athlete
7 is treated equally in terms of per diem, in terms
8 of equipment, of coaches being paid fairly and of
9 practice time and those types of things, that,
10 again, the spirit of the law has been met.

11 One other thing that I have been
12 very active in in the last few years is trying to
13 create a two-year Director's Cup. Through my work
14 with NATCAA, National Alliance of Two-Year College
15 Athletic Administrators, we have been able to meet
16 with NATCAA's Sear's Cup committee, which is also
17 now the Director's Cup as Sears has dropped their
18 sponsorship of that program and we've been trying to
19 encourage them to find a way to recognize the
20 800-plus, two-year colleges for overall program
21 excellence.

22 I believe that -- I think that
23 those types of programs will encourage people to
24 have broad-based programs and to --

1 MR. LELAND: One minute.

2 MR. CASE: -- treat women's sports
3 equally with men's sports. We are very optimistic
4 that sometime in the near future, we will have some
5 type of two-year Director's Cup and hopefully that
6 will help promote our cause and will help encourage
7 two-year institutions to increase female program
8 offerings. Thank you.

9 MR. LELAND: Well, thank you.

10 (Audience applause.)

11 MR. LELAND: Before we open up for
12 questions here, and we have about 15 minutes for
13 questions, I do want to say this.

14 While all the-- most of the
15 presenters are here, I think that as we looked
16 at this committee -- this Commission, I think we
17 really appreciated the great diversity in American
18 higher education, the kinds of opportunities that
19 institutions like yours represent and we wanted
20 to make sure that we gave you guys, you know,
21 full access to us and to the venue.

22 That's why we scheduled
23 specifically a meeting with a single topic of
24 presenters and we really think that this is

1 important, that we recognize the strength of
2 higher education in America as its diversity
3 and its complexity.

4 And so I want to thank all of the
5 presenters now for this morning, for coming forth
6 and talking about their institutions and how this
7 law has affected them.

8 So let's open up for questions
9 now. Go ahead.

10 MR. JONES: I'm actually very
11 interested in, you know, listening to the discussion
12 here and just getting some sense of kind of the
13 unique challenges that two-year institutions face,
14 and kind of the particular audience of students that
15 you serve.

16 I was particularly interested in
17 Dr. Zelechowski and Dr. Watson's representative.
18 I'm sorry. I didn't catch your --

19 MS. WELSH: Welsh, Cathy Welsh.

20 MR. JONES: Ms. Welsh, in talking
21 about the non-traditional students that
22 you -- that you serve and how that plays into the
23 whole proportionality analysis and such, now, you --
24 Ms. Welsh, in particular, you talked about serving

1 this community that you serve and, in particular,
2 the women that come to your institution who face
3 various challenges and they've got all sorts of
4 things that they're paying attention to in their
5 lives and athletics is just not a priority for
6 them.

7 But the question that that begs,
8 I suppose, is, you know, given that -- you know,
9 that that is a factor for people at institutions
10 like yours, students in institutions like yours,
11 is there evidence or in your experience, or any of
12 your experiences, is it generally true that -- that
13 men -- that male students at the institution don't
14 face those kinds of challenges in the same
15 proportion as women?

16 You know, that's what I'm trying
17 to get a sense at. I mean, should we assume that
18 the female students at the institution are more
19 likely to be less interested in athletics because
20 they've got all these other things that they're
21 interested in than the men or would men also, as
22 non-traditional students at your institution, face
23 the same kinds of distractions that would lead them
24 away from athletics?

1 MS. WELSH: Well, I can say that
2 the women are -- they are the heads of households,
3 mothers, and the men don't face the same challenges.
4 A lot of them are single mothers. Particularly at
5 the City Colleges campuses, we have issues with
6 child care. That is something that most of our
7 parents have dealings with. We've also extended
8 our day care centers to, like, midnight to be able
9 to accommodate, you know, mothers, you know,
10 particularly on our team because we have a lot of
11 females with children on our athletic, you know,
12 teams, but there are a lot that can't commit to that
13 because of their other responsibilities with jobs as
14 well.

15 I don't think the men face the
16 same challenges. We have very few men who are
17 heads of households that are single fathers in
18 comparison -- in proportion to the women. And
19 in terms of -- I would say there is probably
20 some equity in terms of, you know, jobs, those
21 who are working, but I think the issues primarily
22 affect more women who are single, heads of
23 households and also the age factors and we do not
24 have -- we don't traditionally get the students out

1 of high school. We have older -- our average age is
2 31 and so we don't have -- we don't have dorms so,
3 you know, they also have the responsibilities at
4 home.

5 DR. ZELECHOWSKI: We would probably
6 say that men and women, non-traditional students,
7 face similar types of challenges. I think that
8 there's another issue here and that is interest
9 and who is more interested or is one gender more
10 interested in athletics than the other.

11 We would generally say that the
12 males are more interested in athletics than the
13 females. From the standpoint of our female rosters,
14 we work much harder to fill them.

15 MS. WELSH: I concur.

16 MR. LELAND: Cary?

17 MS. GROTH: So much of our
18 discussions in the two hearings have been around
19 finances -- circled around finances and whether
20 you're in Division I(A) or junior colleges or high
21 schools, it all comes down to finances. It's just
22 a matter of zero as someone once told me.

23 But do you think it's because of
24 Title IX that you cannot offer the programs needed

1 to grow and comply with the law or do you think it's
2 because of finances or lack of finances?

3 DR. ZELECHOWSKI: For us, because
4 we're moving into this new arena, it is not a matter
5 of finances. Adding the kinds of teams that we have
6 added in the last number of years is we have put
7 tremendous dollars into that effort because what
8 we've really done is shifted some recruiting dollars
9 into the athletic program in order to recruit males.
10 So for us, it has not been a budget constraint.

11 Mr. McCARTHY: One other small
12 consideration; at the state university system, I
13 can speak too -- there are also 32 four-year
14 colleges and due to -- not only -- and I think
15 it's -- the answer is yes, because of Title IX
16 implications and budget restrictions, many of those
17 32 four-year institutions have had to eliminate or
18 drop junior varsity programs.

19 And once again, the missed
20 opportunity in terms of participation for both
21 males and females at a junior varsity level,
22 that's probably an area that the Commission has
23 not considered at all, but it certainly is
24 reflective at the State University of New York.

1 MS. WELSH: I think with us, it's
2 not primarily a budgetary issue, although, you know,
3 those factors, they come into play, but it's more
4 for the proportionality because we try to offer
5 the equal sports for men and women, but it's in
6 terms of the numbers of interest, the men are
7 more interested in sports and they come out in
8 greater numbers. So if you're offering it on a
9 proportionality basis, that's where our issues
10 are.

11 MR. LELAND: Are there any questions?

12 I had one specifically for
13 Cathleen or Deborah. It seems as though, and
14 you hear this argument outside of this room, that,
15 you know, this disadvantage of minority of females
16 and the law seems to address or at least tries to
17 address their needs, but the last group here, and
18 I think that maybe Deborah argued this, is that it
19 might be minorities, minority males, who, because
20 of proportionality, did you -- did you -- did I
21 hear you argue that because of proportionality
22 requirements, mandates, imperatives that -- you're
23 not able to offer programs that might be attractive
24 to minority males because of the law? Is that sort

1 of your --

2 DR. ZELECHOWSKI: Right. It's
3 because we try to maintain proportionality, there
4 are other athletic sports that we might want to
5 offer that would lend itself to Hispanic males or
6 African-American males. And we're very cautious
7 of doing that because we're trying to maintain
8 proportionality and strict proportionality for
9 us would be 36 percent of -- if our student body
10 is 36 percent male, that we'd only have 36 percent
11 participation of males. Actually, we have a
12 little bit more than that, but we demonstrate
13 proportionality -- or, you know a continued progress
14 in adding female teams. So that's exactly what we
15 are under.

16 MR. LELAND: Okay. I was just
17 curious.

18 Yes, Rita?

19 MS. SIMON: I'm curious about the
20 part-time students. Could a part-time student,
21 if he or she vents an interest, participate in the
22 sports programs?

23 And then I'll -- I want to follow
24 that up once I hear the answer.

1 MS. WELSH: Under NJCAA guidelines, a
2 student has to maintain 12 hours. So that would be
3 a full-time student.

4 MS. SIMON: Ah-hah. That's true at --
5 that's true all over. That seems, to me, a real
6 problem because it seems to me that you might have
7 quite a few part-time students and I guess -- I
8 think maybe more male than female, that if they
9 could participate in a sport and then do well and
10 maybe get a scholarship, they wouldn't have to be
11 part-time students. Somehow it's a vicious circle,
12 it seems to me. But if we insist upon limiting all
13 of this to full-time students, we may be, at the
14 very outset, cutting out a great many potentially
15 good future athletes.

16 MR. CASE: I could speak to that.
17 One of the problems is that that also leads itself
18 to academic abuses and so we've got a catch 22
19 situation here. We'd love to provide lots of
20 opportunities for everyone. However, there were
21 people, that as soon as that happened, would take
22 advantage of that particular situation.

23 So we have a -- actually have
24 a higher standard of a normal progress rule

1 academically in the NJCAA than the NCAA has.
2 So that to play as a sophomore, a student has to
3 have -- maintained a better academic grade point
4 average and have passed his -- at least as high a
5 number of credits as you would have to at a
6 four-year school. So that part of the equation,
7 while what you're saying is -- is true, we have to
8 be very careful about, you know, having some type of
9 academic abuse.

10 MR. LELAND: Let me finish with one
11 last question. Kevin, how did you handle the 33
12 males and 11 females? What did you do? Because I
13 have -- go ahead.

14 MR. McCARTHY: We currently have not
15 eliminated any of the males from participating.
16 However, through attrition, after about the first
17 game started and some of them weren't getting any
18 playing time, they made the decision to leave the
19 team themselves.

20 We did limit the travel squad,
21 but we only did that because of transportation
22 issues and budget issues, considerations on our
23 campus. So we traveled 26 when we leave because
24 we had 45 at our first practice for men's soccer

1 with upperclassmen included. So we have a
2 limited travel policy, but right now through
3 attrition, we're down to still -- quite a disparity
4 because there's 29 or 30 men's soccer players and
5 still only 15 women's soccer players.

6 MR. LELAND: Okay. Other questions?

7 Well, thank you for coming and we
8 will adjourn now and readjourn at 2:00 o'clock.
9 Thank you.

10 MS. COOPER: Thank you.

11 (Whereupon, after a lunch
12 break was had, the
13 following proceedings
14 were held accordingly.)

15 MR. LELAND: If the commissioners
16 would come to order, please. Could the meeting
17 come to order, please?

18 MS. COOPER: We're ready to begin as
19 soon as we can come to order.

20 MR. LELAND: Welcome, everyone.
21 My name is Ted Leland and this is Cynthia Cooper.
22 We are co-chairs and we will try to
23 manage this next session. Thank you for coming
24 today.

1 We are now in our period of
2 public comment. As in all sports, we have a few
3 ground rules we'd like to explain to you first.
4 In an effort to accommodate as many people as
5 possible during this time, we have asked you to
6 keep your statements to three and no longer than
7 five minutes.

8 Out of respect for all of the
9 speakers, we will be very strict about time.
10 Here's the procedures that will be used. We will
11 ask four of you to come and sit in the front row
12 at a time. Then each speaker will be asked
13 individually to approach the microphone you can
14 see set up in the hallway or alleyway there.

15 When you begin your statement,
16 we'll turn on a green light. Four minutes into
17 your statement -- after four minutes, we'll turn
18 on a yellow caution light and Cynthia or I will
19 say one minute. You should begin to wind up your
20 statement. At five minutes, the red light will
21 come on and within a few seconds, we will turn
22 off your microphone.

23 It sounds a little draconian, but
24 the reason we're doing this is to try to give people

1 as much access as possible. It is our desire to be
2 fair, to have as many speakers in the allotted time
3 as will allow, and we thank you in advance for your
4 understanding for our procedures.

5 If we're not able to get to each
6 person who wants to speak today, please be aware
7 that you may submit your written statement for the
8 record and it will be given to each one of the
9 commissioners.

10 I think that's about it. Any
11 other -- anything else you can think of?

12 MS. COOPER: That's it.

13 MR. LELAND: Okay. Let's -- let's
14 begin the first four speakers then. R. Roberts?

15 Oh, yes. I apologize. We are
16 transcribing all of these. So although I'll call
17 or Cynthia will call your name out, we'd like you
18 also to say your name distinctly into the microphone
19 so that our court reporter can make sure that she
20 matches up the statement with the appropriate name.

21 The first four speakers are
22 Robert Smith, Mitzi Witchger, Pat Zilverberg and
23 Sandra Zakrzewski. If they could come to the front.
24 Just go ahead and sit somewhere in the front row.

1 If you three people could move this way, we'd love
2 you -- love you in the front. Thank you.

3 Okay. Robert Smith first. Is
4 Robert Smith here?

5 MR. SMITH: Here.

6 MR. LELAND: Yes, sir. Begin.

7 MR. SMITH: Good afternoon and thank
8 you for allowing me the opportunity to address the
9 Commission and the audience.

10 My name is Robert Smith. I come
11 to you in the capacity as both a parent and as a
12 school board member and I'd like to share some
13 thoughts or insights for your consideration.

14 I hope my comments will add to
15 the dialogue and the discussion this afternoon.
16 Prior to 1991, I had never heard of Title IX even
17 though it had been around for 20 years. In 1991,
18 my eldest son went off to college to compete in
19 collegiate athletics in wrestling.

20 And over the next several years,
21 I learned more about Title IX than I ever wanted
22 or dreamed I would know and that's the context in
23 which I come to you today.

24 I feel passionately about this

1 as many of the members of the audience do. And
2 like many, my passion is underscored by personal
3 experience, and my personal experience, was through
4 my son going away to college.

5 In 1991 and '92, and the four years
6 that he participated, he didn't have much control
7 over it, but it was bad timing to be a male athlete
8 in college whether it was in wrestling or golf or
9 tennis or soccer or a number of sports.

10 I think Title IX has been aptly
11 credited with expanding opportunities for women
12 in dramatic fashion, but I think what often gets
13 forgotten in that debate is that along the way
14 of enforcing Title IX, especially under the banner
15 of proportionality, there were some casualties
16 experienced.

17 I know that there were students
18 in the '80s and '90s, high school students who were
19 interested in competing in college athletics, who
20 were recruited, who were capable, who went to
21 college only to find out that their opportunity
22 was going to evaporate during the time that
23 they were there.

24 So I hope amidst the discussion,

1 we don't lose site that like most things, we've made
2 gains, but there's been some casualties. I think
3 the rigorous enforcement of Title IX through
4 proportionality in the 1980's and 1990's through
5 the OCR is what cost us some of those casualties
6 and some of them are regrettable.

7 I think sometimes we pretend
8 like it didn't happen, we deny it, we explain it
9 away, we excuse it, but I think we're better served
10 if we acknowledge the fact that some male athletes,
11 for reasons we could have controlled, lost the
12 opportunity to compete.

13 Whether the pressure from the
14 OCR was real or perceived, real or imagined, it
15 was nonetheless there. Numerous colleges and
16 universities cut men's athletic programs fearing
17 that if they did not do so, they would have no
18 choice.

19 I hope carrying this into the
20 future, that the recipe card that we hand to high
21 schools are the recipe card that we hand to college
22 administrators does not have proportionality stamped
23 in bold print on it any longer.

24 I hope the time has come that we

1 can tweak the recipe or add to it or change it or
2 modify it so that we can achieve the goals that we
3 set out without costing male athletes the
4 opportunity.

5 My perspective as a school board
6 member is this: From 1991 through '99, I sat on
7 the Plainfield School Board. At that time, it was
8 3,000 students. By 1999, it was 14,000 students.
9 Here's what we experienced as school board members.

10 During that eight-year period of
11 time, like most school districts, we started adding
12 athletic programs. We added -- when I got there, I
13 said I'd like to see boys volleyball. My women
14 colleagues on the board said, Bob, wait your turn.
15 Wait in line. And I waited. We added girls
16 volleyball -- I'm sorry -- girls soccer, girls golf,
17 girls bowling, and then we eventually added boys
18 volleyball.

19 We were doing what every school
20 district in the state strives to do. We were
21 looking to enhance opportunities and we were able
22 to do so. In the state of Illinois, there is some
23 900 school districts --

24 MR. LELAND: One minute.

1 MR. SMITH: -- and those school
2 districts are composed of seven members; so 6,300
3 people helped to steer this -- steer this course.
4 We didn't add -- we had never heard of, in eight
5 years, Title IX.

6 We added programs because we
7 thought there was a sense of fairness increasing
8 opportunities. We thought that there were youth
9 programs coming up, but nobody mentioned Title IX.
10 If you ask 6,300 school board members in this state
11 what they think of Title IX, only a handful would
12 tell you they even know about it.

13 The inertia -- the message is
14 we got to where we needed to go without Title IX
15 or the OCR or anybody else looking over our
16 shoulders and we're capable of going forward if
17 we strive to meet interests and abilities. That's,
18 I think, what our destination should be, interest
19 and abilities.

20 It strikes me, these two
21 observations, when we're adding programs, it's easy.
22 The stress, the animosity, the fighting time --

23 MR. LELAND: Time.

24 MR. SMITH: Thank you.

1 MR. LELAND: Mitzi?

2 MS. WITCHGER: Thank you for the
3 opportunity to speak to you. Five minutes is
4 such a small amount of time to give examples
5 of why Title IX needs to be strengthened, not
6 weakened. Suffice it to say that girls expect
7 no more and deserve no less than their male
8 counterparts.

9 I come here today as a gender
10 equity and athletics consultant, the founder
11 of GREAT, Girls Really Expect A Team, a member of
12 AAUW, American Association of University Women,
13 the Indiana Commission for Women, as an advisory
14 board member of the Woman's Sports Foundation,
15 but most of all, I come as a parent of two sons
16 and a daughter who have been high school and
17 college athletes.

18 I am familiar with the
19 constraints, challenges, attitudes and opportunities
20 for youth involved in sports, especially females who
21 want to be athletes. I work with students, parents,
22 interested community members and administrators to
23 address Title IX athletics compliance issues.

24 Title IX needs to be used not

1 to do the least for girls, but to do the best for
2 them. Much of the time administrators do want to do
3 what is best for their student athletes. For some,
4 though, equity in girls sports presents a unique
5 pressure to which they succumb. That needn't be
6 the case.

7 It's been my experience that
8 approximately 80 percent of Title IX concerns at
9 the interscholastic level and can be solved in a
10 year or less using little or no additional funding
11 if the will for equity is there.

12 It is my belief that the Office
13 of Civil Rights need to be more diligent in
14 enforcing Title IX. It's not that girls don't
15 want to be athletes. They need access to resources
16 and the same level of support to play sports that
17 interest them. Sports build character, expand
18 habits and horizons, minds as well as muscles.

19 High school sports opened
20 doors to college programs. Just as for boys,
21 girls can't be winners if they don't get to play.
22 Having traveled around the country, I know it's
23 true girls don't want to play softball on mediocre
24 fields while boys play baseball on well-maintained

1 and lit fields.

2 Girls don't want recycled boys
3 soccer uniforms for which they are expected to be
4 grateful. The same goes for prime time scheduling
5 especially in basketball. How's that defined?
6 They don't want weekend and afternoon -- weeknight
7 and afternoon games and watch boys play in coveted
8 Friday and Saturday night slots.

9 If boys teams would be happy
10 with the girls schedule, then, they probably are
11 both playing in prime time. Otherwise, the best
12 time is undoubtedly when the boys games are played.
13 In Indiana, parents agree that if girls have the
14 same level of support as boys have had for the last
15 70 years, girls would draw more fans and community
16 involvement.

17 There is direction for schools
18 regarding Title IX if they would just use what is
19 available. Full accommodation of interests,
20 evidence of continuing expansion of female sports
21 opportunities as well as using proportionality
22 measures, each can be used to gauge compliance
23 with Title IX.

24 As a member of the Sports

1 Equity Committee that produced the landmark
2 Gender Equity In Athletics Manual, for the
3 State Department of Education and the Minnesota
4 State High School League, I know there are
5 useful resources. Because of the foresight of
6 the Minnesota legislature over ten years ago,
7 the information in this book has helped better
8 balance Minnesota interscholastic sports.

9 The basics found here as well
10 as in the OCR investigators manual and other
11 resources have helped administrators and school
12 boards in Minnesota and beyond to increase female
13 sports opportunities.

14 The biggest accomplishment in
15 Minnesota has been starting -- it has been starting
16 sanctioned girls ice hockey. In '93, there were no
17 interscholastic girls hockey teams. Today, there
18 are 121 girls teams from approximately 140 Minnesota
19 high schools. Like boys, girls compete in a
20 three-day televised state tournament that generates
21 revenue and creates profit.

22 Was there resistance to
23 implementing this more expensive and up until now
24 non-traditional sport for girls? Yes. But the

1 Minnesota Department of Education and the Minnesota
2 State High School League gave their support, not
3 bureaucratic subterfuge. So starting girls teams,
4 they did the right thing.

5 Beyond Minnesota, in North
6 Smithfield, Rhode Island, Title IX worked just as it
7 was supposed to.

8 MR. LELAND: One minute.

9 MS. WITCHGER: Has female
10 participation grown in hockey? Yes. USA Hockey
11 registration figures show that over 6,000 females
12 were registered in 1990. In 1998/'99, over 6,500
13 females were registered in Minnesota alone.

14 Title IX is 30 years old. That's
15 seven and a half generations of a four-year high
16 school or college student populations. Have we come
17 a long way? Yes, but there are still miles to go to
18 reach compliance -- to reach balance and equity for
19 female athletes.

20 Road blocks and detours don't move
21 progress forward. Keep the road clear. Use the
22 resources available. Enforce Title IX as it is.
23 When we shortchange girls, we ultimately shortchange
24 America. After all, more and more girls are

1 learning what most boys have known for so long.

2 Sports are about so much more than the score.

3 Thank you.

4 MR. LELAND: Thank you.

5 MS. COOPER: Thank you.

6 (Audience applause.)

7 MR. ZILVERBERG: My name is -- my

8 name is Pat Zilverberg. I'm from Medina, Minnesota.

9 I'd first like to thank the Commission for their

10 time and effort in examining these important issues

11 and also for offering me the opportunity to present.

12 I was a collegiate competitor in wrestling and

13 since that time have worked both as a coach in both

14 girls and boys sports.

15 I'm a former teacher and I'm

16 presently the head of Minnesota USA Wrestling-Kids

17 Division. However, probably my best qualification

18 is I am a father of two girls and two boys, all of

19 whom compete in athletics. In fact, my lovely

20 daughter is in the audience today writing an article

21 for her school paper.

22 Being from Minnesota, let me

23 give you some anecdotal examples of how ridiculous

24 Title IX compliance has become in our state. At

1 St. Francis High School, a Minnesota Department
2 of Civil Rights investigator asked the principal,
3 Mike Knight, is your weightlifting program -- in
4 your weightlifting program, how many girls
5 participate. He replied, not very many. As hard
6 as we try to encourage them, they will not
7 participate. Then, said the investigator, you'll
8 have to drop the program.

9 In Alexandria, a mother tried to
10 get a boys soccer program started, but was rebuffed
11 saying it would throw the gender equity numbers off.
12 Even though there was field space, funding and high
13 levels of interest.

14 At the University of Minnesota,
15 activists demanded a new women's hockey arena
16 even though the present arena is new and state
17 of the art and could easily be shared with the
18 men. Now, the University of Minnesota has a
19 \$23 million deficit and last year proposed the
20 elimination of men's and women's golf and men's
21 gymnastics.

22 And tragically, considering we
23 have tremendous high school participation, at
24 the college level, we have lost over 20 Minnesota

1 wrestling programs.

2 What is so appealing about this
3 Commission is that we finally have an opportunity
4 to have a rational and logical discussion about
5 these issues. In the past, any challenge to Title
6 IX status quo brought the emotional response, well,
7 then, of course, you are against women playing
8 sports. That's political rhetoric and, of course,
9 it's ridiculous.

10 The philosophy of gender quota
11 advocates has been if you do not admit there is
12 a problem, maybe you can avoid having to deal with
13 it. That kind of philosophy may serve some agendas,
14 but in reality, it clouds the issues and does not
15 allow real dialogue to occur.

16 The two sides of this issue, and
17 I think this is hugely important, but two sides of
18 this issue are not men and women. The two sides
19 are -- on one side, mothers, fathers, coaches,
20 educators and others who believe that both women
21 and men deserve athletic opportunities versus
22 intransigent quota advocates who, regardless of
23 the human cost, use proportionality to further
24 their cause. Those old used cars that a previous

1 speaker asked us to give us, we like those cars
2 pretty well.

3 We do have a problem and it is
4 a bad one. Tens of thousands of male opportunities
5 have been lost in the 1990's. If you are not
6 six-foot-four and weigh 250 pounds, good luck
7 having a chance of playing college sports. UCLA
8 dropped swimming and diving. Sixteen gold medalists
9 came from UCLA.

10 Four hundred wrestling -- college
11 wrestling programs, while 55 percent of our nation's
12 high schools sponsor wrestling, only 21 percent of
13 NCAA schools now sponsor the sport. Track and
14 field, golf, tennis, they are all victims.

15 In a society where school age
16 boys have some real issues to deal with, this
17 is a catastrophe. Yup, boys lead girls all right;
18 in drop out rates, lower test scores, higher
19 suicide rates, higher drug and alcohol use and
20 lower college admissions. By 2009, only 41 percent
21 of college students will be male. And we take away
22 their sports opportunities. How foolish are we?

23 Could it be -- there was a time
24 when girls had little opportunity. That was an

1 extremist position. It is equally extremist and
2 discriminatory to allow proportionality to rule
3 the distribution of sports opportunities in today's
4 society.

5 The fact is women and men both
6 deserve opportunity as they need it and as they
7 want it. Americans across the board do not believe
8 in discrimination against women or men. You will
9 never achieve numerical gender equity without the
10 elimination of the majority of men's Olympic sports.

11 If female needs are truly being
12 accommodated to the same degree as men's and
13 studies, surveys and anecdotal evidence say that
14 among interested candidates, the need of females
15 is actually accommodated at a higher percentage
16 than men, then we should not have tools like
17 proportionality to foster lucrative lawsuits for
18 special interest organizations.

19 Extremist viewpoints should not
20 be dictating Department of Education policy. And
21 our university system --

22 MR. LELAND: One minute.

23 MR. ZILVERBERG: -- should not be
24 blackmailed by a senseless quota called

1 proportionality.

2 So here's the bottom line. It's
3 a tragic one that affects me deeply as well as
4 countless other people that I have grown to know
5 in the sporting world. We are fostering a system
6 that shatters hopes and destroys dreams. While my
7 daughters will have every chance to have their
8 opportunities and goals fulfilled, my sons, small
9 in stature, but big in heart, will very likely be
10 denied their dreams. And as we say in Minnesota,
11 plain and simple, that is not right.

12 (Audience applause.)

13 MR. LELAND: Thank you.

14 MS. COOPER: Thank you.

15 MR. LELAND: Sandra? Please repeat
16 your name, please, Sandra.

17 MS. ZAKRZEWSKI: Sandra Zakrzewksi.
18 Start?

19 MR. LELAND: Go ahead.

20 MS. ZAKRZEWSKI: Good afternoon.
21 I'm here because I care about my son and his
22 dreams just like many other moms in this country.

23 My son graduated from high
24 school in the year 2000. He competed in three

1 sports every year and has state qualifying times
2 in swimming. He looked forward to going to a
3 Division I college that had his major and where
4 he could pursue his dream of competing in
5 swimming.

6 He found that at the University
7 of Nebraska-Lincoln. He had a great year, ended
8 up making an NCAA qualifying time. He was able
9 to achieve this because as a walk-on to Nebraska,
10 he was given the opportunity to prove himself.
11 Because of the support of the coaches, he gained
12 more confidence in himself. The men's and women's
13 teams were like one big family.

14 Then, in March 2001, Nebraska
15 dropped men's swimming and diving, one of five
16 men's teams cut in the Big 12 that month. One of
17 the reasons given was budget. The school said it
18 would save \$500,000 if they cut men's swimming,
19 but from -- excuse me -- but clearly, money was
20 not the issue. Nebraska football makes \$10 million
21 in profit every year.

22 Money for swimming was offered
23 from outside sources, \$250,000 by one parent alone,
24 but the offer landed on deaf ears. If it was not

1 money, then, what was the reason? Money -- I'm
2 sorry. Money for swimming was offered. If it was
3 not money, then, what was the reason? I think one
4 strong possibility is Nebraska's reluctance to
5 comply with a gender quota by offering sports like
6 crew, equestrian, and other sports that few high
7 school girls in Nebraska play.

8 It was very hard to see the
9 pain in our kids' eyes, male and female, and hear
10 their anger toward a college they once were proud
11 to represent. The women's swimmers told the school
12 you are taking our brothers away. Three-quarters
13 of the men's team left for other schools. This
14 anger caused 21 of 24 women's swimmers to eventually
15 leave for other schools.

16 The result was a women's swim
17 and dive team being only a shadow of what was once
18 a NCAA ranked team. It also caused the school to
19 post fliers the next school year to fill a roster
20 so they did not have to cut women's swimming and
21 diving and be in trouble with Title IX.

22 My son was fortunate to find
23 another school that was interested in him for
24 their swim team, University of Wisconsin-Madison.

1 Considering the late date of the cut, there was
2 not money left so my son was a walk-on again.
3 What we didn't know at the time was that Kevin
4 got the last spot on the team because of the cap
5 put on the men's team at Wisconsin. The men's
6 team has to have four less bodies than the women's
7 team, which is a direct result of Title IX.

8 That puts our team at a very
9 big disadvantage for big meets like the Big 10
10 Championship Conference where many other teams
11 have bigger squads. As awful as dropping the
12 team at Nebraska was, the squad caps that eliminate
13 virtually costless walk-ons is even more
14 indefensible. This is an absurd result of the quota
15 law Title IX has become and it is time for people
16 who care about athletes, women and men, to stand up
17 to this nonsense.

18 Title IX states, no person in
19 the -- no person in the U.S. shall on the basis
20 of sex be excluded from participation in or denied
21 the benefits of or be subject to discrimination
22 under any educational program or activity receiving
23 federal aid. When men's teams are cut and capped
24 in order to get rid of males, it does not seem like

1 the letter of the law is being followed.

2 I'm sure if we all put our heads
3 together as caring adults who only want to help
4 kids to be responsible citizens and leaders of our
5 nations, a solution can be found before senseless
6 destruction occurs. Thank you very much.

7 MS. COOPER: Thank you.

8 (Audience applause.)

9 MS. COOPER: We'd like to invite our
10 next four people to come up and talk; Molly Perdue,
11 Blair Hull, Dr. Martin Hickman and Neil Palmer. And
12 we'll start with Molly Perdue.

13 Again, repeat your name.

14 MS. PERDUE: Molly Purdue.

15 In 1972, the only athletic
16 opportunity offered at Sherwood Junior High School
17 was a singular event called powder puff in which
18 the eighth grade girls challenged the ninth
19 graders to a game of basketball. We were coached
20 by boys our own age who played on the real high
21 school basketball team, who were afforded real
22 coaches, uniforms and opponents.

23 Our powder puff uniforms were
24 borrowed from the boys and hung down to our knees,

1 but we didn't care. We wanted to play even if we
2 were a parity of the boys who on the same night
3 stuffed their T-shirts with balloons, donned their
4 mother's skirts and pretended to be cheerleaders
5 as if we were only caricatures of each others
6 true vocation. Powder puff generated enough money
7 to buy the boys new uniforms that year. We watched
8 them from the stands because Sherwood Junior High
9 School didn't have athletic teams for girls.

10 In 1972, not one administrator
11 seemed to care about the fact that our interest in
12 sports led us to participate in this comic interlude
13 that only we took seriously. In 1972, not one
14 administrator cared enough that 50 percent of our
15 student body was female and not one team was
16 offered. Neither our interest in sports nor
17 strength in numbers seemed to matter much.

18 Then Title IX came along. Thirty
19 years have passed and much has changed since the
20 days of powder puff. The compliance standards made
21 Title IX a reality within educational institutions,
22 not just an ideal. The first compliance standard
23 addresses the issue of proportionality, which has
24 received quite a bit of negative attention.

1 Some say proportionality means
2 the application of quotas. The Encarta World
3 Dictionary defines the word proportional in this
4 way; in proportion, the correct relationship of
5 size, quantity or degree to something else.

6 I have observed this Commission,
7 which was appointed by Secretary Paige, is
8 proportional in the number of male to female
9 representatives. Why is that? Could it be that
10 proportional representation is something we all
11 believe in? Is the bedrock of our democracy
12 way -- the way we elect our officials, one voice,
13 one vote? I imagine that all of us support this
14 idea of proportionality. At least those of us do
15 that vote in November.

16 The Commission's charter will
17 be fairly balanced seems to support this idea.
18 Whether it's called fairly balanced or proportional,
19 one must still take a head count to evaluate whether
20 the fairness we yearn for is actually being
21 achieved. The idea of counting heads is an
22 evaluative tool. It is like counting the number
23 of dinner guests so that you can provide enough
24 chairs at the table to ensure -- so that everyone

1 has a place to sit and eat.

2 If the Commission's objective
3 is to ensure equal opportunity, then, a proportional
4 number of opportunities should be offered to both
5 boys and girls, men and women. I have read that
6 the opponents of Title IX want to divide the world
7 of athletic opportunity based on what they believe
8 to be the differences in athletic interest and
9 ability between men and women as if the elusive and
10 unquantifiable concept of interest would somehow
11 bring us any closer to the ideal of equal
12 opportunity. For how could we ever believe that a
13 child's interest or abilities ever remain fixed or
14 should be the determining factor in deciding what
15 opportunities are made available.

16 In 1972, only a handful of
17 powder puffers at Sherwood Junior High School played
18 basketball, but we will never know how many girls
19 might have played if there was an organized team.
20 Female interest in sport must be cultivated and
21 girls must be given the same opportunities as boys
22 before interests can ever be assessed or quantified.

23 Athletic interests cannot be
24 defined by the simplistic equation of how many

1 athletes show up on our college doorsteps.

2 MS. COOPER: One minute.

3 MS. PERDUE: Okay. Now, I lost my
4 place now.

5 MR. LELAND: Sorry.

6 MS. PERDUE: I mean, I really lost my
7 place. Okay.

8 Okay. If we want to call -- if we
9 want to come to cultivate interest in reading, we
10 provide children with books. If we want our girls
11 to cultivate an interest in sports, we must provide
12 them with equal opportunities to play.

13 I sympathize with the wrestlers
14 who have lost their wrestling programs. I
15 understand too well what the loss of an athletic
16 program feels like, but girls and women and
17 Title IX are not to blame.

18 In the words of President Bush,
19 no child will be left behind, if the outcome of
20 the DOE is to revise the proportionality standard,
21 perhaps President Bush should revise his statement
22 on education to read no child will be left behind
23 except those perceived to have a lack of interest
24 or ability. Thank you.

1 MS. COOPER: Thank you.

2 (Audience applause.)

3 MS. COOPER: Thank you. Blair Hull?

4 Blair Hull?

5 MR. HULL: Thank you. My name
6 is Blair Hull. My daughter, Megan, was a
7 plaintiff in the lawsuit against Brown University
8 in 1992. So it's in a very personal context that
9 I'm here today.

10 After 30 years of advocacy and
11 controversy, it's important to remember that Title
12 IX is not just a women's issue. It's an issue of
13 basic fairness and equality. When my daughter,
14 Megan, and her teammates made the courageous
15 decision to enter a lawsuit against Brown
16 University, they weren't seeking special treatment.
17 They were just asking for an equal opportunity.
18 And what a difference ten years makes.

19 The same team, which was cut
20 ten years ago, now enjoys the same success and
21 status of the male teams. I've had the privilege
22 to have a front row seat to watch Title IX in
23 action and this weekend I will watch from the
24 stands as my youngest daughter, Courtney, plays

1 on that same team that would not have existed
2 if it had not been for the courage and determination
3 of her older sister and her teammates.

4 And so supporting our daughters
5 and our -- supporting our daughters and our sons
6 is one of the most important things we can do as
7 parents and encouraging them to stand up for their
8 rights, whether it's on the field or off the field,
9 is one of the most important things we can do.

10 On every possible level, it is
11 as important for our daughters to participate in
12 sports as it is for our sons. So I urge this
13 Commission to do everything you can to ensure
14 that these opportunities continue to exist.
15 Thank you.

16 MS. COOPER: Thank you.

17 (Audience applause.)

18 MS. COOPER: Dr. Martin Hickman?

19 DR. HICKMAN: My name is Marty
20 Hickman and I'm the executive director of the
21 Illinois High School Association. The IHSA
22 is a voluntary non-for-profit organization comprised
23 of 760 public and private high schools in the
24 state of Illinois.

1 Let me begin by saying we're
2 pleased to be able to participate in the town
3 hall meeting and I want to thank the Commission
4 for the opportunity.

5 I want to share with you today
6 some of the successes of our organization as they
7 relate to Title IX. I also want to acknowledge
8 that my comments are strictly related to our
9 experiences at the high school level. I fully
10 understand there are other issues and other
11 levels, but I want to speak to the high school
12 issues.

13 High schools in this state
14 have embraced the spirit of Title IX and have
15 successfully provided much needed participation
16 opportunities for girls without risking
17 opportunities for boys. The following is the
18 association's mission statement: The IHSA
19 serves member schools by providing leadership
20 for equitable participation in interscholastic
21 activities that enrich the educational experience.
22 The statement clearly reflects the desire of our
23 membership to provide fair and equitable
24 opportunities for both young men and young

1 women in our schools.

2 Let me share with you some
3 of our successes. During the 1972/73 school
4 term, the IHSA offered its first interscholastic
5 tournaments for girls in the sports of bowling,
6 tennis and track. Young high school aged women
7 eagerly participated three decades ago and
8 they've never looked back.

9 From the initial offering
10 of three sports, we have seen participation
11 opportunities grow to 13 different sports for
12 girls. While we had a few thousands girls
13 participate in 1972 and '73, we have well
14 over 100,000 participating in 2002.

15 Furthermore, while we starting
16 with 252 high schools participating in girls
17 track the first year, we now have nearly 600
18 that offer girls track programs. To illustrate
19 how girls were ready, willing and able to
20 participate in sports, I want you to know that
21 when we initially offered girls volleyball in
22 1975, 481 schools filled the teams in that
23 inaugural season. The number has risen to
24 nearly 700 in this current year.

1 Sports such as girls golf,
2 girls basketball, girls soccer, and girls
3 cross-country all have seen remarkable growth.
4 And while opportunities for girls have increased,
5 so have opportunities for boys at the high
6 school level.

7 Boys in Illinois have the --
8 boys in Illinois have the opportunity to participate
9 in 14 state tournament series. In 1992, we added
10 boys volleyball. In 2002, we crowned our first ever
11 boys water polo state champion. This school year, a
12 group of young men will be the first ever IHSA state
13 champions in boys bowling.

14 Boys and girls also have
15 opportunities in speech, drama, debate, music,
16 scholastic bowl and chess. Activities such as
17 lacrosse, ice hockey, competitive cheer are
18 emerging programs in our state and I'm confident
19 that the members in our association will continue
20 to accommodate the new and varying needs of boys
21 and girls that we serve.

22 The IHSA member schools are
23 interested in closing the gap between girls and
24 boys opportunities and we know young men and

1 women benefit from participating in interscholastic
2 activities.

3 The research clearly indicates
4 that participation enriches the educational
5 experience for both boys and girls. Students who
6 participate get better grades, miss less school,
7 are more confident and the list goes on and on
8 without regard to gender.

9 Title IX has clearly provided
10 the impetus for a positive change in opportunities
11 for high school girls in Illinois without
12 diminishing opportunities for boys. However,
13 it's clear our journey is not yet complete. I
14 urge you to continue to embrace the ideals of
15 Title IX and join the IHSA in celebrating our
16 successes. Thank you.

17 MS. COOPER: Thank you.

18 (Audience applause.)

19 MS. COOPER: Neil Palmer?

20 MR. PALMER: Hello. My name is
21 Neil Palmer. Thank you for the opportunity. I
22 have been a life long member of the gymnastics
23 community. I competed in the Illinois High School
24 Association for Addison Trail High School and the

1 NCAA for the University of Nebraska.

2 I currently coach recreational
3 and competitive gymnastics for children's age four
4 to 18 years. It's my goal to be sure that
5 opportunities for boys continue to exist throughout
6 high school and collegiate levels.

7 I would like the Secretary's
8 Commission on Opportunity in Athletics to consider
9 three basic concepts which prove that Title IX
10 is inadequate and unfair. It requires revision.
11 A major revision of Title IX must ensure that
12 male athletes will continue to have access to
13 competitive sports throughout high school and
14 collegiate levels.

15 Basic -- basic concept number
16 one; Title IX is not performing as intended.
17 Clearly, Title IX is not performing as intended.
18 The idea of expanding women's programs and ensuring
19 that women's interests are being met is an excellent
20 idea. However, because of the proportionality
21 issue, a very common technique given -- to give
22 women equal athletic opportunities is to eliminate
23 men's programs. This drastic measure has been
24 demonstrated throughout the nation in a number

1 of men's sports.

2 Please understand the original
3 intention of Title IX had nothing to do with
4 eliminating men's athletic programs. However,
5 Title IX is doing just that, plain and simple.
6 Title IX is devastating men's opportunities.

7 Title IX, along with the
8 proportionality issue is unfair to men. It is
9 not working as originally intended. Therefore,
10 it is broken and it needs to be fixed.

11 Basic concept number two; some
12 people argue that Title IX is working as intended.
13 As in all debates, people stand on both sides of
14 an issue and we've heard here there are people
15 that claim that Title IX is, in fact, working as
16 intended. But my question, if it is working as
17 intended, then, it's clearly unconstitutional.

18 By far, a very high action of
19 Title IX is to eliminate men's sports throughout
20 the nation. If that was the intention, then,
21 that means Title IX's intention was to cut men's
22 programs. If that's true, this is unjust, plain
23 and simple.

24 My basic concept number three;

1 proportionality is unfair. Proportionality has
2 to do with sports opportunities and funding based
3 on a quota of undergraduate enrollment. Understand,
4 the undergraduate enrollment quota does not
5 correlate with the desire to compete in athletic
6 programs.

7 So meeting a quota does not
8 ensure that women's interests are being met.
9 Meeting a quota does not ensure that women's
10 programs are being expanded. Sadly, one of the
11 easiest and popular techniques to conform to a
12 proportionality quota is to cut men's programs.
13 In that case, men are being treated unfairly and
14 that's plain and simple. So I'd like you to
15 consider those three basic concepts that Title
16 IX is not performing as intended. If it is, in
17 fact, performing as intended, it is cutting men's
18 programs and that is unfair.

19 And also, proportionality based
20 on an undergraduate enrollment quota is not meeting
21 ends. The boys of our communities need to have
22 athletic programs to set their sites. Generations
23 of male athletes need to have continuing programs
24 in order to carry on their goals and dreams. Thank

1 you.

2 MS. COOPER: Thank you.

3 (Audience applause.)

4 MR. LELAND: Our next four speakers
5 are Hedy Ratner, Frederick Arkin, Beth Sauser and
6 Joe Campbell. If they could, come forward.

7 And if -- Hedy, if you could
8 begin?

9 MS. RATNER: Thanks.

10 MR. LELAND: Okay.

11 MS. RATNER: I'm Hedy Ratner
12 and I'm co-president of the Women's Business
13 Development Center and a commissioner on the
14 governor's Commission on the Status of Women
15 in Illinois. Thank you for the opportunity
16 to present to you today at this public hearing
17 on Title IX and its impact.

18 My work on women's issues
19 began at the beginning of Title IX. In 1972,
20 at the inception of Title IX, I was assistant
21 superintendent of Cook County schools and
22 presented two major conferences to school officials,
23 superintendents, principals and other officers in
24 education on the implementation of Title IX at the

1 elementary and high school level.

2 I was also gratified to continue
3 Title IX implementation and gratified to see the
4 enormous impact it had when I was assistant
5 commissioner of education in Washington under
6 President Carter.

7 And I'm here today to celebrate
8 the accomplishments of women and girls and the
9 opportunities girls have had in the classroom,
10 on the playing field, and in the business world.
11 I was educated at a time when vocational education
12 meant home economics. Sports and athletic
13 opportunities were unavailable. Few girls
14 participated in organized sports and athletic
15 programs.

16 Very few scholarships were
17 available for girls in math, science, engineering
18 and athletics and it showed in their level of
19 confidence, self-esteem and accomplishments.

20 As a leader of women's issues
21 locally and nationally and as an advocate for
22 women's business development and economic
23 empowerment of women, it has been frustrating
24 when before Title IX, women were discouraged

1 from being competitive and aggressive, where
2 girls and women suffered from lack of esteem
3 and confidence, where women were insecure
4 about starting businesses and fearful of failure.

5 Now, we see the results of
6 Title IX in the business world where half of
7 all businesses in the United States today are
8 women owned and that is since Title IX. Our
9 hopes for gender parity in our economy are
10 growing and Title IX has had an impact.

11 You, as Commission members,
12 have an obligation to ultimately protect the
13 purpose of this law, to provide and protect
14 equal opportunity, to remedy the years of past
15 and continuing discrimination against girls
16 and women in sports.

17 If this Commission is truly
18 charged with looking at opportunities in
19 athletics, take a close look at what is happening
20 at the grassroots level. Even today, at the
21 grassroots level, girls are still experiencing
22 discrimination. Focus on continued discriminatory
23 treatment of a far larger number of girls and the
24 absence of additional opportunities for girls who

1 want to play and who are still grossly
2 under-represented.

3 The discrimination is so ingrained
4 that in Chicago, we established the Young Women's
5 Leadership Charter School.

6 (Audience applause.)

7 MS. RATNER: And some states have
8 recently begun adopting state laws to remedy the
9 discrimination problems that existed at the
10 grassroots level because the federal government
11 has failed to enforce the law.

12 We hope the Commission
13 understands that girls are interested in sports
14 and focus on the fact that the discrimination
15 still exists. Let us still focus our attention
16 on what Title IX is intended to do, which is to
17 provide equal opportunity for girls and boys,
18 women and men.

19 Now we see the results of
20 Title IX in the business world and our hopes
21 for gender parity in our economy are growing.

22 MR. LELAND: One minute.

23 MS. RATNER: We are here to celebrate
24 the progress we have made under Title IX to promote

1 equal opportunities for men and women in sports, but
2 also realize the job is not yet done. We must have
3 strong federal enforcement of Title IX and its
4 current standards and policies.

5 Women still have fewer
6 opportunities to play sports than men, less money
7 is spent on women's athletic scholarships, operating
8 budgets and recruitment, the playing field is far
9 from level for women and for female athletes.

10 The essence of Title IX is
11 equality among men and women on the playing fields,
12 in the classrooms, in business and in life. We
13 have the power to continue to effect change. We
14 have the mandate. We must accept the challenge.
15 Thank you.

16 MS. COOPER: Thank you.

17 (Audience applause.)

18 MR. LELAND: Are you Frederick?

19 MR. ARKIN: Yes.

20 MR. LELAND: Yes. Name, please?

21 MR. ARKIN: Good morning. My name
22 is Fred Arkin. I'd like to first thank all of
23 the members of the Commission for your time, effort
24 and commitment that you have given this process.

1 Also, please express my thanks to Secretary Paige.

2 I am a volunteer. I'm one of
3 millions who donate our time to develop, build
4 and manage youth sports programs in this country.
5 I have coached, officiated, administered
6 administrative programming on the local, regional,
7 national and international level. I have devoted
8 thousands upon thousands of hours without
9 compensation over the past 25 years so that the
10 youth of our country will develop physically,
11 socially and spiritually.

12 I'm here to tell you our youth
13 are being hurt by the interpretation of Title IX,
14 specifically proportionality. I will give you
15 one specific case. Illinois State University was
16 founded in 1853 as Illinois State Teacher's --
17 excuse me -- Illinois State -- Illinois -- excuse
18 me -- State Teacher's Institute of Illinois.

19 Since that time, Illinois State
20 has fulfilled a vital role in the training of
21 outstanding educators for the schools of our state.
22 Among these great teachers are many of those whose
23 opportunity to receive a college education and
24 follow their chosen vocation path was through

1 participating in the sport of wrestling.

2 In 1994, Illinois State
3 terminated its wrestling program along with its
4 men's soccer team due to the proportionality prong
5 of Title IX. The results are clear. Since 1994,
6 Illinois State has not produced one educator whose
7 wrestling interest or skills had helped provide
8 for their education.

9 I personally know at least 50
10 superior teachers who have graduated from Illinois
11 State and the youth of our -- of our community,
12 state and society are suffering because these --
13 as these educators retire, there are none to replace
14 them. This is without regard to any other
15 consideration, only that the numbers had to
16 balance.

17 Title IX is a great loss -- law
18 passed by well-intentioned law makers turned bad
19 by regulation. Let me ask one simple question.
20 If a school drops a men's program solely because
21 of proportionality, why isn't that discrimination,
22 based on gender when it's the men who lose their
23 opportunities?

24 On another subject, I have --

1 I'm heartened to see Dr. Hickman here today because
2 I have a memo that is circulated around the state
3 and it's addressed to the administrators, coaches,
4 and student athletes from Sue Hinrichsen of the
5 IHSA.

6 And this memo says, quote,
7 that it's official position -- that it's the
8 position of the IHSA that Title IX is working
9 as written because of the first prong,
10 proportionality. I understand over the past
11 week Dr. Hickman has confirmed and I have
12 confirmed with a board member as early as --
13 as late as yesterday that the IHSA does not
14 have a position on proportionality.

15 But this memo reads to the
16 high school administrators, coaches, and athletes
17 from Sue Hinrichsen, it seems to me that someone
18 who would misrepresent the IHSA's position and
19 use their position to disseminate misrepresentation
20 in writing to the entire state would apparently be a
21 person who was willing to sacrifice the truth in
22 order to advance their cause. Under these
23 circumstances, the Commission must question the
24 credibility of Ms. Hinrichsen's testimony.

1 Thank you for your time and
2 attention.

3 (Audience applause.)

4 MR. LELAND: Beth.

5 MS. SAUSER: Good afternoon. I'm
6 Beth Sauser. I'm currently serving as the assistant
7 executive director for the IHSA. I'm a former high
8 school, collegiate, professional athlete, a former
9 high school athletic director as well as basketball
10 coach.

11 I'd like to take a moment to say
12 how Title IX impacted my life. I first felt the
13 impact of Title IX in 1980 before I knew of Title IX
14 when I was in fifth grade. At that time, the first
15 ever girls basketball team -- the first ever team in
16 grade school was formed. We were so excited to put
17 on our reversible, heavyweight T-shirts and play
18 that game. And I still remember that feeling to
19 this day.

20 When I entered high school, I
21 continued to play basketball as well as participate
22 in other sports. During my sophomore year, my high
23 school team won the IHSA Class A championship. I'll
24 never forget that feeling either. Again, it's part

1 of the mold in me. Winning the tournament brought
2 instant validity to girls basketball not only in our
3 school and community, but also to all the other
4 sports in the area.

5 We can do it. We can start a
6 dream. This only started five years ago. The
7 girls basketball program at my high school happened
8 to begin in 1980, five years prior to us winning
9 the tournament. I cannot help to think what would
10 have happened if those administrators did not make
11 that decision to start girls basketball in high
12 school. And I can't help to wonder what happened
13 to all of those athletes who never had the
14 opportunity prior to 1980 to participate in such
15 a wonderful event.

16 I continued to play on the
17 collegiate level right here in Chicago at DePaul
18 University. Our teams were successful as far as
19 wins and losses, but I felt more of the success
20 came from learning from my teammates, coaches and
21 administrators.

22 One administrator in particular
23 is Jean Lenti Ponsetto who is currently the De Paul
24 University athletic director. During my college

1 career, I had an opportunity to work with and
2 observe Jean in many settings. I could see how the
3 passage of Title IX affected her being a former
4 athlete who grew up at the time when Title IX was
5 passed and as well observing her as an administrator
6 who works tirelessly to make sure that there is
7 equity between female and male athletes at De Paul
8 University. With that, I have carried that and she
9 is my role model with me to this position right now.

10 Through my grade school, high
11 school, collegiate and professional careers, I've
12 had very good coaches who were excellent teachers
13 in the game and excellent teachers in life. I
14 would not want to substitute any of them. However,
15 I do have to wonder what it would be like to have
16 played for a female head coach or to have a woman --
17 I do not recall having a female official work a
18 game of mine until college.

19 I'm happy to say now I can
20 watch friends, peers who have participated in
21 various high school and collegiate sports become
22 coaches, officials, administrators, athletic
23 trainers, providing -- being great role models
24 for both female and male athletes through grade

1 school and high school.

2 I previously stated how my
3 experiences have molded me into the person I
4 am today. As a result, I have been conscientious
5 as an administrator to increase opportunities for
6 women and minorities and all entities of the
7 IHSA, increase opportunities for both female
8 and male athletes of our member schools, create
9 a balance of member schools as well as include
10 everyone in discussion on that count. I'm
11 providing valuable education experiences for
12 all.

13 The IHSA works on the basis
14 that all programs share. The first child or
15 the oldest sport, in this case, does not receive
16 the majority of the benefits and the younger
17 siblings in the newer or less popular sports
18 do not split the leftovers.

19 I urge the Commission to support
20 growth, allow our future generation of female and
21 male athletes to enjoy their own experiences and
22 not provide a reason for it not to happen. Thank
23 you for your time.

24 MR. LELAND: Thank you, Beth.

1 (Audience applause.)

2 MR. LELAND: Joe?

3 MR. CAMPBELL: Hi. I'm Joe Campbell.

4 I'm just talking as a parent. I'm a single
5 custodial parent of a boy and a girl. So if I
6 use proportionality at home, it wouldn't work
7 out the way -- the way these people are talking.

8 My son is into sports, my daughter
9 is not. My daughter is better in school than
10 my son. But what's really -- what really just
11 isn't coming across is that some people are
12 being hurt and that's wrong.

13 People that are being helped,
14 that's -- that's great and everybody should.
15 Everybody should have an opportunity of their
16 choice, not one made up for them. It should
17 be their choice. Nobody should be able to
18 stand there and say, well, you're not going
19 to get it either.

20 We have Title IX because gender
21 inequality wasn't acceptable, but proportionality
22 is nothing but gender inequality. Thank you.

23 MS. COOPER: Thank you.

24 MR. LELAND: Thank you.

1 (Audience applause.)

2 MS. COOPER: Wendy Berutto? Is she
3 here? Wendy?

4 MS. BERUTTO: Yes.

5 MS. COOPER: I just want the next
6 four to come up. Wendy Berutto, Brandon -- I'm
7 going to crucify this last name -- Bocian, Bocian,
8 Laurie Priest and Lauren Gaffney. I didn't do too
9 bad on the last name.

10 And then we'll start with Wendy.

11 MS. BERUTTO: I stand here before
12 you commissioners as a former junior college
13 athlete. I had some concerns about the panel
14 representation that you saw today.

15 First of all, many of you probably
16 don't know that junior colleges are broken up into
17 three divisions similar to the NCAA. They have
18 Divisions I, II and III. All the representatives
19 you heard from today are representatives of Division
20 III.

21 Over 300 of the 500 NJCAA
22 colleges are Division I, which means they give
23 scholarships to their athletes and they do recruit
24 their athletes very heavily. I was a Division

1 I junior college athlete. I did receive a
2 scholarship and I was recruited very heavily.
3 I was national record holder and a national
4 champion in the hammer throw.

5 Because you didn't have any
6 representation from these schools, I think that
7 you are missing a huge group of people that can
8 talk to you about part-time athletes, about
9 part-time, quote, unquote, non-traditional
10 students who attend these colleges.

11 Just so you know, the NJCAA
12 does allow their part-time students to participate
13 in athletics and you did not hear that today.
14 Many great athletes have come through the junior
15 college system and I think that's something that
16 you also need to know. People like Cheryl Swoops
17 and Nolan Ryan, Yolanda Griffith and Mike Piazza,
18 all were junior college athletes.

19 Also, you heard from Robert
20 Morris College and Robert Morris is not a two-year
21 institution. It's a four-year school and I don't
22 know that that was made clear to all of you as
23 commissioners either. Their 36 percent student
24 population was male and I think we all know that

1 that's sort of an anomaly both in junior college
2 and NJC- or NCAA schools.

3 Yet we heard today that they
4 were able to increase their male population by
5 250 percent just by adding certain extracurricular
6 opportunities specifically targeted at men. That
7 sounds an awful lot like the field of dreams to
8 me. Build it and they will come.

9 Also, I stand here before you as
10 an NCAA Division I all-American athlete and I also
11 work at the National Association for Girls and
12 Women in Sport. I recommend that you read this
13 report that we provided to you, the NCWGE report.
14 I think it's going to benefit you all greatly.

15 Some final -- final comments,
16 I want you to remember that weakening standards
17 to satisfy one segment while disenfranchising
18 historically discriminated against party is not
19 an acceptable solution and I'm afraid that's
20 where I hear you all going.

21 Women have historically and
22 still continue to be discriminated against in
23 sports. We still make up only 42 percent of
24 athletes in high school and college and still

1 only get 42 percent of the athletic scholarship
2 dollars. We still receive substantially less
3 of an opportunity for a free college education.

4 The federal government will
5 probably want to avoid trading off one lawsuit
6 for another. Let's do the right thing and
7 increase opportunities for all; girls and boys.

8 MS. COOPER: Thank you.

9 (Audience applause.)

10 MS. COOPER: Thank you. Brandon?

11 MR. BOCIAN: I would like to thank
12 the Commission for allowing me to speak today.
13 My name is Brandon Bocian and I'm 15 years old
14 and I'm a wrestler. I attend Huntley High School
15 in Huntley, Illinois. This is my brother, Brett,
16 and he is 11 years old and he is a competitive
17 swimmer. He attends Huntley Middle School.

18 My father, who is an assistant
19 coach in the middle school, was supposed to
20 speak today, but he had to go out of town
21 unexpectedly. I felt the need to represent
22 our views that are so strong that we asked if
23 we could come and speak on his behalf or should
24 I say on our behalf -- it is -- as it is my

1 brother's sport and mine that are in jeopardy.

2 Three years ago, our middle
3 school started a wrestling program. I chose
4 to go out for the sport as well as did -- as
5 well as a couple of girls did in the middle
6 school. They were welcomed on the team and
7 we practiced and competed together.

8 I truly believe that because
9 of Title IX, these two girls were offered the
10 opportunity to compete in what was traditionally
11 a male sport. Although they have not decided
12 to continue with the sport, they remain friends
13 of mine and I have no animosity towards them
14 should the male numbers have been reduced on
15 the team to a proportionate level.

16 My brother, Brett, competes
17 in a sport where males -- males and females
18 practice side by side, but compete among their
19 own genders. The teams he has been on have been
20 predominately females. Should those female
21 numbers be reduced on the team to proportionate
22 levels? He does not think so.

23 My brother and I have made a
24 choice to compete in the sports that we do.

1 That is what the foundation of this country
2 is built on; our freedoms and our freedom
3 of choice. With the proportionality rules
4 that are being enforced, our sports are being
5 dropped at alarming rates and our freedoms
6 to choose colleges that we would like to go
7 to and compete in our sports is dramatically
8 being reduced. Is this Title IX's intent?

9 We both compete in Olympic
10 sports, not professional sports. That is --
11 that was our choice. Why? There are a couple
12 of key reasons.

13 First, we are in school to
14 get an education, not on a gamble that we will
15 make it to the pros. We are realists and we
16 know the percentages of that happening. We also
17 know the success rate of those who go to school
18 for the purpose of gaining an education. I
19 believe the percentages are in our favor.

20 Secondly, because both of
21 our sports offer opportunity for the big and
22 the tall, and the short and small. Our sports
23 are not selective based on specific physical
24 attributes nor are they specific in regards

1 to gender. Again, two sports lend themselves
2 to the original attributes of Title IX.

3 You see, proportionality is
4 causing all the wrong things to happen. They
5 are eliminating the number of males allowed
6 to play because schools are in legal trouble
7 if they are not proportional even though there
8 are 600 more women's teams in the NCAA.

9 Males are still 58 percent
10 of the athletes. So males are being punished
11 because they show up for their fewer teams in
12 greater numbers. Was this the intent of Title
13 IX?

14 Today, wrestling has opened
15 doors to women. They are competing in surprising
16 numbers, yet wrestling is under attack by the same
17 law. With a new face that originally allowed women
18 the opportunity to compete. Several states boast
19 wrestling as the number one participation sport.
20 Why is that? Because it offers opportunities
21 for all. Is that not what Title IX had intended?

22 I ask the Commission to help
23 restore Title IX to its original intent and that
24 is preventing the denial of opportunity on the basis

1 of sex because unfortunately today, there are
2 tens of thousands of cut male college athletes
3 who know it is achieving just the opposite. My
4 brother and I do not want to be one of those
5 casualties. Thank you for your time and I am
6 sure you will do what is right.

7 MS. COOPER: Thank you.

8 (Audience applause.)

9 MS. COOPER: Laurie?

10 MS. PRIEST: Laurie Priest. I'm
11 chair of physical education, athletic director
12 at Mt. Holyoke College in Western Massachusetts.
13 I'm also former president of the National
14 Association for Girls and Women in Sport.

15 Based on the hearing in Atlanta,
16 as well as sitting in the audience today, it
17 appears that assistant secretary of Education
18 for OCR, Gerald Reynolds, already has a
19 predetermined political agenda.

20 With all due respect, it's
21 clear that the direction he has been given is
22 to use the Commission through these hearings
23 to get you to buy into the concept of changing
24 Title IX and establishing a so-called interest

1 survey to halt progress for women in sport.

2 Commission members, I urge
3 you to do your homework and thoroughly review
4 the Brown case. The use of interest surveys
5 to limit participation of a class that has
6 been historically discriminated against has
7 already been ruled invalid in numerous courts
8 and I would beg to differ with panel member
9 Katherine Kersten this morning who implied
10 that the judges who ruled on these surveys
11 or ruled them to be invalid were selected
12 or tainted in some way by the women athletes
13 or their attorneys who filed suit.

14 The immediate and dramatic
15 increase in girls and women's participation
16 in sport after Title IX passed clearly
17 demonstrates that it was lack of opportunity,
18 not lack of interest, that kept females out
19 of high school and college athletics for so
20 many years.

21 For true change to occur,
22 the priorities of presidents and athletic
23 directors at colleges and universities need
24 to be drastically changed. Decisions must

1 focus on the welfare of our students, women
2 and men, revenue and non-revenue, and support
3 a true educational model of broad-based
4 sport opportunities.

5 It is reported by Daniel
6 Fulks in Revenues and Expenses of Intercollegiate
7 Athletics that currently at our Division I(A)
8 institutions, 72 percent of men's athletic budget
9 is spent on football and basketball with all
10 other men's sports receiving 20 percent of the
11 budget.

12 Fulks documents the increasing
13 costs in football and men's basketball between
14 '85 and '99 noting that in that time frame, in
15 Division I(A) football, expenditures more than
16 doubled while men's basketball budgets grew two
17 and a half times.

18 And let's be honest, few
19 sports programs pay for themselves. Deficits
20 are increasing and institutions are not
21 addressing cost control issues. Among NCAA
22 football programs in all competitive divisions,
23 78 percent spend more money than they raise
24 and contribute nothing to other sports budgets

1 even though in Division I football programs,
2 more than one-third are running deficits in
3 excess of \$1 million a year.

4 It is the arm's race in
5 intercollegiate athletics that is the problem,
6 not Title IX. I encourage the Commission to
7 get your arms around that and you will have
8 done some good work.

9 Listen to the wrestlers.
10 They are saying we are not valued and it is
11 true. Division I schools would rather give
12 86 full scholarships to the male football
13 bench warmer than give it to a wrestler or a
14 gymnast. It is colleges like Marquette who
15 will build a \$31 million new basketball facility
16 rather than devote those resources to adding
17 a new sport for women or funding a viable
18 wrestling team.

19 Any claim that the decline
20 in men's wrestling team is due to Title IX's
21 policy is particularly unfounded. During the
22 period from 1984 to '88, Title IX's application
23 to intercollegiate athletics was suspended due
24 to the Supreme Court's Gross City decision in

1 which -- which held that only schools directly
2 receiving earmarked federal funds, which
3 intercollegiate athletics do not, were covered
4 by Title IX and in that four-year period when
5 the three-part test was not in effect, colleges
6 and universities cut wrestling teams at a
7 rate of almost three times as high as the rate
8 of decline during the 12 years after Title IX's
9 application to intercollegiate athletic
10 programs was fully established through the
11 Civil Rights Restoration Act.

12 MS. COOPER: One minute.

13 MS. PRIEST: In gymnastics, most
14 athletic administrators would agree that the
15 most likely reasons for the elimination of teams
16 is liability. And yet over the last -- last
17 15 years, more than 100 women's programs have
18 been cut and 56 men's programs have been cut.
19 Certainly, none of them would consider blaming
20 Title IX for the loss of so many women's teams.

21 Title IX was adopted 30
22 years ago. Extensive public input was taken
23 into account when establishing these guidelines.
24 I urge you to develop solutions that are truly

1 the work of the Commission and not someone else's
2 political agenda. Changes to Title IX may seem
3 like an easy solution, but in the long run, it
4 is shortsighted.

5 Clear review of the data will
6 support the need for major priority changes in
7 collegiate to stop the arms race. It is my hope
8 that you have the courage individually and
9 collectively to take the bold steps needed to
10 reform collegiate athletics.

11 MR. LELAND: Time.

12 MS. PRIEST: Thank you.

13 MS. COOPER: Thank you.

14 (Audience applause.)

15 MR. LELAND: The next four will be
16 Mark Massery, Jonathan Plante, George Loera and
17 Eric LeSher.

18 MR. LeSHER: LeSher.

19 MR. LELAND: LeSher.

20 Mark, state your name, please?

21 MR. MASSERY: My name is Mark Massery.

22 MS. COOPER: Continue.

23 MR. MASSERY: Thank you. I live
24 in Glenview, Illinois. I have competed in three

1 sports in high school and one in college. My
2 two sons and one daughter have competed in club
3 and high school gymnastics, diving in high
4 school and Division III collegiate gymnastics.

5 Today, I'd like to bring a
6 business perspective to the issue of proportionality
7 and the allocation of dollars beyond those of men's
8 basketball and football in division -- NCAA Division
9 I(A) athletics.

10 One of the figures that gender
11 quota advocates like to cite when complaining about
12 gender inequality in collegiate athletics is the
13 expenditure on men's teams and women's teams in
14 NCAA Division I athletics. The figures I'm going
15 to reference are from the NCAA report, Revenue
16 and Expenses of Division I Intercollegiate Athletic
17 Programs Financial Trends 1999. It does not take
18 an extensive examination of these figures to see
19 that those who claim financial inequalities are
20 presenting only half of the picture.

21 Under the current method
22 of measuring what's fair in spending within
23 DI athletic programs, all sports are treated
24 as equals. This defies logic since it is

1 quite obvious that in most DI schools, men's
2 basketball and football are the revenue-producing
3 engines that propel and support all of the other
4 men's and women's sports.

5 Let me put this into that
6 business perspective. Men's basketball and
7 football are the major profitable products
8 in Division I(A) university's athletic departments.
9 Universities who are able to keep their arenas
10 and stadiums full produce profits. All of the
11 other sports are the beneficiaries of these
12 profits and the spending on the other sports
13 could be considered as corporate charitable
14 giving.

15 There's nothing wrong with
16 investing to generate profit and there's nothing
17 wrong in doing charitable giving. Many corporations
18 spend some of their profits on charitable giving,
19 but companies never confuse the spending and
20 investing directed towards the profit-producing
21 products and services with the spending on
22 charity.

23 In 1999, the average football
24 profit in I(A) was \$3.9 million and the average

1 men's basketball profit was \$1.4 million.
2 Collectively, that's \$5.3 million in profits
3 for the average DI university. The other men's
4 sports at these DI schools lose on average \$1.3
5 million. The average loss on the women's programs
6 in a DI program is \$2.4 million.

7 If the goal is to fairly
8 distribute an athletic department's charitable
9 giving, the pendulum has most definitely swung
10 towards the women's programs where DI schools
11 are losing on average almost twice as much as
12 the male Olympic sports. That is about \$1.1 million
13 more on the women's non-revenue teams than on the
14 men's non-revenue teams.

15 It is not my purpose to protest
16 the money lost on women's collegiate athletics or
17 the money lost on the other men's programs, but
18 what I am protesting is the expectation of gender
19 quota advocates that DI schools take the
20 expenditures that the school logically invests
21 in revenue-producing sports to produce the
22 \$5.3 million profit and include that investment
23 of cost in its charitable giving.

24 In a November '99 commentary

1 in the NCAA news, Mr. Leland at the university --
2 at Stanford University reacted to the 1999 NCAA
3 gender equity report. In the article, he focused
4 attention on participation opportunities, recruiting
5 expenditures and assistant coaches' expenditures.
6 Whether a school's participation opportunities can
7 be equitable without being proportional is one of
8 the questions that you will be struggling with, but
9 the other two concerns cited in the commentary are
10 directly related to the issue I've brought to this
11 podium.

12 Surely, all Division I(A)
13 athletic directors know that the recruiting and
14 assistant coaching expenditures that are invested
15 in basketball and football profit-making programs
16 are completely unrelated to what is a fair
17 expenditure in the other men's and women's sports.
18 From a financial point of view --

19 MR. LELAND: One minute.

20 MR. MASSERY: -- throwing the
21 expenditures of the profit-making ventures in
22 with the expenditures of non-revenue men's
23 programs is illogical.

24 I would ask everyone to honestly

1 surrounding Title IX and its impact on my
2 life.

3 In the fall of 1998, I enrolled
4 at Michigan State University and competed for the
5 men's varsity gymnastics team from 1999 to 2001.
6 At the end of the 2001 season, the team was
7 terminated citing Title IX compliance issues.
8 It was at this time that I tried to come to an
9 understanding as to why the program was being
10 terminated, and came to an active role in pursuing
11 and understanding the issues surrounding Title IX.

12 During that time, I referenced
13 multiple sources of information including the
14 Office of Civil Rights. It was at this time
15 that I became aware of the subsequent downsides
16 to Title IX and its catastrophic effects on men's
17 non-revenue sports. As a result, I would like to
18 focus on three areas of interest.

19 I classified each of these
20 three areas as what I call the sport hierarchy
21 model, give us a chance, and main issues. The
22 sport hierarchy model is what I use to refer
23 to the current implementation policy of either
24 university administered or OCR administered policies

1 in relation to the classification of a particular
2 athletic team.

3 The three classifications that
4 developed and commonly used by athletic departments
5 are men's revenue, women's teams, and men's
6 non-revenue. At the top of the hierarchy are the
7 men's revenue, which in most of the large
8 universities would include football and basketball.

9 Since these programs are
10 subsequently the focus of large athletic programs
11 and generate the revenue that in return support
12 the economics of the athletic department, and
13 subsequently all other programs, the administration
14 pays a great deal of attention to these program's
15 financial needs in relation to the need to remain
16 competitive.

17 As a result of economics, these
18 programs are secured and protected from the
19 downsides of Title IX, like roster quotas, limited
20 budgets, and reduced number of scholarships.

21 Following men's revenue are the
22 women's sports. Women's athletic programs at the
23 collegiate level have benefited greatly from Title
24 IX, and as a result of Title IX, women's athletic

1 teams have the administration protection of
2 the Office of Civil Rights and current
3 interpretation of policies.

4 At the bottom of the hierarchy
5 are the men's non-revenue that have neither the
6 economic clout to govern the protection of the
7 university administrators nor the required anatomy
8 to govern protection from the OCR.

9 As a result then, in order to
10 meet current Title IX polices, the men's non-revenue
11 sports are subjected to the downfalls of Title IX.
12 They include the policies of roster management,
13 quota system, limited funding, reduced scholarships,
14 and in the extreme case, the elimination of the
15 men's non-revenue teams. This list mirrors the
16 same reasons given as to why Title IX was created.
17 The issues have not changed, just the discriminated
18 party has changed.

19 The second area that I'd like
20 to focus on is what I call give us a chance.
21 Under the current OCR policies, it is a virtual
22 impossibility to save programs once a situation
23 has developed because the current OCR policies
24 do not make any type of distinction between men's

1 revenue and men's non-revenue.

2 This inability to distinguish
3 results in a situation of competition for resources
4 and to stay within OCR policies, they eliminate
5 the men's non-revenue teams. I call this category
6 give us a chance because in order to save the men's
7 gymnastics program at MSU, I presented multiple
8 funding concepts and possibilities to the university
9 and to the OCR only to be notified that the current
10 OCR policies void any attempts.

11 In one attempt, I proposed
12 allowing the men's gymnastics team to create
13 an endowment to cover the costs of our scholarships.
14 It logically made sense to me that since these
15 scholarships would have been created and funded
16 by a private individual and not by university
17 financial resources, that they would not count
18 in the scholarship funding amounts reported to
19 the OCR. However, current OCR policy does not
20 allow for this distinction.

21 As a result, the proposal
22 would not resolve the OCR policy issues. As
23 a result of situations like this, I propose
24 a policy change that gives men's non-revenue

1 teams a chance. I propose that private funds
2 donated to specific athletic teams, men or
3 women, have a different distinction from
4 university funds allocated to those programs.

5 Since these funds are private
6 and specifically earmarked, and not public funds,
7 they should not be counted in OCR reported amounts.
8 This distinction would allow for the continuation
9 of programs and even the creation of new programs.

10 The third category is main
11 issues. These seem to be the issues that are
12 always arising in any discussion of Title IX.
13 The largest of these issues seem to be funding.
14 In the end, it comes down to the money and
15 the allocation by gender.

16 Under current OCR policy, there
17 is no distinction between what a team costs to
18 operate and the revenue that the program generates.
19 The specific situation that outlines this issue is
20 the economics of football. The argument has always
21 been presented that if football's budget were to be
22 curtailed, then, Title IX would work. Yes, football
23 in relation to other sports has the largest budget,
24 but also the largest revenue.

1 I propose that instead of the OCR
2 looking at the expenditures and revenues separately,
3 they look at the net debt that the programs
4 generate.

5 MR. LELAND: One minute.

6 MR. PLANTE: In the case of football
7 programs running with a cost of \$5 million and a
8 revenue of \$20 million, the debt of the university
9 incurred for running a football program was zero.
10 This policy change would then eliminate the inherent
11 penalties that profitable football programs incur.

12 To extend this policy to the
13 athletic department, you would then add the
14 individual operating debts for all men's teams
15 and all women's teams and compare. This way,
16 profitable programs do not skew the financial
17 reporting to the OCR.

18 I'd also like to say that
19 proportionality and quota always depends on what
20 side of the fence you're on. I was one of the
21 lucky ones and got the transfer. The ones that
22 were on my team that didn't, they were cut on
23 a quota system, not a proportionality system.

24 MR. LELAND: Time.

1 MR. PLANTE: Thank you.

2 MR. LELAND: Thank you.

3 MS. COOPER: Thank you.

4 (Audience applause.)

5 MR. LELAND: Excuse me. Just --
6 Jonathan, people have -- accuse me of talking
7 fast, but I'll tell you, we need to give a round
8 of applause to our court reporter, please!

9 (Audience applause.)

10 (Court reporter bows.)

11 MS. COOPER: She had to take her
12 jacket off! That's a sport right there.
13 Competitive reporting.

14 MR. LELAND: Okay. George?

15 MR. LOERA: Good afternoon. Thank
16 you, Commission, for giving me the opportunity
17 to say a few words. I'm a former Division I
18 walk-on wrestler. We're almost an extinct species
19 now.

20 But I'm now involved with youth
21 and high school athletic programs for both boys --
22 boys and girls. I would like to start by saying
23 that I'm upset and outraged by the elimination of
24 so many men's collegiate sports programs due to

1 Title IX's proportionality threshold.

2 The year is 2002, not 1972.

3 I'm old enough to know and understand where
4 things were in 1972, but we are no longer there.

5 The issues and rhetoric that define the
6 participation of women and girls in athletics
7 in 1972 are no longer appropriate.

8 I believe it is possible
9 for the equity and reasonableness to come out
10 of the Commission's review of Title IX. I believe
11 that the present state of women's participation
12 in higher education and athletics is such that
13 many of the longstanding advocates for women's
14 inclusion have become outdated. The time has
15 come for new ideas and possibly new leadership.

16 I'm also a father of a sophomore
17 high school son and an 8th grade daughter, both
18 involved in athletics. It is important to me that
19 both my son and daughter have the best opportunity
20 available to them to pursue their educational and
21 athletic futures.

22 Going forward, I want the best
23 for my son and daughter. I want them to know and
24 believe that their future is up to them and a

1 function of their effort, that opportunities
2 are available to them based on their particular
3 interests and aspirations. I want them to grow
4 up as brother and sister and not look at each
5 other as competition.

6 The time has come for the
7 leadership to address the concerns of all of
8 our children. It is time to stop putting
9 boys against girls and men against women. It is
10 time to stop harming our athletes. Thank
11 you.

12 (Audience applause.)

13 MR. LELAND: Eric? Eric?

14 MR. LeSHER: My name is Eric LeSher.
15 I live in West Des Moines, Iowa.

16 First off, I fully support the
17 original Title IX legislation as it was enacted
18 in 1972. This legislation was patterned after
19 the Civil Rights Act of 1964 and it uses almost
20 exactly the same wording when it addresses the
21 use of quotas. Neither law requires or promotes
22 preferential treatment or dictates outcomes.

23 What I strongly oppose is what
24 Title IX was turned into in 1979, a gender quota

1 that adversely affects the lives of countless
2 numbers of our youth. Athletes know that Title
3 IX is not working the way it was intended to and
4 so do you.

5 The reason is the gender quota.
6 Clarence Page, the noted literal columnist, wrote
7 the following in his 1999 editorial: Pressure from
8 Title IX has resulted in unintended tragedy for
9 men's sports. The problem is Title IX's court
10 approved proportionality rule. He goes on to say
11 we have a golden opportunity to return Title IX to
12 its original intent. The question is will you, the
13 members of this Commission, seize that opportunity
14 to abolish the gender quota. I hope, pray and am
15 confident that you will.

16 Stacy Dragila wrote, the
17 intent of Title IX was to prohibit discrimination.
18 I think the current method of determining compliance
19 is not fair and is not consistent with its original
20 intent. I trust and pray a better solution will be
21 implemented.

22 Before I go on discussing what the
23 specific problems with the gender quota are and what
24 some possible solutions might be, I first want to

1 lay out three very important principals that I think
2 we can all agree on.

3 First, discrimination, be it
4 racial or gender, traditional or reversed, is
5 morally wrong.

6 Second, quotas by their very
7 nature are discriminatory because they dictate
8 outcomes, not opportunities.

9 Third, participation in sports
10 helps develop the qualities in our youth that
11 makes them successful both in the classroom and
12 in life.

13 What are the problems with
14 the quota and how Title IX is currently being
15 implemented? I could go on and on, but time
16 is short, so let me just list a few.

17 Problem number one, lawyers
18 and risk managers, not athletic directors or
19 administrators, are making the crucial decisions
20 about what sports to start, keep or eliminate.
21 At UNI -- the recent case at the University of
22 Northern Iowa is a great example of that. A
23 lawyer caused women's sports to be reinstated, which
24 was great. The men's sports were not reinstated all

1 because of the threat of a lawsuit.

2 The problem number two, the way
3 the numbers are calculated, does it make sense to
4 count the following person as a possible athlete;
5 a male or female, age 35, who is married and
6 enrolled in a graduate degree program that has
7 dependent children? Obviously, common sense
8 tells us that this person, being a male or
9 female, should not be lumped into the same pool
10 as an 18 year old student who just graduated
11 from high school. Enrollment measures the rate
12 that people attend college and nothing more.

13 Problem number three, if the
14 gender quota called proportionality destroys
15 opportunities for minorities and this has got
16 to stop now. One only needs to look at the sports
17 being added for women and those being eliminated
18 for men for proof that minorities are being
19 short changed.

20 Now, I want to turn my attention
21 to what could be done. Without going into much
22 detail, here they are. Instead of using gross
23 enrollment figures, you use appropriate measures.
24 Allow for exemptions for sports that are offered

1 in limited geographical areas.

2 Three, simply change the variance
3 currently allowed. Fifteen percent, not one
4 percent, would allow common sense to enter this.
5 Count cheerleading and other non-NCAA recognized
6 athletes like female wrestling teams as the athletes
7 they truly are.

8 Five, take walk-in athletes out
9 of the equation.

10 But I have saved the best and
11 easiest solution for last. Simply abolish the
12 use of the gender quota as a way to measure
13 compliance. Quota advocates say that it is too
14 radical and always point out --

15 MR. LELAND: Time -- or excuse me,
16 one minute. Pardon me.

17 MR. LeSHER: -- that schools can
18 comply or vary their other two prongs while if the
19 three prongs are truly separate and equal as the
20 quota advocates theorize, then, why do you need a
21 quota prong?

22 My daughter is an energetic
23 ten-year-old who has participated in softball,
24 basketball and soccer and dance and scouting.

1 I have let her follow the paths that she has
2 the most passion for. She loves dancing and
3 chorus the most.

4 Now, flash forward eight years.
5 She is an energetic 18-year-old about to enter
6 college and eager to be part of the university
7 sponsored chorus. She joins that chorus and
8 absolutely loves it. However, midway through
9 the year, the music department announces that
10 they are going to put a cap on the number of
11 girls in the chorus. She is one of the girls
12 who is no longer allowed to participate. She
13 is a victim of the quota.

14 Now, how -- now, think how
15 you would feel if that was your daughter. How
16 would your daughter feel? My daughter's name
17 is Cavin.

18 Title IX is supposed to be
19 applied to all activities. Thank God
20 proportionality is not applied to activities --

21 MR. LELAND: Time.

22 MR. LeSHER: -- outside of sports.

23 MR. LELAND: Thank you.

24 (Audience applause.)

1 MS. COOPER: The next four, Steve
2 Contardi, Janet Justus, David Patt, Delinda
3 Chapman. And we'll -- we'll start with Steve.

4 MR. CONTARDI: Yes. My name is
5 Steve Contardi. Thank you also for the opportunity
6 to speak here. I'm a member of the United States
7 Professional Tennis Association.

8 For the past 35 years, I have
9 been in the tennis business. I currently own
10 and operate a tennis, fitness and swim club as
11 well as tennis vacation, business and tennis
12 camps for boys and girls, men and women. I
13 didn't get there because I was a gifted athlete.
14 I didn't get there because I was born with a
15 silver spoon. I didn't get there because I
16 had a college scholarship.

17 I went to Northern Michigan
18 University. In 1963, Northern Michigan University,
19 Marquette, Michigan, on the shores of Lake Superior,
20 needless to say, they didn't give tennis
21 scholarships. I played because I wanted to play.
22 I took that passion for sports and tennis and an
23 opportunity that existed in tennis and turned it
24 into a tennis business.

1 As a tennis businessman and a
2 baby boomer father of four, three daughters and
3 one son, I've not only been a beneficiary, but
4 I've also been a facilitator of the expansion of
5 women in sports.

6 Since 1967, I've programmed my
7 tennis business to include activities for men and
8 women, boys and girls. I've also been instrumental
9 in creating and coaching athletic teams for women
10 and girls as well as boys. As a former school board
11 member, I was very involved in passing bond issues
12 and operating levies to build additional facilities
13 and to pay additional coaches to accommodate the
14 expansion in women's -- women in sports. I've
15 not only been an advocate, I've been -- in my
16 area, I've been somewhat responsible for that
17 expansion and I'm very proud of that.

18 My extensive involvement has
19 been in tennis. Tennis, I think we can all agree,
20 for 50, 75, maybe 100 years has been gender
21 equitable in terms of opportunity. Tennis
22 history certainly illustrates its been gender
23 equitable long before the passing of Title IX.

24 If you watched the U.S. Open

1 last week, the women actually shared -- well,
2 not shared -- they received the same purse,
3 the same prize money, as the men did. Our
4 sport has a tremendous history of being gender
5 equitable.

6 However, as I research through
7 my 35 years in the tennis business, given through
8 all of these years this equal opportunity, it is
9 blatantly clear that the interest levels on the
10 competitive level are not the same with boys and
11 girls.

12 In the greater Cincinnati area,
13 the greater Cincinnati area has a metropolitan
14 population of 1.5 million, the greater Cincinnati
15 Tennis Association compiled over the last five
16 years some data. All the kids, boys and girls,
17 that took part in tennis tournaments, sanctioned
18 tennis tournaments, age groups 12 and under, 14
19 and under, 16 and under, 18 and under equal across
20 the board and in some cases, ten and under. The
21 tournaments varied in entry level ability
22 tournaments to very high level ability level.

23 The results are pretty clear.
24 For the year 2002, 64 percent of the participants

1 in these equal opportunity tournaments were boys.
2 Thirty-six percent were girls. The five-year
3 sample shows 65 percent boys and 35 percent girls.
4 The results of this sample, I'm sure, again,
5 because of my involvement across the country in
6 tennis, if you took that same sample throughout
7 the United States tennis population for the
8 juniors would be the same. So basically, it
9 leads me to say the gender quotas, the
10 proportionality, is not an accurate way of
11 measuring.

12 Participation in other
13 activities such as band, orchestra, choir, drama,
14 cheerleading clearly indicate varied levels of
15 gender interest. Why then exclude the possibility
16 that athletics may also have different interest
17 levels.

18 I urge this Commission to do
19 the research and I was confident this morning
20 that research can be done. Surveys can be taken
21 which will truly come up with an interest level
22 and if those interest levels are different,
23 then, let's get rid of proportionality and
24 adjust accordingly.

1 On a personal note, and I wasn't
2 going to get personal, but the climate has been
3 somewhat that way, I said I have four children.
4 They were all given the same opportunity in all
5 sports. Needless to say, I've pushed them a little
6 bit towards tennis.

7 MS. COOPER: One minute.

8 MR. CONTARDI: All four played. Two
9 chose to play very casually, went on to other things
10 in college. Two, a boy and a girl, chose to play
11 intercollegiately.

12 My son, in 1998, had his tennis
13 program eliminated at Miami Ohio. My daughter
14 continued to play. She asked the simple question.
15 I ask you the question. She asked this of the
16 athletic director and the president of the
17 university. She said I practice four hours a
18 week. I can play. My brother practices four
19 hours a day. He can't play. I ask you that
20 question; why not? Thank you very much.

21 MS. COOPER: Thank you.

22 (Audience applause.)

23 MS. JUSTUS: Excuse me. Hello.

24 My name is Janet Justus and I want to thank

1 you all for the opportunity to speak today.

2 I am an attorney practicing
3 law with the sports law group of Barrell & Dana,
4 which has offices in Kansas City, Washington
5 D.C., and Portland, Maine.

6 Before that, I was a senior
7 staff member of the NCAA national office where
8 I was an enforcement representative, where I
9 was the first director of eligibility and I
10 also had the opportunity to create the area
11 of education outreach.

12 It gave me the opportunity to
13 become the first director of a program and
14 staff dedicated to student athlete welfare
15 and this included gender equity education.
16 In the fall of '94, we've produced the first --
17 excuse me -- gender equity guide.

18 And in 1995, we produced
19 the first ever Title IX seminar and that was
20 for the entire NCAA membership. Over the
21 next five-year period, we produced eight such
22 seminars. Over 2,000 people attended those;
23 key administrators, leaders from campuses,
24 including presidents, athletic directors,

1 faculty reps and university counsel.

2 After leaving the NCAA, I
3 have had the past three years to work as an
4 attorney and I have conducted reviews, Title IX
5 reviews for universities, and have worked with
6 parents and student athletes and a variety of
7 athletic administrators across the country.

8 I say all of that because
9 I -- I feel I have something to offer and just
10 listening this morning and listening right
11 now about what's been said here today and I
12 don't have enough time to go through everything,
13 believe me. I do have three points to make,
14 though.

15 In reference to -- and just
16 setting the record straight and to Katherine
17 Kersten's presentation this morning, she
18 referred to a report talking about the NAIA
19 influx into the NCAA and how that is the reason
20 why men's opportunities had increased over
21 the years.

22 When I was at the NCAA, we
23 looked at that report. Since that time, the
24 GAO study of 2001 shows that that's incorrect

1 and I say that for record -- for record purposes
2 because it's used often, I see, in the newspapers
3 and elsewhere and you need to know that the GAO
4 study, which is a very good study if you haven't
5 read it, which was commissioned by Senator --
6 excuse me -- by Congressman Hastert, speaker of
7 the House, shows that they factored in the
8 NAIA influx and, indeed, participation still
9 increased at the NCAA level and it needs to be
10 read by -- by you all. Other studies support
11 this as well.

12 Also, for the record, just
13 to let you know, I think Ms. Kersten reported
14 that the Fifth Circuit had not addressed the
15 issue of Title IX. Indeed, it has. In
16 Peterson versus LSU, it's a very, very good
17 case in terms of lots of language and different
18 issues. I ask you to read that. The Fifth
19 Circuit did, indeed, affirm that decision quite
20 strongly finding for the plaintiff student
21 athletes.

22 In reference to interest
23 surveys, I was -- I heard today a lot of people
24 talk about interest surveys. I was a staff

1 member at the NCAA when we created that first
2 survey in 1992 and that survey was used, and
3 I think it was very good. It was a broad-based
4 group of people who worked on that survey.
5 Several months went into it. Several pilots
6 went into it. And that kind of survey is
7 useful when it is used in conjunction with
8 looking at other things to determine interest
9 on meeting that third prong of the three-part
10 test. It's very useful and I applaud the
11 NCAA for doing that and I hope they update
12 that survey.

13 However, it is not simply --
14 it is simply not fair to use a survey to look
15 at overall broad-based interests of women
16 across the country and -- girl's and women and
17 their interest in sports participation. You
18 cannot use that to determine their access to --
19 whether they have access to athletic opportunities.

20 MS. COOPER: One minute.

21 MS. JUSTUS: Indeed, surveys are a
22 measure of attitudes, not behavior. They do not
23 develop in a vacuum and we know that. A similar
24 analogy would have mistakenly relied on an

1 interest survey of women in 1900 asking whether
2 they are interested in having a right to vote,
3 sitting on juries or owning property for that
4 matter.

5 We now know, of course, today
6 that women, when given the opportunity do indeed
7 vote, they do have interest in voting, and, in
8 fact, vote as much as men do today, if not more.

9 I ask you to think about some
10 of these things over the next several weeks and
11 I -- again, I applaud you for working hard at
12 this and I hope you take all this information in --
13 in your deliberations. Thank you.

14 MS. COOPER: Thank you.

15 (Audience applause.)

16 MS. COOPER: David Patt?

17 MR. PATT: Good afternoon. I'm
18 David Patt. I'm the chief executive officer
19 of the Chicago Area Runners Association. We
20 are a 9,000-member organization, the third
21 largest running organization in the United States.
22 I'm also the father of two boys, school age
23 boys.

24 When I was in high school

1 in the late 60s, there were no women's sports.
2 Sports was defined as men's and if anybody had
3 the audacity to ask for women's sports, there
4 just were no resources. One hundred percent
5 of all resources went to boy's sports.

6 When the running boom hit in
7 the late 1970s and the Chicago Area Running
8 Association -- Runners Association started, we
9 noticed that there were still not a whole lot
10 of women so we started doing women's races for
11 women only, but the sponsors -- the male sponsors
12 of our programs insisted that women were not
13 strong enough or interested enough to be involved
14 and we had better take that into account so in
15 a six-mile race, rather than having one finish
16 line at a six-mile mark, we were required to
17 have six finish lines; one at every mile so that
18 when women got tired or weak, they could finish
19 with dignity.

20 As time went on, female
21 participation increased. In the last ten
22 years, we've seen a tremendous increase. Our
23 membership has gone ten years ago from being
24 less than one-fourth female to now being nearly

1 half. All of our training programs from beginning
2 running on up to marathon training and beyond are
3 overwhelmingly female. For many races, men and
4 women run in equal numbers. In some races, women
5 outnumber men.

6 In the under 30 age groups,
7 in a majority of races in the Chicago area, women
8 routinely outnumber men and what we're seeing is
9 that the opportunities that existed -- that did
10 not exist when I was young that do exist now have
11 created a whole generation of women who just
12 take it for granted. They have access to athletics.
13 It's part of their lives and they come out. They
14 run races, they train, they run on their own.
15 It's something new.

16 And if anybody wants to question
17 the interest or the drive, all you have to do is
18 stand at the finish line of any race whether it's
19 the LaSalle Bank Chicago Marathon where you have
20 professional female athletes competing for tens of
21 thousands of dollars in prize money or a little
22 suburban race where a 51-year-old mom who didn't
23 have a chance to run when she was in school toes
24 the start line and just goes on to do the best

1 she can do. In all of those cases, you have the
2 passion, you have the commitment, and you have the
3 drive for excellence.

4 At one of our races recently,
5 one of our older members who was sitting around
6 looking at it and he said this is truly amazing.
7 Look at all these women. Doesn't that seem unusual?
8 And I looked around and I said, no, that's the way
9 it ought to be. So we credit Title IX for creating
10 that and we thank you for listening to us.

11 MS. COOPER: Thank you.

12 (Audience applause.)

13 MS. COOPER: Delinda Chapman.

14 MS. CHAPMAN: My name is Delinda
15 Chapman. Thank you for the opportunity to speak.
16 Today, I'm with you in many capacities. I'm here
17 on behalf of the Governor's Commission on the
18 Status of Women in Illinois for which I chair
19 the Education Committee of the Girls Opportunities
20 Work Group.

21 In my role with the Commission
22 on the status of women, I am working with a group
23 that has developed a Title IX brochure that shows
24 the accomplishments of how the -- of the law to

1 the citizens of Illinois and beyond. The brochure
2 is being distributed to all public schools in
3 Illinois this fall.

4 I am here also as the Great
5 Lakes regional director of the American Association
6 of University Women, an organization of 150,000
7 women and men that has worked for 120 years to
8 promote equity for all women and girls, life-long
9 education and positive societal change.

10 In this capacity, I've worked
11 with women and men across the country to support
12 Title IX and to promote the firm belief that there
13 shall be no barriers to full participation in
14 education or the workplace on the basis of gender,
15 race, creed, age, sexual orientation, national
16 origin, disability or class.

17 I am here, too, as the mother
18 and grandmother of four daughters and four
19 granddaughters. I have seen the opportunities
20 available to women through Title IX. It is
21 vital that women have high school opportunities
22 for sports. The more confidence they have in
23 themselves and their abilities, the more apt they
24 are to participate even as walk-ons.

1 A case in point is my third
2 granddaughter, who, in her sophomore year at the
3 University of Illinois in Champaign/Urbana, did
4 successfully walk-on to the gymnastics team and
5 is in her second year of competition.

6 And I am here personally out
7 of grave concern for the future of the landmark
8 law that has only served to begin to balance
9 the scales of justice and give equal opportunity
10 to all, women and men alike.

11 I know you have heard from a
12 wide range of people on the progress that has
13 been made over the past 30 years as a result
14 of Title IX. However, I have also heard members
15 of this Commission, panelists and previous speakers
16 say that while they support Title IX, they still
17 think changes need to be made particularly with
18 the three-prong test.

19 In fact, some people will even
20 say while they support Title IX, it is depriving
21 men of opportunities to play sports. I am here
22 to tell you that this argument misses the whole
23 point of Title IX. In fact, before Title IX was
24 enacted 30 years ago, women and girls were

1 routinely denied opportunities in education and
2 athletics.

3 And while I will not enumerate
4 the lack of access women and girls had before
5 Title IX was enacted, I will point out that it
6 is not the case that Title IX is responsible for
7 the budgetary decisions individual institutions
8 around the country are making to cut sports teams
9 and potential access for men and women.

10 In fact, in this time of
11 economic uncertainty, it is critical that Title
12 IX's regulations and statutes not be tampered
13 with in order to preserve the access and
14 improvements that have been made.

15 It is the case that full
16 equity has not yet been achieved. Despite the
17 gains women have made under Title IX, resources
18 for women sports have never caught up to
19 resources for men's sports.

20 We all are well aware that
21 budgets for women's sports are not up to --
22 excuse me -- are not up to par with those of
23 their male counterparts. Although male and
24 female participation in athletics has steadily

1 grown, female students lag in participation
2 opportunities, receipt of scholarships and
3 allocation of operating and recruitment
4 budgets.

5 MR. LELAND: One minute.

6 MS. CHAPMAN: And contrary to what
7 Title IX's adversaries believe, discrepancies in
8 participation rates are the result of continuing
9 discrimination in access to equal athletic
10 opportunities.

11 As the National Coalition for
12 Women and Girls in Education has made clear in
13 its recent report, it is neither logical nor
14 permissible to posit a lack of interest in college
15 sports participation on the part of female athletes
16 when less than 200,000 college participation
17 opportunities exist for females and 2.7 million
18 high school girls are participating.

19 It is critical that we not
20 forget the Title IX's promise is to balance the
21 scales of justice. It should not be blamed for
22 illogical supposition about the athletic interests
23 of women nor for the budget decisions made by
24 individual institutions.

1 On behalf of the Governor's
2 Commission on the Status of Women in Illinois --

3 MR. LELAND: Time.

4 MS. CHAPMAN: -- the American --

5 MR. LELAND: Thank you.

6 (Audience applause.)

7 MR. LELAND: Thank you. Our next
8 four speakers are Montia Gardner, Kathryn Statz,
9 Cheryl Marra and Zeus Yiamouyiannis.

10 MS. GARDNER: My name is Kathryn
11 Statz. I'm going to proceed because Montia Gardner
12 is a student athlete at DePaul University who tried
13 very hard to free herself from an afternoon class
14 and was not able to do so and may be here later.

15 I would like to encourage the
16 Commission at its future proceedings to consider
17 meeting later in the day or in the evening to
18 accommodate men and women who would -- are not
19 able to join you during the workday or the
20 university college day.

21 As I said, my name is Kathryn
22 Statz. I'm the associate director of athletics
23 at DePaul University. I think today is a great
24 day because it brings people together to tell

1 their stories and they're all very valid. You
2 will hear a lot of stories today about women
3 who got the opportunity to experience athletics
4 where the opportunity before never existed.

5 Many of these women were the
6 first generation in their families for whom this
7 opportunity was given. Others are second generation
8 athletes whose expectations were raised by having
9 knowledge of Title IX.

10 Today, you've heard testimony
11 about the difficulty of assessing interest in
12 athletics for girls and women. Obviously, this
13 is a very different equation at the high school
14 level and college level. At the Division I
15 level at colleges and universities, I need to
16 tell you that recruiting in any sport is both
17 regional, national and international.

18 Assessing interest at the
19 city or state level is just not an appropriate
20 measure anymore and if Coach Muffet McGraw were
21 here, she would tell you that if she had limited
22 her recruiting to the city of South Bend, she
23 wouldn't have a national championship trophy on
24 her desk today.

1 We can't talk about that type of
2 measurement of interest. If you want to know
3 about interest, get on the mailing list for
4 scouting services that promote high school girl
5 soccer athletes or go to a summer volleyball AAU
6 tournament and get the ten-pound compilation of
7 rosters that they give you if you go as a coach
8 who is there to scout.

9 I think it's important to point
10 out a couple of the other intangible benefits of
11 Title IX that you probably didn't hear that may
12 have gone unmentioned so far. One of them is
13 very real on college campuses and that is male
14 and female athletes who attend class together,
15 who participate in the weight room together, who
16 participate in academic support together and who
17 support each other in everything that they do. I
18 think that's extremely important to be noted
19 and something that's a direct result of Title IX
20 and men's perception of women changing because
21 of the level of participation that they see.

22 Women who compete at NCAA
23 institutions have amazing graduation rates.
24 They use their scholarships and, yes, their

1 walk-on opportunities, which I will address
2 in a minute, to gain an education and an avenue
3 for future success.

4 Colleges are putting dollars
5 into the marketing of women's sports and these
6 women serve as willing role models for the young
7 athletes of tomorrow. Coaches of women's programs
8 have professional league coaching and managing
9 opportunities to aspire to. That list goes on
10 and on.

11 However, even with the strides
12 that have been made, inequity is still alive and
13 well on our college campuses. Women do want to
14 compete. They want to get athletic scholarships.
15 They do want the same opportunities their male
16 counterparts are -- do take as a given including
17 practice times, access to training facilities,
18 access to quality coaches, access to people who
19 support them in every way.

20 People who have spoken today
21 have implied or stated directly that women don't
22 aspire to be athletes and I'm here to tell you
23 that this is an outdated stereotype disguised as
24 research about culture. It offends me and it

1 offends many people that are here today and the
2 women athletes you will hear from as we conclude
3 today will tell you the same thing.

4 The third message that I want
5 to briefly share is my belief that we cannot and
6 should not go back. We can measure interest at
7 the collegiate level and we do so by analysis
8 of regional and national trends because we know
9 that recruiting is national and international.

10 MR. LELAND: One minute.

11 MS. STATZ: Weakening Title IX by
12 altering any of its components is the worst possible
13 response to the fantastic dialogue that we've had
14 today.

15 The expectations of women have
16 now and will forever be changed. Appropriately so.
17 The direction to go is forward with more equitable
18 enforcement of the law across all regions and
19 divisions of collegiate athletics.

20 My athletes at De Paul looked at
21 me like I was crazy today when I told them that I
22 was leaving campus in order to speak in front of
23 this Commission because it was just incredible to
24 them that there would be a debate about whether or

1 not we should go backward.

2 I explained to them the reason
3 that I was leaving was to be able to provide
4 information to this Commission that I hoped that
5 they would hear. I would like to be able to go
6 back and let them know that you have heard the cry
7 for greater equity and more equitable enforcement
8 of the law. Thank you.

9 MS. COOPER: Thank you.

10 (Audience applause.)

11 MR. LELAND: Is Cheryl here?

12 MS. MARRA: Thank you for this
13 opportunity.

14 I stand before you, I guess,
15 in one way as a product of Title IX. I'll never
16 forget when I was a junior in high school in
17 1972, so you can add it up, and my track coach
18 came and said I had an opportunity for the first
19 time ever to compete on a real team.

20 At that point in time, I
21 didn't have any idea what the impact of that was.
22 I had no idea what that would mean in my life,
23 but I can tell you today as the associate athletic
24 director at the University of Wisconsin and chair

1 of the NCAA women's basketball that was something
2 that has totally changed my life.

3 What I'd like to address I
4 don't think has been addressed specifically
5 right now is the three-part test. We have had
6 the pleasure at the University of Wisconsin to
7 apply each of the three parts in trying to come
8 into compliance with Title IX.

9 And a question was asked this
10 morning if we removed prong one, could we, in
11 fact, use the other two prongs. As I thought
12 through that very deliberately having attempted
13 that at the University of Wisconsin, I took a
14 look at the prong two where it talks about history
15 and expansion and I would as that is attempted by
16 several different institutions, the definition
17 of the history of expansion needs to be addressed.
18 It's very difficult to know exactly where to go
19 with that.

20 As I took a look at prong three
21 where you're measuring interest and abilities of
22 the under-represented sex, I think the key there
23 is you would have to define who is the
24 under-represented sex and in order to do that,

1 you would have to come up with some type of
2 formula to determine that.

3 At the present time, it is
4 based on the proportionality test so you are back
5 to prong one. In doing that, as you assess that,
6 and we did that on our campus, clearly, the
7 under-represented sex, once that is determined,
8 I would be here to tell you that on any college
9 campus, and this is probably true with high
10 schools as well as junior colleges, you will
11 clearly have a lineup of those clubs or programs
12 that would like, in fact, to be taken care of.

13 If you think that through
14 carefully, once the under-represented sex has been
15 identified and the sports clubs that would like to
16 be, as
17 a result, now made a varsity competition, you have
18 to have some measurement. You have to come to the
19 subdetermination how many new clubs do we add?
20 And I can tell you on our campus as we added
21 three new sports in the last seven years, there
22 were probably eight more women sports that had
23 lined up hoping to be one of those three.

24 On the other forum, if we had

1 determined that the men were the under-represented
2 sex, once again, you have to have some type of
3 determination to come to that, we would have had
4 several men's teams in our particular institution
5 that also would have enjoyed varsity status.

6 So as you are thinking through
7 the three-prong test, please give careful
8 consideration to the definition. At some point
9 in time, you will probably always come back to
10 prong one and, in fact, that deals with
11 proportionality and at this point in time, it
12 has been the best measurement across the country
13 to provide opportunities for women's athletics.
14 Thank you.

15 MS. COOPER: Thank you.

16 MR. LELAND: Thank you.

17 (Audience applause.)

18 MR. LELAND: Is Miss Yiamouyiannis
19 here? Oh, I'm sorry. I'm sorry.

20 MR. YIAMOUYIANNIS: That's Zeus, not
21 Zeus.

22 MR. LELAND: Yes. I'm sorry. I
23 apologize.

24 MR. YIAMOUYIANNIS: My name is

1 Zeus Yiamouyiannis. I'm a former collegiate
2 scholar athlete, education professor, swim
3 instructor, coach, and incidentally, yes, brother
4 to one of the panelists.

5 As a male strongly in support
6 of Title IX, I've seen the dramatically positive
7 effect women's sports have exerted on my sisters
8 and the opportunity for leadership, self-esteem,
9 health and accomplishments women's sports have
10 helped in gender.

11 Research shows that women who
12 involve themselves in sports have a higher sense
13 of self-worth, are more motivated, are less likely
14 to get pregnant at an early age, and the list
15 goes on.

16 Women's sports provides some of
17 the most important keys, and this is important for
18 a national group like this, to a strong and stable
19 citizenry for one-half of this country's population.
20 We all benefit from the contributions of and the
21 interaction with strong, healthy, accomplished
22 women.

23 So why the opposition? From a
24 male perspective, I hear some of the honest concerns

1 expressed here today, but I'm concerned about
2 efforts to undermine Title IX funding, which
3 seems to hinge on three unexpressed issues.

4 One, an unwarranted sense
5 of threat in rivalry experienced by some influential
6 men and others who may base their identity what is
7 the need for competitive superiority and physical
8 authority.

9 Two, well organization religiously
10 based attempts to preserve the so-called natural
11 subordinate role of women in family and society.

12 And three, a sense of entitlement
13 of unequal handouts men have received in the past
14 disposing them to feel as if leveling the playing
15 field is taking something away from them.

16 I ask the question is Title IX
17 being attacked for its success rather than its
18 perceived problems? Is this controversy more
19 substantially about people who don't like the
20 reality of a Title IX that is starting to do
21 what it is supposed to do and who seek to undermine
22 enforcement because they see a successful trend
23 and don't like the implications, strengths and
24 challenges it presents.

1 I say real men need real women.
2 We need to work together to support sports across
3 the board for your daughters and sisters as well
4 as our sons and brothers, for our society and even
5 for the expansion of commercial opportunities as the
6 Women's World Cup Soccer, which attracted 80,000
7 plus crowds right here in Chicago demonstrates.

8 Overall popularity is not an
9 argument. Women's -- women's formal participation
10 in sports has grown much faster than men's
11 participation if you look at the early history
12 including faster growth in the commercial arena.

13 Funding inferiority and inferior
14 social status go hand in hand. We see this in the
15 funding of public schools today. Women sports
16 participation has increased some ten to 20 fold
17 depending on your measure since the early '70s
18 and continues to grow proving the adage that's been
19 mentioned a lot today, I thought it was independent,
20 but apparently no, build it and they will come,
21 refusing to enforce equally funded women's sports
22 is a decision to dishonor and wage a cultural
23 assault on women, to turn back the clock what is
24 women's progress and success that has benefited us

1 all.

2 Funding and resources over time
3 drive opportunities and opportunities drive
4 interest. We all know this and Title IX's success
5 proves this. Stand-alone interest in the form
6 of a survey is not a good measure of what women
7 want or need. Interest can be tapped as it was
8 for the early women who didn't have the opportunity
9 to participate before Title IX sports programs and
10 it is being generated by increased opportunities
11 now. Thank you very much.

12 MR. LELAND: Thank you.

13 MS. COOPER: Thank you.

14 (Audience applause.)

15 MR. LELAND: Go ahead. Montia?

16 MS. GARDNER: My name is Montia and
17 I am a senior at De Paul University and I represent
18 a group of young ladies all across America who are
19 throwers. I throw shot put, discus, hammer and
20 weight throw. And of course, it's not a very
21 popular event so a lot of times, we don't get as
22 many spectators as we want. So, of course, with
23 spectators some money or funds or revenue.

24 And this group of athletes who

1 work so hard are not often seen as -- as athletes
2 or even people are worth to see as a spectator.
3 So we don't get the money we sometimes deserve,
4 but we work hard. And without it, I wouldn't be
5 able to go to DePaul on an athletic scholarship.

6 Title IX is a law put in place
7 to continue the safety net of its female and male
8 athletic participants. You probably will ask what
9 that means. Well, as a former competitor in
10 intercollegiate athletics and as a product of
11 Gary, Indiana, a city whose athletics program
12 has prepared me to do so, I believe that athletics
13 was a tool to helping me achieve some key aspects
14 of my life.

15 Character, integrity, community
16 commitment, self-esteem and personal confidence
17 are things that you would have to agree that are
18 key to becoming a stand-out citizen of this country
19 and all of these things are taught and learned as
20 a part of an athletic program.

21 I grew up in a loving environment
22 with two parents who loved and cared about my
23 well-being and my success, but for every female
24 child like me, there are dozens who don't get the

1 chance to experience love and support from a
2 family member.

3 Peer pressure, one of the number
4 one causes of teen pregnancy, negative interaction
5 with law enforcement and gang activity. Well, an
6 athletic sport is a gang all in itself. But instead
7 of fighting, we learn perseverance. Instead of
8 learning rebellion, we learn how to work together
9 as a team. And instead of learning hate for fellow
10 man, we learn respect and accept the differences
11 that each player, teammate and rival school or
12 university exhibits.

13 When I say safety net, I mean
14 support system which strives to make every female
15 an outstanding competitor and citizen. If I were
16 to tell my story, I would tell you that the
17 opportunities for success that athletics gave
18 me could not have been obtained without Title IX.

19 I would also tell you that
20 without females in athletics, you would destroy
21 the foundation of athleticism and stomp out the
22 possibility of an escape route for some young
23 women. In my community, I'm a role model for
24 girls who want to pursue that athletic career.

1 I didn't have a role model that
2 was
3 my own. I had Michael Jordan. But now, I have
4 people like Connie Price Smith who was the head
5 coach at a major university in America. Those
6 are the people who make the difference. Thank you.

7 MR. LELAND: Thank you.

8 (Audience applause.)

9 MS. COOPER: John Rohrbach?
10 Rohrbach, John Rohrbach? I know I'm killing
11 that last name. Danielle Fell or Daniel Fell?
12 Christa Dirr and Kimberly Smith.

13 We'll start with John. We'll just
14 stick with your first name since it's John.

15 MR. ROHRBACH: Okay. Yes. I am
16 John Rohrbach. I actually was a high school debater
17 myself and so I am going to take the opportunity to
18 stand up and I would like to discuss a couple of the
19 arguments that I've heard earlier today.

20 First is that an earlier speaker
21 claimed that men's football and basketball are the
22 profit-producing engines that pay for the other
23 opportunities at most Division I schools. That
24 claim is simply false. The fact is that less

1 than half of Division I schools enjoy profitability
2 in the men's football and basketball programs.

3 I would also point out that
4 Division I schools make up a small proportion
5 of the total number of colleges and universities
6 in this country. So for the vast majorities of
7 high school -- vast majority of high schools and
8 colleges, the idea of big time college football
9 and basketball should drive this debate is kind of
10 like the tail wagging the dog.

11 I would also like to address
12 some of the anecdotal evidence that we've heard.
13 It seems that many of those we have heard from
14 today who believe that Title IX is, as one person
15 said, devastating opportunities for men have
16 stories to tell about boys and men who have lost
17 athletic opportunities.

18 The first thing I'd like to
19 point out about this is the anecdote devastation
20 described today is when one examines the statistics
21 misleading. There are 300,000 more men competing
22 in high school athletics today than there were
23 when Title IX was passed, that a ten percent
24 increase in men's participation could be called

1 devastation is ridiculous.

2 Another point I'd like to make
3 about anecdotal evidence is directly related to
4 my own experience. I was the manager of the
5 Brown University women's volleyball team when
6 Cohen versus Brown University was filed. I was
7 there myself to observe an anecdote of my own.

8 Women's teams were cut. The
9 athletes were, indeed, devastated, but because
10 of Title IX, and particularly, the proportionality
11 provisions of the law, those women, my friends,
12 were able to force the university to reinstate
13 their team.

14 Brown University did not
15 eliminate a single men's team as it moved to
16 comply with Title IX. What this anecdote
17 suggests is that Title IX can protect
18 opportunities for women without costing men
19 opportunities, that Title IX has not devastated
20 men's opportunities, but rather that institutions
21 have chosen to eliminate men's teams and then
22 said of Title IX, look what you made me do.

23 I urge the Commission to
24 resist being taken by the argument that Title

1 IX is devastating men's opportunities. Schools
2 which cut men's opportunities and blame it on
3 Title IX using the law scapegoat for their
4 inability to follow in the footsteps of schools
5 like Brown and Stanford, which have, like the
6 majority of schools, which have complied with
7 Title IX, done without cutting men's teams.

8 The point of Title IX, like
9 all civil rights legislation, is to prevent
10 Americans from being deprived of opportunity
11 based on what things about themselves that they
12 cannot change. No girl should be watching boys
13 play sports and say to herself, well, if I were
14 a boy, I could play, but I can't be a boy, so
15 I'll just have to accept that my being a girl
16 means that I won't get treated the same as the
17 boys.

18 No boy should be put in that
19 position either. That is why it is so important
20 that Title IX be upheld and enforced. Boys and
21 girls should receive equal opportunities and
22 they must have redress to ensure that this
23 principal is observed. Thank you.

24 MS. COOPER: Thank you.

1 (Audience applause.)

2 MR. FELL: Hi. My name is Daniel
3 Fell. I was actually a wrestler at Marquette
4 University. I'm sorry.

5 Hi. My name is Daniel Fell.
6 I was a wrestler at Marquette University, which
7 was recently dropped. Today, I would like to
8 share with you my own story involving Title IX.

9 I feel that our school story
10 exemplifies all that is wrong with Title IX.
11 Before I go on, let me give you some background
12 information about our team.

13 Our team had been self-funded
14 since the early '90s. Hence, when our program
15 dropped, it was not costing the university a
16 penny. In fact, what was on the whole, it was
17 actually earning the school money. There were only
18 two scholarships to divy up amongst 30 athletes and
19 all of those came directly out of the alumni's
20 pockets.

21 It can be established that
22 dropping wrestling at Marquette was not done
23 out of costs. So why was our team dropped?
24 At Marquette University, the student body was

1 composed of 51 percent girls and 49 percent
2 guys. This was not reflected in the participation
3 level of our intercollegiate teams.

4 However, we did have an equal
5 number of girl and guy sports. Our girls volleyball
6 team had 11 players, almost all on full scholarships
7 as opposed to our wrestling team, with 30 different
8 athletes with only two full scholarships. Yes,
9 more girls walked onto the volleyball team and
10 played purely for the love of the game, but this
11 was not the case so our school simply cut wrestling.

12 As I understand, Title IX was
13 supposed to create more opportunities in athletics
14 for women, which I definitely support since I myself
15 have benefited from the wonder of participating in
16 the collegiate level sport.

17 So I would like to challenge
18 any supporter of Title IX to explain to me how
19 cutting men's wrestling at Marquette has increased
20 opportunities in athletics for women at Marquette
21 University.

22 MS. COOPER: Thank you.

23 (Audience applause.)

24 MS. COOPER: Christa Dirr?

1 MS. DIRR: Men athletes are more
2 skillful than women athletes. Men are stronger
3 and more powerful than women. Some sports are
4 okay for girls and women, but others aren't.
5 Girls cannot be as good at sports as boys. It
6 sounds even more ridiculous to say these statements
7 out loud than it did read.

8 These are a few declared myths
9 I found in an article on The Women's Sports
10 Foundation website. As it stands, Title IX
11 abolishes these myths and I for one would like to
12 keep it that way.

13 I come from an all private high
14 school in Cincinnati where I was a member of the
15 volleyball and basketball team and didn't have to
16 compete with the lime light of Friday night football
17 or the hoopla of boys basketball. And I certainly
18 never had to complain about being overlooked at the
19 school pep rallies as I was the center of attention
20 instead of just another face amongst a crowd of
21 baseball players.

22 However, the issue still
23 exists in my mind when I think back to high
24 school competitions that our cheerleaders never

1 cheered at our game or matches. They didn't
2 wear our school name on their uniforms. Instead,
3 they wore the name of a near by brother school
4 and supported their every move on the playing
5 field.

6 So sure, there are still some
7 inequalities between men's and women's sports
8 and they exist far past cheerleaders, but why take
9 so many steps backward when we've almost reached an
10 acceptable finish line?

11 I just graduated from DePaul
12 University after four years of incredible memories,
13 incredible accomplishments, and one huge dream come
14 true of winning a conference championship and
15 appearing in an NCAA tournament.

16 When I was approached almost
17 five years ago by Coach Dawn Dockstader to
18 participate in the volleyball program at one of
19 the finest schools in the country under a full
20 athletic scholarship, needless to say, I thought
21 life couldn't get any better. I have been offered
22 a chance of a lifetime, a chance thousands of
23 other girls were in the same pursuit of, but had
24 lost in the end to me.

1 I was never considering DePaul
2 before being recruited and what a mistake it would
3 have been if I had not ventured to Chicago for
4 preseason in that fall of '98. DePaul volleyball
5 opened my world to an opportunity to live and go
6 to school in a great city, a city that I soon
7 learned would challenge my dependence of parents,
8 my naiveness and ill-exposure to diversity.
9 DePaul gave me a chance to grow into an independent,
10 confident and well-rounded individual. Little
11 did I know that in four years, I would grow to
12 be the woman that I am today.

13 Receiving the opportunity to
14 attend DePaul and compete at a division one
15 level in an outstanding conference resulted
16 in a very respectable business degree, confidence
17 in who I am and who I will eventually become,
18 lifelong friendships with coaches, teammates,
19 classmates, professors and administrators, a sense
20 of discipline, fulfillment, self-worth and humility,
21 an appreciation of hardships, thrill of reward,
22 a healthy lifestyle, pride in teamwork, a
23 championship ring that I am fortunate to display
24 today, but most of all, experience culminated

1 into an appreciation of hard work.

2 MS. COOPER: One minute.

3 MS. DIRR: I know how lucky I am
4 that I am coming out of college debt-free. I
5 also know that I wouldn't be in this position
6 without Title IX and for that, I am forever
7 grateful. It is my gratitude that compels me to
8 speak out today on behalf of all the young women
9 out there who deserve the very same thing.

10 I can't say that without
11 opportunities that have been given to me in the
12 past four years that I wouldn't be proud of the
13 person that I am today, but I can say that I
14 never appreciated four years of my life more
15 and I wish every other girl the same kind of
16 opportunities.

17 There are so many female athletes
18 out there with the same dreams that I had through
19 high school and college. I've seen them. I've
20 worked the camps. I've seen how hard they work.
21 I've seen how much fun they are having and I realize
22 now that I've become a role model to so many of
23 them. So after working with our youth and looking
24 back on the experiences that I've benefited from,

1 I don't want to be the one to tell them that the
2 future girls are not as talented as boys and,
3 therefore, do not deserve the same opportunities.

4 MS COOPER: Time is up.

5 MS. DIRR: After all, teaching our
6 future --

7 (Microphone cut off.)

8 MS. DIRR: Whoa, whoa!

9 (Audience applause.)

10 MS. COOPER: Sorry. I'm sorry. Here,
11 come get this microphone! No, not really.

12 Kimberly Smith? Sorry!

13 MS. SMITH: Hi. My name is Kim
14 Smith and I'm a former track athlete at DePaul
15 University. When I was 11 years old, my parents
16 separated. So my mom moved my sister, brother
17 and me away from my father and that's when I
18 started becoming a serious athlete. My mom told
19 me that if I wanted to achieve anything in my life,
20 I had to go after what I loved doing and I loved
21 running. So that's what I did. I went after
22 it.

23 In high school, I was on the
24 cheerleading team, too, and the track team all

1 four years. My mom didn't agree with me being
2 a cheerleader. She said she didn't like the
3 stigma behind it, but I stuck with it. In my
4 last year, I decided that track was going to
5 get me a scholarship to college and that's what
6 I did.

7 I had the honor of attending
8 a great high school that treated both male and
9 female athletes equally so being an athlete at
10 high school -- in high school was normal. An
11 athlete for a female to me was normal. I didn't --
12 I wasn't affected before Title IX and so I
13 appreciate that.

14 Having the opportunity to have
15 college aid available to me through an athletic
16 scholarship has been a goal of mine for as long
17 as I can remember. This is not an opportunity
18 that was available to everyone. I look at
19 receiving an athletic scholarship as an opportunity
20 of a lifetime.

21 As we all know, women are not
22 seen in the same light as men when it comes to
23 sports and having received all that attention
24 in high school that the women athletes did made

1 us feel equal to the males and sometimes even
2 better. It gave me a feeling of accomplishment
3 because I worked just as hard as any male would
4 when it came to track. I sweated countless hours
5 and beat myself up as well as the best did.

6 That was life and I put 100
7 percent in it and it paid off. At the last
8 minute, my mom decided that I was attending
9 DePaul University because it was close to home.
10 I received a track and field scholarship still
11 in 1996. I red-shirted my first indoor season
12 because of injury and I took to my books.

13 At that time, DePaul was
14 going through a rough spot with track. I had
15 seven different coaches in my five years at DePaul
16 University and we also didn't have the facilities
17 to compete or practice at DePaul so we had to travel
18 an hour each day to practice.

19 But with all the hard work, it
20 paid off. Having to work hard on the track and in
21 the classroom was not easy, but I managed and I
22 received my undergraduate in 2000 and with another
23 season remaining because of my red-shirt indoor
24 season, I started graduate school and finished

1 June 2002.

2 The time I spent competing at
3 the college level is an experience I will always
4 remember. Running at the collegiate level is a
5 full-time job in and of itself. You have to work
6 hard nonstop to be the best. Nothing is handed to
7 you. You have to fight every day and that's what
8 makes -- that's what makes it better and that's
9 why I appreciate it so.

10 You appreciate things more when
11 you work hard to obtain them. Many people take
12 athletics for granted, but from my experience,
13 athletics had changed my life and it's given me
14 opportunities that I believe I would not have
15 been able to obtain by myself.

16 It is an experience that I
17 appreciate because a lot -- because I know that a
18 lot of men and woman were not given this chance.
19 This is why I would not trade this experience for
20 the world. So thank you.

21 MS. COOPER: Thank you.

22 (Audience applause.)

23 MR. LELAND: Thank you. The next
24 four speakers are Robin Dixon, William Scherr,

1 Myron and Jeanne Fleck, if they'd come forward?

2 Do you need a break?

3 (Whereupon, after a short
4 break was had, the
5 following proceedings
6 were held accordingly.)

7 MR. LELAND: Okay. If we could begin
8 again, Robin Dixon? Is she -- is Robin here?

9 Not hearing her, William Scherr?

10 MR. SCHERR: Thank you. Committee
11 members, the title of your Commission is Opportunity
12 in Athletics. I am before you today to ask you to
13 make your Commission one expanding opportunities
14 for all instead of expanding opportunities for some
15 at the expense of others.

16 I'm not an expert on Title IX or
17 the many issues which surround this controversial
18 act. I speak as a former athlete and current parent,
19 one that is interested in expanding and preserving
20 the wonderful privilege of competing in college
21 athletics that I enjoyed for my children. I have
22 three daughters and I vigorously applaud Title IX
23 and the progress its made in creating the
24 opportunities for them.

1 I also have a son and I would
2 hope that he has those same opportunities that
3 I enjoyed when he reaches the college age.

4 Attached to this draft is a
5 list of 434 college wrestling programs that have
6 been dropped and are out of existence now since
7 the advent of Title IX in 1972.

8 And I would contradict the
9 testimony or the presentation given by the
10 gentleman a couple of speakers ago who said
11 that it's sort of anecdotal evidence of programs
12 and opportunities being dropped.

13 Four hundred and thirty-four
14 college wrestling programs being dropped is not
15 anecdotal. It's tragic. And it's true that
16 the numbers of participation of athletes are
17 up at the high school level for men and
18 particularly in my sport of wrestling, the
19 numbers are at an all time high for high
20 school wrestlers.

21 Well, as we can see by these
22 numbers of college wrestling programs being
23 dropped, they don't have the opportunity to
24 continue their careers beyond the high school

1 level.

2 And I'm sure as he spoke about
3 the folks at Brown University, the women who were
4 devastated by the dropping of their program and
5 how hard they fought to have it reinstated and
6 the ability that Title IX gave them to reinstate
7 the program, I would ask him to consider the 434
8 men's programs, the devastation that those young
9 men went through when their program was dropped
10 and the inability they had to seek any redress,
11 those programs are still not in existence today.

12 I am focused on wrestling
13 because that's my sport, but I could have
14 just spoken about a half a dozen other sports
15 that have been affected in the same manner.

16 An athletic scholarship afforded
17 me the opportunity to attend a university and
18 participation in college sports taught me valuable
19 lessons about life and about myself. It is
20 disheartening for me to think about all the
21 thousands of young men that were not allowed to
22 participate in part due to the adverse and
23 non-intended consequences of Title IX.

24 I don't believe that those folks

1 that drafted this act in 1972 would have intended
2 for the side effect consequences that have occurred
3 and nor do I believe even the proponents of Title IX
4 today would speak in favor of those negative side
5 effects.

6 I don't understand all of
7 the intricacies of Title IX and certainly don't
8 have the answers, but it appears to me that
9 proportionality is a questionable method of
10 applying and enforcing gender equity when it
11 has these negative side effects. I understand
12 that if proportionality were to come into full
13 compliance today, that there would be as many
14 as 70,000 additional men who would have to
15 lose the opportunity to compete at the college
16 level for that to come into compliance.

17 If you were to eliminate the --
18 or make the number of participants equal according
19 to proportionality. The total number of
20 participants in wrestling and several other of
21 the non-revenue men's sports today would not even
22 meet that number.

23 People then point the finger
24 at football and college basketball programs as

1 having bloated budgets and numbers. Well, again,
2 I would speak to anyone who is familiar with certain
3 athletics on the Division I and at any level even if
4 the revenue of those sports directly doesn't meet
5 the expenses. Certainly, the name recognition and
6 attraction of students for the school and alumni
7 contribution support generated by football and
8 basketball create opportunities for all athletes
9 in those sports and at the -- at those university
10 levels, men and women, and if you attack and cut
11 football and basketball revenue or -- excuse me --
12 expenses, I believe you would be limiting
13 opportunities for all athletes at the college
14 level, men and women athletes.

15 MR. LELAND: One minute.

16 MR. SCHERR: It is clear that if we
17 continue on the path of proportionality of men's
18 athletics at the college level, in my opinion, will
19 be decimating particularly non-revenue sports like
20 wrestling.

21 There must be some compromise
22 which will allow the wonderful progress for women
23 that Title IX has achieved to continue without
24 negatively impacting men's sports. I would hope

1 that this committee works hard to find and implement
2 that solution for the sake of all of our children.
3 Thank you.

4 MS. COOPER: Thank you.
5 (Audience applause.)

6 MR. LELAND: Myron?

7 MR. SIEGEL: Good afternoon. My
8 name is Myron Seigel. I'm a single parent of
9 three daughters and one son.

10 I was a member of the
11 Illinois Board of Regents, the governing board
12 for Illinois State University, Sangamon State
13 University and Northern Illinois University.
14 I am currently a member of the Northern Illinois
15 University Board of Trustees, a Division I(A)
16 school.

17 I want to thank the committee
18 for allowing me this opportunity of comment this
19 afternoon in this public session. I'm sure this
20 committee has heard a variety of testimony and
21 legal arguments. I have.

22 My comments today will be brief
23 and focus on the current impact on athletics of the
24 regulations promulgated relating to Title IX. I've

1 noticed a lot of athletes here today and they all
2 ought to be applauded especially the women athletes.
3 Title IX has done a wonderful job.

4 However, my perspective is that
5 as a father and from the governing board of a
6 Division 1(A) school. My comments are not
7 necessarily the position of the school and I am not
8 here officially representing Northern Illinois
9 University.

10 It would be difficult to argue
11 that Title IX has not provided opportunities to
12 female athletes since it was passed. However, like
13 most rules strictly applied, there are consequences.
14 Since Title IX became the law, the landscape has
15 changed dramatically.

16 What we now define as a
17 traditional college student, those students that
18 have entered college immediately after graduating
19 from high school as full-time residential students,
20 are quickly becoming the minority. Non-traditional
21 students, those students that are place bound,
22 commute, attend classes over the internet are
23 returning to school to upgrade skills or are
24 returning to school as part of a career change are

1 quickly becoming a majority of college students.

2 For the most part, these students
3 are athletic observers at best. These changes
4 in the student demographics alone are sufficient
5 to dictate a re-examination of the Title IX
6 regulations.

7 Currently, the application of
8 Title IX has adversely impacted men's athletics.
9 I'm not a proponent of limiting women's athletic
10 opportunities solely to support men's athletic
11 opportunities, but a review on what's reasonable
12 needs to occur in light of fundamental changes
13 over the past 30 years as well as the unintended
14 adverse impact the regulations have on men's
15 athletics.

16 I have seen men's athletic
17 programs terminated at Illinois State University
18 on whose governing board I once served,
19 not because women athletes were complaining about
20 disparate impact or disparity treatment, but because
21 it was necessary to comply with an arbitrary formula
22 that says men and women always want the
23 same things.

24 This action punished male

1 athletes without a single advantage for female
2 athletes. One has to ask why? How is this fair?
3 Reasonable people, regardless of gender, have to
4 say that application of the regulations in this
5 particular instance was inequitable and a change
6 needs to occur.

7 It would be appalling if anyone
8 would support adversely affecting men's athletics
9 if there were no advantage for women's athletics,
10 yet this is exactly what has occurred in many
11 instances. The cost of regulations have forced
12 the -- have the force of law. They are tantamount
13 to legislation.

14 I can tell you this, you
15 cannot legislate a person's feelings or interests.
16 You cannot legislate that one gender should be
17 more interested in athletics than another gender.
18 In the microcosm of my family, I can't imagine
19 saying to one of my daughters that in order to
20 remain gender neutral, that she cannot do something
21 because her brother has no interest in that
22 activity.

23 If we are to educate our children,
24 we must be cognizant of gender differences. If men,

1 as a percentage, are more interested in athletics
2 than women, provide reasonable regulations that
3 recognize these differences without penalizing men's
4 athletics.

5 MR. LELAND: One minute.

6 MR. SIEGEL: In doing so, remember
7 that there has been a fundamental change in the
8 student body, that not all schools are the same
9 and that the financial considerations need to
10 be addressed.

11 Simply looking at the dollars
12 spent or the number of athletes by gender may be
13 insufficient to provide fair and equitable access
14 for all regardless of gender. You have a difficult
15 task. It will not be easy, but I leave you with
16 one thought, do not continue to penalize men's
17 athletics simply to craft a regulation that no
18 longer makes sense in the real world.

19 The regulations should be
20 flexible, but fair. Good laws need to change
21 with the times. This is why laws are constantly
22 being changed. We are not a homogenous people.
23 We are all different with different desires,
24 goals, likes, dislikes, abilities and preferences.

1 Take this opportunity to
2 recognize these differences and that while
3 Title IX has provided opportunities to women
4 athletes, that changes are now needed to the
5 regulations to address the opportunities for
6 male athletes as well. Thank you.

7 MR. LELAND: Time.

8 (Audience applause.)

9 MR. LELAND: Jeanne?

10 MS. FLECK: Hi. My name is Jeanne
11 Fleck. I'm a Division I swimming coach. I have
12 been a Division I coach for 11 years, a head coach.
13 Eight of those years, I was a men and women's coach.

14 I'm here not as an expert on
15 Title IX. I'm here on a situation -- a story that
16 I want to share with all of you. While I was at
17 the school that I coached at -- I'm not going to
18 say where -- for eight years as the head men and
19 women's coach, after the first year, we were
20 investigated by the Office of Civil Rights.

21 We were investigated because
22 our athletic directors made a business decision.
23 They made one in the sense of we had a sport in
24 the state of Illinois, soccer, that was an emerging

1 sport. They didn't have the finances to add that
2 sport without dropping another. They dropped a
3 sport that was dying in the state of Illinois,
4 unfortunately, and the cost to travel to go
5 compete were very high.

6 So instead of having field
7 hockey, they added soccer. We got investigated
8 and for the next five years while at -- well,
9 I'm -- probably seven years, I don't even know.
10 While I was at this university, we were
11 investigated. I know that our athletic directors
12 did everything that they possibly could and our
13 school and our board of trustees, we went to
14 state legislators, we had tuition waivers passed
15 so that we could put more hard money into the
16 women's sports without dropping men's sports.

17 This was not enough. It
18 was not enough for the Office of Civil Rights.
19 Then they decided to add a women's sport. We
20 added women's cross-country. That was not enough.
21 Nothing was enough. So instead of dropping another
22 sport, they added women's track and field. This was
23 not a survey sport.

24 This was not a sport that we

1 had a field for. We had no track, indoor or
2 outdoor. So that meant a university that did not
3 have a lot of money had to build an indoor track
4 and an outdoor track because the Office of Civil
5 Rights told us that was the sport to add.

6 I love what Title IX has done
7 for me. When I was this coach for eight years
8 of men and women, I was one of four women that
9 coached men in any sport in swimming, you know,
10 at the Division I level. I'm very proud of that.

11 Title IX helped me out a lot.
12 It gave me opportunities that I can't even explain.
13 I got to be a college athlete. I was a high school
14 athlete. I had basketball and baseball and softball
15 when I was growing up, but I just do not like the
16 fact the Office of Civil Rights can tell us, even
17 if the wants of the school are not there for a
18 sport, that they can say you have to add this
19 sport.

20 And in the past, you know, women's
21 swimming is doing fine. Men's swimming is hurting
22 right now. Men's wrestling is hurting right now
23 and there are people that want to do it.

24 And I think down the line, the

1 United States and the people that live here are
2 going to be really disappointed when our Olympic
3 sports -- when we get to the Olympics and we're
4 not winning gold medals anymore in men's gymnastics,
5 men's wrestling, men's swimming, when we're not
6 there, and it's going to be because we dropped
7 these sports because of money and I just -- hate
8 to see that happen. So thank you.

9 MR. LELAND: Thank you.

10 MS. COOPER: Thank you.

11 (Audience applause.)

12 MS. COOPER: Is Robin Dixon here?

13 MR. LELAND: Is Robin Dixon here?

14 She signed up too.

15 MS. COOPER: No.

16 MR. LELAND: Okay.

17 MS. COOPER: Let's move forward.

18 Sam Zeman or Zeman, Marilyn Trupin, Mary

19 Morrissey-Kochanny and Dave Grant.

20 And we'll start with Sam.

21 MR. ZEMAN: My name is Sam Zeman.

22 Dear members of the Commission,
23 thank you for giving me this time. I've been asked
24 to speak here today as president of the Illinois

1 High School Gymnastics Coaches Association. I'd
2 like to begin by commending the Commission for
3 looking into this issue that has been long overdue
4 for a change even though its intentions are good and
5 a lot of good has come from it.

6 Boys gymnastics is one of the
7 male sports that have been severely impacted by
8 the effect of Title IX. Colleges and universities
9 once boasted 12 gymnastics teams in the state.
10 Now, we have only two teams in Illinois. This
11 trend has occurred nationwide.

12 The elimination of men's
13 gymnastics teams at the collegiate level has had
14 a profound effect on Illinois high schools.
15 Just last month, I defended the importance of
16 boys gymnastics to the Illinois High School
17 Association.

18 One of the concerns expressed
19 by the IHSA is the number of teams in the state.
20 The drop in high school teams is the direct result
21 of a drop in college teams. As college teams are
22 eliminated, the result is a lack of gymnastics
23 and a pool of teachers and coaches from which to
24 draw.

1 Previously, our coaches have
2 come from schools such as -- from such universities
3 as Northern, Southern, Eastern, Western, Illinois
4 State, University of Illinois at Champaign and
5 the University of Illinois in Chicago. Currently,
6 our pool of coaches can only come from University
7 of Illinois in Champaign and Chicago. This affects
8 both girls and boys gymnastics as the majority of
9 the gymnastics coaches are male.

10 Another area of concern is
11 participation. Since colleges have dropped men's
12 gymnastics teams, there are fewer physical education
13 teachers with a gymnastics background coming into
14 the high schools. Therefore, many of these teachers
15 have dropped gymnastics from their physical
16 education curriculum.

17 Colleges have also followed and
18 perpetuated this trend by eliminating the once
19 mandatory instructional gymnastics classes. This
20 action has resulted in physical education teachers
21 not being properly trained and uncomfortable with
22 teaching gymnastics and thus eliminating it from
23 their curriculum.

24 As a result, high school students

1 are not exposed to gymnastics in the classroom and
2 so are not aware of the physical challenging and
3 enjoyable aspects of joining a boys gymnastics team.
4 Those who fall victim to the shortsightedness are
5 the students.

6 At a time when President Bush
7 is stressing the importance of physical fitness
8 for our youth -- our nation's youths, our
9 educational system -- our educational institutions
10 are eliminating the very activity that was once
11 the foundation of physical education. Even in
12 Europe today where foreign students are more fit
13 than American students, gymnastics is the
14 fundamental part of their physical education.

15 Due to the spiraling effects
16 of Title IX, we are not providing our young men
17 with the opportunity to benefit from a sport that
18 is known to increase almost every category of
19 fitness that President Bush is seeking from our
20 nation's students.

21 Title IX as well as -- Title IX
22 as well has adversely affected not only gymnastics,
23 but other sports such as wrestling and swimming as
24 we've heard. Those who stand here and tell you

1 that Title IX should not be changed do not see the
2 big picture. They may tell you how Title IX
3 benefited them, but at what cost? No one should
4 benefit by eliminating opportunities for others,
5 yet this is exactly what has happened with Title
6 IX.

7 There has to be a way to promote
8 opportunities in athletics for everyone without
9 discrimination. Please give our potential male
10 athletes the opportunity to experience the
11 activities of their choice in order to achieve
12 the physical fitness they need for a healthy and
13 active future.

14 As long as I have -- I'm finished
15 with my statement. As long as I have a little time,
16 I'd like to say that I did agree -- oh, he left --
17 the executive director from the IHSA, Marty Hickman,
18 when he was saying -- actually, I believe that
19 the -- our problem, our concerns with Title IX are
20 not
21 at the high school level, but rather at the
22 collegiate level. It's a trickle down effect.
23 Thank you very much.

24 MR. LELAND: Okay.

1 MS. COOPER: Thank you.

2 (Audience applause.)

3 MS. COOPER: Marilyn Trupin?

4 MS. TRUPIN: Thank you for allowing
5 me to have the opportunity to explain my viewpoint
6 about Title IX. As a parent and grandparent of
7 two generations of swimmers and a fan of the sport,
8 I'm very concerned about the unexpected disastrous
9 effect that Title IX has had on men's NCAA II(A)
10 swimming, another Olympic minor sport.

11 I urge you to alter or add to
12 the wording of Title IX to make it clear that
13 the intent is to have men and women athletes
14 treated equally. At the same time, I'd like
15 to see a paragraph added to support and encourage
16 minor sports. They are the embodiment of the
17 concept of scholar athlete. The current wording
18 has inadvertently allowed and encouraged colleges
19 to cut men's teams such as swimming.

20 In the early 1970's, my oldest
21 daughter attended Stanford University when women's
22 swimming was a P.E. class. She had retired from
23 AAU national competition at 16. As a junior, she
24 and a few others convinced Stanford to allow them

1 to form a swim team as a club sport. With very
2 little practices, a small group of Stanford women
3 swimmers traveled to the AIAW nationals and placed
4 relays in the championship finals. These women
5 became all-Americans two years in a row, but not
6 varsity athletes.

7 Twenty-five years later, they
8 were awarded Stanford varsity letters retroactively.
9 By the time they graduated, when the impact of
10 Title IX had become apparent, Stanford gave them
11 team varsity status. My younger daughter attended
12 Stanford a year later and enjoyed the benefits
13 granted to the varsity swimmers and was a letter
14 winner. Both were pre-meds and are now successful
15 physicians.

16 During the same frame -- time
17 frame, my son was a competitive swimmer at the
18 University of California Berkley and men's swimming
19 was still thriving. Now, we have approximately 30
20 years of college interpretation of how to follow the
21 dictates of Title IX.

22 First, we saw a wonderful growth
23 in women's participation in competitive athletics.
24 Gradually, what started to be the demise of a few

1 men's swimming programs has turned into an
2 accelerated pace. Several years ago, UCLA was
3 the first team in the Pack Ten and they dropped
4 men's swimming.

5 About the same time, the
6 University of Illinois dropped their men's team.
7 I have a grandson who attends the University of
8 Illinois. He was a high school swimmer who was
9 on an all American relay. He would have loved
10 to continue to participate in his favorite sport,
11 but the opportunity at our state university is
12 gone. His enrollment at the University of
13 Illinois meant he had to give up his dream.

14 In addition, I have noticed
15 a reduction in the number of Illinois age group
16 boys participants in this sport as a trickle
17 down effect in our state. I have another grandson
18 who is an elite swimmer at Stanford. These elite
19 programs have been reduced in number.

20 The amount of athletic
21 scholarships available has been reduced by NCAA
22 rules, men's swim teams are only allowed to
23 award a total -- a lower total of full athletic
24 scholarships compared to the maximum allowed to

1 identical women's programs. This is discrimination
2 against men.

3 The scholarship total is so low
4 for a complete team that many have diluted to a
5 small percentage of the students total costs to
6 enable a college to build as good a team as
7 possible.

8 In some situations, a prospect
9 has to be a world class swimmer to get a full
10 ride. Many colleges also do not make available
11 the maximum number of scholarships that the NCAA
12 does permit. Sometimes these colleges attribute
13 this reduction to the proportionality required.
14 Sometimes, they claim a lack of funds while
15 spending huge amounts on buildings and stadiums
16 and football and basketball coach's salaries.

17 MS. COOPER: One minute.

18 MS. TRUPIN: The third grandson
19 is on the Northwestern swim team and enjoys
20 participating in his favorite sport. I hope he's
21 not one of the last scholar athletes. I have
22 two more grandson's, one a sophomore and one a
23 freshman. Both swim at large high school teams
24 in California. What teams will be available for

1 them in the future?

2 A few colleges dumped their
3 women's teams as well as their men's claiming
4 funding problems. Often, because of Title IX,
5 these women's programs have been reinstated.
6 This is an illustration of the power of such a
7 regulation such as Title IX has today.

8 My youngest granddaughter
9 is a sophomore and swims for a Champaign high
10 school team. I want her to continue to have
11 the opportunity that her oldest sister as a
12 swimmer on the Northwestern's team has had.
13 I do not wish to see women's sports lose
14 ground either. I urge equality and clear
15 support for men's swimming as well as for
16 women's swimming.

17 Finally, I have some suggestions.

18 MS. COOPER: Time. I'm sorry.

19 Thank you.

20 (Audience applause.)

21 MS. COOPER: Mary Morrissey -- I
22 don't want to crucify your name.

23 And please state your name.

24 MS. MORRISSEY-KOCHANNY: Sure.

1 My name is Mary Morrissey-Kochanny and I have
2 with me my ten year old daughter, Sarah Kochanny,
3 who is trying to get up the courage to actually
4 read the statement she wrote for the Commission.

5 Do you want to?

6 MS. KOCHANNY: Yes.

7 MS. MORRISSEY-KOCHANNY: Okay. Up
8 here.

9 MS. KOCHANNY: Hello. My name is
10 Sarah Kochanny. I'm a fifth grader at St. Barnaby's
11 School. My favorite hobby is to play sports. I
12 play basketball, soccer, volleyball, hockey,
13 baseball and football, but I'm the only girl in the
14 little league in my neighborhood so it's hard for
15 me.

16 I've been playing baseball since
17 I was three so it's hard to just switch sports. I
18 think a lot of the time, kids are influenced by the
19 pros and only boys play baseball, football and
20 hockey. So girls think only that boys can play.

21 They also have a hockey league
22 in my neighborhood, but it's for boys only. My
23 friend is trying to get jerseys for a small league
24 of three teams of girls, but only the kids help.

1 They should create at least one league for girls
2 hockey.

3 He changed the rules. The money
4 for girls basketball, volleyball, soccer, et cetera,
5 will go to boys sports and they are going to get
6 rid of some of the girls sports so I can't play
7 some of my favorite sports and neither will the
8 other millions of girls who probably won't be able
9 to either. Thank you.

10 (Audience applause.)

11 MS. MORRISSEY-KOCHANNY: Thank you
12 for letting her speak that. I just wanted to
13 say I -- Sarah is my daughter and I have seen the
14 difference between what I was offered as a girl
15 growing up in Chicago. The opportunities -- I
16 wasn't offered the opportunity to play little
17 league or to play soccer or to play football or
18 to play on the field hockey team.

19 And I see how long it takes
20 for that lack of opportunity for the parent to
21 wear off on the child. Sarah is the only girl
22 on her little league team and she holds her own
23 with the boys. She got to play at every game
24 during the season while some of the boys actually

1 sat on the bench. Sorry guys.

2 But she -- she got that
3 opportunity, but I also see the disadvantage that
4 she has because her mother can't teach her how
5 to do that because her mother was never taught
6 how to do that. So while I see the father's who
7 had the opportunity as young men to play those
8 sports and learn the rule of those sports that
9 I didn't have, I can't teach her those things.

10 I also have a hard time when
11 she says to me, mom, I want to be a professional
12 baseball player. Explain to her why. Honey,
13 sure you can play professional baseball, but
14 realizing that the opportunities for women aren't
15 there in a lot of the professional sports.

16 And when you're talking about
17 doing away with the proportionality ruling, going
18 with interest surveys, remember that children learn
19 what they see and when you're talking about doing
20 an interest survey in institutions where there
21 aren't opportunities already in existence for
22 girls, you're going to get the results of that
23 survey reflecting what is actually going on with
24 that institution. So it's going to be a

1 self-fulfilling prophecy.

2 There are millions of girls out
3 there like Sarah who want to be full participants
4 in sports that need that confidence to go out in
5 the world and do what they need to do. And they're
6 not able to come here today because they were in
7 school or they were at practice, but understand
8 that they are out there and they're depending
9 on you not to lower the standard. You need that
10 standard.

11 The good schools are never going
12 to need that standard, but there are schools out
13 there that, unfortunately, still want to go with
14 what was the status quo 25, 30 years ago. And so
15 I ask you, think of those reluctant schools when
16 you think about lowering the standard and weakening
17 the standard. Those are the girls -- those are the
18 children that you're going to hurt, both the boys
19 and the girls need Title IX because when there's
20 equity on the playing field, there's equity in the
21 classroom and those boys and those girls grow up
22 learning how to deal with each other on an equal
23 basis, as --

24 MS. COOPER: One minute.

1 MS. MORRISSEY-KOCHANNY: -- equal
2 partners. Thank you very much for your time.
3 Thank you for letting her talk.

4 (Audience applause.)

5 MS. COOPER: Thank you. Great
6 job, Sarah.

7 MS. KOCHANNY: Thanks.

8 MS. COOPER: Dave Grant? Is Dave
9 here? Alan Fried or Fried. It depends on if
10 you're talking about chicken or not. Alan?

11 MR. FRIED: Hi. My name is Alan
12 Fried. I -- I was a wrestler in college at
13 Oklahoma State University and like a lot of the
14 people that I wrestled with in college and after
15 college, we would -- we didn't really know too
16 much about Title IX. It wasn't really a concern
17 of ours because we were on the national championship
18 team and whatnot so we never thought about being
19 cut. It was something that happened to other
20 people.

21 So my perspective is a little
22 different in that I had Olympic dreams that fell
23 through and, you know, in my mind, I thought I
24 was going to be the professional type wrestler,

1 not in the WWF, but I thought I'd make a living
2 wrestling. And, like, there's very few people
3 that make a living playing their sport. Obviously,
4 everybody knows that.

5 So I went back to school.

6 And I was at -- I went back to school after
7 four years of wrestling after college and
8 I was pretty unprepared for the real world
9 and I went to a school to coach where Title
10 IX was an issue.

11 So I was a graduate assistant
12 going to school full-time and coaching the
13 wrestling and avoiding tuition as a -- you know,
14 as a consideration for coaching. And each year,
15 each semester, at that school, it was an issue
16 whether our program was going to get dropped or
17 not.

18 For me, that probably would
19 have meant having to drop out of law school and
20 not getting a law degree, which is what I have
21 now, and at least I'm somewhat more prepared for
22 the real world than I was coming out of college
23 thinking I was going to be the gold medalist in
24 the Olympics.

1 Now, look, everybody here is
2 for Title IX and what it does and everybody here
3 is for the building up of the -- of the young
4 ladies and the young boys self-esteem through
5 sports and everything. I don't think anybody
6 in here feels different that it's not -- oh,
7 it's too good for the girls or it's too good
8 for the boys. I mean, then, you're just --
9 you're just a crazy person. That's not how
10 it works.

11 It's, like, proportionality
12 is this word that is -- it's like if I'm not for
13 proportionality, then, I'm an anti-proportionist,
14 which is not how I am. It's, like, if you're
15 not pro life, then, you're pro death or you're
16 not. I mean, I -- I'm into proportionality as
17 much as the next person, as much as any girl
18 that would get up here and say that she's glad
19 she had a chance because of Title IX.

20 All right. So -- but you don't
21 get proportionality by cutting back one thing.
22 I mean, I didn't get proportionality in my studies
23 by -- by making the -- if I studied less in one
24 subjects, I would just study less in the other five

1 subject the next week. That's proportionality, but
2 it doesn't -- you know, I flunk out. So that's
3 kind of what -- what's going on here with --
4 especially some of the sports that have been
5 mentioned already.

6 I'm not just talking about
7 wrestling. It's like -- it's like the committee
8 of the NCAA. Whoever's cutting these programs
9 back is, like, they're flunking out because
10 they're not adding. They're subtracting things
11 to make proportion -- to make it in proportion with
12 each other. So they all stink.

13 All right. Now, the idea to
14 go to college is not in the -- the idea of sports
15 to build your self-esteem and I see the young
16 girls in here and they're hooting and hollaring
17 about -- they're so happy with their lives and
18 themselves and they should be and everybody
19 here loves to be in their presence and they're
20 charismatic and they're energetic and they just
21 feel great about themselves and that's -- that's --
22 that's perfect.

23 All right. But there's a lot
24 of little -- a lot of young boys that aren't going

1 to have an opportunity, that are getting steam
2 rolled over in exchange so --

3 MS. COOPER: One minute.

4 MR. FRIED: -- you -- one minute?

5 MS. COOPER: Yes.

6 MR. FRIED: All right. Look, here's
7 my last point. Academics is the goal. The goal
8 is to get through college and get a good degree and
9 place yourself in the world. Okay?

10 And it's -- it's about -- you
11 get at -- people get their degree at -- you say
12 that one of the statistics that the people are
13 for Title IX are saying that 57 percent of the
14 bachelor degrees are going to women, well, if
15 that's so, then, you've won the contest. Then
16 send them back off and give something back to
17 the men because 57 is not proportionality either.
18 Thank you.

19 (Audience applause.)

20 MS. COOPER: Thank you.

21 MR. LELAND: We just have time for
22 two more speakers, Mark Diab, and -- I think that's
23 pronounced correctly -- Tony Molina. Mark and
24 Tony are here.

1 Sorry we couldn't go to the wait
2 list, but we're obligated to finish at 5:00.

3 MR. DIAB: Good afternoon. I would
4 like to thank the members of the committee for the
5 opportunity to speak. My name is Mark Diab. I
6 live in Glen Ellyn. As a former NCAA athlete and
7 the father of a two-year old girl, I would like to
8 applaud the efforts of those who seek to increase
9 opportunities for women at the collegiate level.

10 My college years were truly
11 formative and instrumental in my development as an
12 adult. I was fortunate to work with and learn from
13 extremely focused, hard-working, talented young men.
14 I was given an opportunity -- and through hard work
15 and good coaching, I was able to go from a walk what
16 is it athlete, one of 50 or so gymnasts on Iowa
17 State's gymnastics team to an NCAA championship, my
18 school's captain and ultimately, Iowa State's
19 student athlete of the year.

20 The lessons I learned from
21 gymnastics team experience, I use today; goal
22 setting, organization, hard work and fair play.
23 As a parent of a young girl, I would like nothing
24 more than for her to have the same opportunities

1 that I had as an NCAA athlete.

2 Creating a quota system and
3 dropping of men's sports is not the way for
4 her to have these opportunities. Giving her
5 opportunities as a young girl and training her
6 are the ways to do this.

7 As a parent, I will search
8 out fun and rewarding physical activities for my
9 daughter. I will look for safe, caring environments
10 where she can be trained by qualified teachers and
11 coaches, coaches who will nurture her love of the
12 sport, coaches who will instill a good work ethic
13 in sportsmanship, coaches who will teach her proper
14 technique and sound fundamentals. This is essential
15 for me to do in order for my daughter to have an
16 opportunity to compete in college.

17 Thousands of young girls start
18 gymnastics each year at local gymnastics schools.
19 The most qualified of these coaches are former
20 NCAA gymnasts. Many women's gymnastics coaches
21 are men who competed in NCAA gymnastics. These
22 are qualified caring men who are coaching some of
23 our countries best female gymnasts.

24 I represent one man from one

1 sport who upon graduating became a coach. Seven
2 years ago, I opened up my own gymnastics school.
3 We currently employ about 25 coaches and have about
4 1,500 students. The vast majority of these are
5 young girls. These girls have an opportunity each
6 week to advance the level of their gymnastics.
7 Many will have the opportunity to compete in high
8 school gymnastics teams, at our colleges national
9 championships or earn a college scholarship.

10 I have influenced the development
11 and provided opportunities to tens of thousands
12 of young women through their participation in -- at
13 my school in the past ten years. Had I not had the
14 opportunity to participate in college, I most
15 certainly would have moved away from the sport
16 and would not be doing what I'm doing today.

17 Subsequently, many young girls
18 would not have had that opportunity also. Is my
19 story special or extreme? I do not think so. I
20 believe there are countless male coaches training
21 female athletes in our country developing our next
22 generation of swimmers, divers, track and field
23 athletes, tennis players, golfers. Many are
24 introducing young women to sports the previous

1 generation may not have participated in; boxing,
2 hockey, soccer, to name a few. Fewer male NCAA
3 athletes will lead to fewer coaches, which will
4 lead to fewer opportunities for women.

5 The intent of Title IX was
6 just. However, by imposing quotas and eliminating
7 opportunities for male athletes, we will ultimately
8 hurt women's athletics and retard the gains women
9 have made in sports.

10 MR. LELAND: One minute.

11 MR. DIAB: I urge you to re-examine
12 the implications and consequences of Title IX. I
13 urge you to find ways to add to women's programs
14 without reducing men's programs. I urge you to
15 play fair. I ask you to do this for my daughter
16 and her friends. Thank you.

17 MS. COOPER: Thank you.

18 MR. LELAND: Thank you.

19 (Audience applause.)

20 MR. LELAND: Tom? Is Tom Molina
21 here?

22 Then, I think we're -- I
23 think we'll stand adjourned now. I mean, we
24 haven't been able to get into the wait list,

1 but we've been able to accommodate as many
2 people as we could today.

3 I really do appreciate it. I
4 think on behalf of Cynthia and myself and the
5 whole group, we'll say how much again we were
6 amazed by the articulate presentations made.

7 We will adjourn (sic.) Again
8 tomorrow morning at 9:00 o'clock. The meeting will
9 be
10 made to the public tomorrow morning. We only
11 ask that you register, but will not take public
12 testimony tomorrow. It's our first chance to
13 discuss the issues. Thank you.

14 MS. COOPER: Thank you.

15 (Whereupon, the proceedings in
16 the above-entitled cause were
17 adjourned, to be reconvened
18 on September 18, 2002, at
19 9:00 o'clock a.m.)

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21 -ooOoo-

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF C O O K)

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4 I, LORI ANN ASAUSKAS, a notary
5 public within and for the County of Cook and State
6 of Illinois, do hereby certify that heretofore,
7 to-wit, on the 17th day of September, A.D., 2002,
8 personally appeared before me at The Drake Hotel,
9 140 East Walton Place, in the City of Chicago,
10 County of Cook and State of Illinois, The Secretary
11 of Education's Commission on Opportunity in
12 Athletics, Chicago Town Hall Meeting, called by the
13 United States Department of Education is a certain
14 cause now pending and undetermined before the
15 appointed Commission.

16 I further certify that the said
17 testimony was by me reduced to writing by means of
18 shorthand in the presence of said Commission and
19 afterwards transcribed upon a computer, and the
20 foregoing is a true and correct transcript of the
21 testimony so given as aforesaid.

22 I further certify that the taking
23 of the proceedings were pursuant to public notice,
24 and that there were present at the taking of the

1 proceedings were the aforementioned parties.

2 I further certify that I am not
3 counsel for nor in any way related to any of the
4 parties in these proceedings, nor am I in any way
5 interested in the outcome thereof.

6 In testimony whereof I have
7 hereunto set my hand and affixed my notarial seal
8 this 23rd day of September, A.D., 2002.

9

10

LORI ANN ASAUSKAS, CSR, RPR.
Notary Public, Cook County, IL
Illinois License No. 084-002890

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