

Big Men On Campus: Administrative Response To Title IX And The Development Of Women's Sports In The Big Ten Conference, 1972-1982

Jeffrey T. Ramsey
Marquette University

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BIG MEN ON CAMPUS: ADMINISTRATIVE RESPONSE TO TITLE IX AND
THE DEVELOPMENT OF WOMEN'S SPORTS IN
THE BIG TEN CONFERENCE, 1972-1982

By

Jeffrey T. Ramsey, B.A., M.A., M.A.

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ABSTRACT
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Jeffrey T. Ramsey, B.A., M.A., M.A.

Marquette University, 2014

Signed into law in 1972, Title IX of the Education Amendments was designed to eliminate gender discrimination throughout the American educational system. Title IX applied to all educational programs at any level of schooling including admissions, financial aid, academic programs, and social organizations. However, Title IX has primarily been associated with college sports. Since 1972, female participation in intercollegiate athletics has increased dramatically. Yet additional opportunities for women in sports have not come easily. Significant battles between university leaders and the government about how this piece of legislation was to be enforced have persisted throughout the decades since passage of Title IX.

The first ten years after Title IX was enacted marked the height of controversy over women's athletics and gender equality. The Title IX Era (1972-1982) in the Big Ten clearly highlighted the practical challenges of achieving gender equity in athletics. While certain administrators undoubtedly held chauvinistic positions, it is equally clear that these attitudes were not the sole reason for the slow development of women's sports. The stilted growth of women's athletics at these institutions was directly related to the financial and logistical burdens of adding an entirely new program. Thus, during the Title IX Era, Big Ten officials were less focused on limiting female participation in sports than on the legitimate practical issues they faced.

More importantly, the controversy over Title IX also revealed the limits of government involvement in higher education. Big Ten leaders opposed the rules established by the Department of Health, Education, and Welfare (HEW) and rejected the notion that the federal government could tell them how to run their program. However, these same officials consistently argued that their opposition to HEW's Title IX regulations did not mean that they were against the ideal of gender equality in athletics. Ultimately, response to Title IX in the Big Ten was based on administrators' assertions that they supported the spirit of equality, while at the same time denouncing the letter of the law as dictated by the government.

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Jeffrey T. Ramsey, B.A., M.A., M.A.

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TABLE OF CONTENTS

Acknowledgements.....	i
LIST OF TABLES.....	iv
LIST OF FIGURES.....	v
NOTE ON SOURCES.....	vi
INTRODUCTION.....	1
CHAPTER	
I. WHERE DID IT START?: AN INTRODUCTION TO HIGHER EDUCATION, COLLEGE SPORTS AND THE BIG TEN PRIOR TO TITLE IX.....	33
The American University: Post-World War II.....	36
College Women.....	57
College Sports in the Twentieth Century.....	63
The Big Ten at the Birth of Title IX.....	80
II. THE START OF THE TITLE IX ERA: COMING TO TERMS WITH TITLE IX AND INCREASING SUPPORT FOR WOMEN’S SPORTS, 1973-1978.....	109
Title IX Complaints and Administrative Response.....	112
What Do They Expect?: Reactions to the HEW Guidelines.....	125
Program Development.....	147
III. THE DEBATE DRAGGED ON: WHAT HAPPENED AFTER JULY 1978.....	183
Internal Progress.....	186
How to Enforce Title IX: HEW’s Policy Interpretation and the Sanford Plan.....	207
The Fight for Title IX Compliance.....	230

IV.	THE TAKEOVER: WOMEN’S ATHLETICS JOINS THE BIG TEN AND NCAA	251
	National Debate	254
	Big Ten.....	274
V.	THE IMPACT OF ADMINISTRATIVE ATTITUDE ON WOMEN’S SPORTS: THREE EXAMPLES FROM THE BIG TEN: NORTHWESTERN, MICHIGAN AND INDIANA	311
	Northwestern.....	313
	Michigan	328
	Indiana.....	348
	CONCLUSION.....	369
	BIBLIOGRAPHY.....	389

LIST OF TABLES

Table 1: Women's Athletics Budgets, 1973 & 1974	92
Table 2: Support for Women's Sports at Big Ten Institutions, June 1974	157
Table 3: Women's Sports Budgets, Big Ten, 1975-1977	159

LIST OF FIGURES

Figure 1: Women in Sports, 1975 Northwestern Syllabus	326
Figure 2: Women's Sports: Northwestern Football Program, 1977	327
Figure 3: 1981 Michigan State Women's Athletics.....	373
Figure 4: Wisconsin Guide to Women's Athletics: Counseling.....	374
Figure 5: Wisconsin Guide to Women's Athletics: Eligibility	374
Figure 6: Wisconsin Guide to Women's Athletics: Sports Medicine.....	375

NOTE ON SOURCES

The primary source material came from the archives at the Big Ten Universities. For the sake of brevity, the researcher has used the following citation abbreviations in the footnotes for these institutional archives.

IL-A – University of Illinois Archives, Champaign, IL

INB-ARM – Office of University Archives and Records Management, Indiana University, Bloomington, IN

IA-A – University of Iowa Archives, University of Iowa Libraries, Iowa City, IA

IA-WA – Iowa Women’s Archives, University of Iowa Libraries, Iowa City, IA

UM-BHL – Bentley Historical Library, University of Michigan, Ann Arbor, MI

MSU-AHC – Michigan State University Archives & Historical Collections, East Lansing, MI

MN-A – University of Minnesota Archives, University of Minnesota – Twin Cities, Minneapolis, MN

NU-A – Northwestern University Archives, Evanston, IL

OSU-A – The Ohio State University Archives, Columbus, OH

PU-KA – Karnes Archives and Special Collections, Purdue University Libraries, West Lafayette, IN

UW-A – University of Wisconsin-Madison Archives, Madison, WI

Introduction

“As with most sexism, the backlash . . . is not about a hatred of women. It's about protecting turf. It's about insiders trying to keep outsiders out.”¹

This definition of sexism came not in 1972 when Title IX was passed or even in 1975 or 1978 when controversy over Title IX was at its zenith but in October of 2013 with reference to the debate about including former Secretary of State Condoleezza Rice on the selection committee for the new college football play-off system.² This simple statement highlighted not only the contemporary issues over the college football play-off format, but also addressed a consistent “insiders” mentality that pervades college sports. The reaction against Rice’s inclusion on the football committee mirrored many of the same attitudes of university administrators in the 1970s in response to Title IX. Passed in 1972, Title IX of the Education Amendments was simple: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to *discrimination under any education program or activity* receiving Federal financial assistance” [emphasis added].³ Controversy erupted not over the basic text or the purpose of this legislation, but rather over the manner in which government agencies such as the Department of Health, Education, and Welfare (HEW) and the

¹ Michael Rosenberg, “Inside College Football: Backlash Against Rice Appointment on Football Committee Sexist, Stupid,” Sports Illustrated.com, October 8, 2013, accessed October 8, 2013, http://sportsillustrated.cnn.com/college-football/news/2013/10/08/condoleezza-rice-ncaa-football-playoff-committee/?sct=hp_wr_a2&eref=sihp.

² In the fall of 2013, the major college football conferences created an agreement by which the sport would stage a four-team play-off starting with the 2014 season, thereby ending the controversial Bowl Championship Series (BCS). One of the biggest changes came with the selection process as the top four teams would be chosen, not by polls or computers (as had been done under the BCS), but by a 13-person selection committee, akin to the group used to determine the field for the NCAA basketball tournament. Controversy erupted when former Secretary of State and former Stanford Provost Condoleezza Rice was chosen to serve on this committee, at least partially based on the fact that she was a woman. College Football Playoff, accessed November 11, 2013, <http://www.collegefootballplayoff.com/>.

³ Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 – 1688, United State Department of Justice, accessed November 11, 2013, <http://www.justice.gov/crt/about/cor/coord/titleixstat.php>.

Office of Civil Rights (OCR) enforced the law. In other words, debates over Title IX centered on the rules and regulations set up to govern gender equality in college athletics.⁴ Administrators at American colleges and universities were often quick to assert their support for women's athletics. But, many of these same leaders subsequently attempted to block the federal government from implementing the means to achieve equality in an effort to protect their turf—literally and figuratively.

University officials often asserted their commitment to the ideal of gender equality in sports. But, they were determined to achieve this goal on their own terms and were wary of the mechanisms imposed by the government to establish full equality for women. During the 1960s and 1970s, athletic directors, vice presidents, and presidents of Big Ten universities faced escalating costs, increased commercialization, and a concern over the state of college sports amid scandals and corruption. Passed during this era of uncertainty and inflation, Title IX forced institutions to increase support for women's athletics, thereby adding additional administrative and fiscal challenges to university athletic departments that were desperately trying to remain autonomous. While supportive of Title IX's goal of gender equity, when faced with the realities of adding women's administrators and coaches, increasing the number of women's teams, providing additional equipment for female athletes, rebuilding or renovating athletic facilities (e.g. building new locker rooms), providing athletic scholarships for women, and increasing administrative and financial support for women's sports, many of these

⁴ While the specific text of Title IX did not immediately cause controversy, the issue of "federal financial assistance" became a difficult concept. HEW's interpreted this clause to mean that any program at any institution that received federal monies was subject to Title IX. University administrators on the other hand believed that the law only applied to specific *programs* that received federal assistance. In their view, since athletic departments were self-sufficient and did not receive money from the government directly, they should not be held accountable to Title IX. Ultimately, HEW's interpretation dictated enforcement of the law and institutions that were determined to be non-compliant with Title IX risked losing federal funding.

same officials balked. Most concerning to these men—and even some women—was the increased pressure from the federal government through what they viewed as overly intrusive and proscriptive regulations related to Title IX enforcement. Ultimately, opposition to Title IX was not based on an overtly chauvinistic opposition to women as athletes, but resistance to the means by which the government mandated gender equality.

Based on the level of discrimination that women faced in the sports world during the early 1970s, this level of government intervention appeared necessary. In a May 1973 *Sports Illustrated* article, aptly titled “Sport is Unfair to Women,” authors Bil Gilbert and Nancy Williamson cataloged a litany of examples of gender discrimination from all levels of sport in the United States, many of which centered on the financial disparity between men’s and women’s sports. The authors concluded that women had

ample reasons for believing that the American system of athletics is sexist and hypocritical. There is a publicly announced, publicly supported notion that sports are good for people, that they develop better citizens, build vigorous minds and bodies and promote a better society. Yet when it comes to the practice of what is preached, females—half this country's population—find that this credo does not apply to them. Sports may be good for people, but they are considered a lot gooder for male people than for female people.⁵

Gilbert and Williamson highlighted a system of gender discrimination in which women were treated as even less than second-class citizens when it came to participation in athletics. After Title IX, institutions ranging from community youth sport leagues up through institutions of higher education were forced to abandon their resistance to women’s sports. The four decades since have shown a tremendous growth in women’s intercollegiate athletics. In 1970, American colleges and universities offered an average of 2.5 varsity sports for women. By 2012, this number had risen to 8.73 and between

⁵ Bil Gilbert and Nancy Williamson, “Sport is Unfair to Women,” *Sports Illustrated*, May 28, 1978, accessed November 12, 2013, <http://si.com/vault/article/magazine/MAG1087396/1/index.htm>.

1981 and 2012, female participants in college sports grew by nearly 200%.⁶ While women's sports are still not completely equal to that of men, it is clear that women's athletics have grown tremendously since, and largely because of, Title IX.

While the history of Title IX and women's sports is well-covered territory, the one major area that is lacking within the historiography is a focus on the specific ways in which universities worked to comply with the new law. Historical treatments of women's sports and Title IX tend to fall into one of three categories. First, gender scholars analyze the divide between women and men's sports and discuss how the culture of sports has been, and in some ways still is, a male dominated world. These researchers place sports into a wider context of gender identity in order to highlight the social construction of masculinity and femininity. Second, some Title IX scholars focus on the successes and failures of the legislation and its contribution to the growth of women's athletics. In most cases, these works fail to fully address the actual process of adding women's sports programs and generally equate opposition to Title IX with a sexist rejection of women's athletics. Finally, a third group of academics address the unintended negative consequences of Title IX on women's sports, noting specifically the loss of strong female leadership as educational institutions developed plans to comply with Title IX. These scholars contend that interpretations of Title IX led schools to bring the women's program up to the level of the men, thereby adopting a male model of intercollegiate sports, resulting in female leaders losing control over their programs. In each of these three categories, what is generally missing is a detailed examination of university processes and an analysis of how institutions of higher education actually dealt with the

⁶ "40 Years of Title IX: By the Numbers," *Seattle Times*, June 22, 2012, accessed November 12, 2013, <http://seattletimes.com/flatpages/sports/40-years-title-ix-graphics.html>.

requirements of Title IX.

That said, a few scholars have addressed the administrative side of Title IX, albeit in a limited fashion. Kevin White's 1983 dissertation examined the change in women's athletics in the Big Ten after Title IX based on the results of his survey of Big Ten administrators.⁷ His questionnaire asked these university officials to assess their women's athletic program based on the sixteen specific areas of Title IX compliance that the government established, including facilities, coaching, practice times, equipment, medical services, and scholarships. White's examination of the changed structures of campus athletic departments highlighted many commonalities among the Big Ten institutions including the movement of women's sports into the men's athletic department and an increase in male coaches for women's teams. Most importantly, White concluded that while Title IX led to an increase in support for women's athletics and a higher level of female participation in sports, these improvements for women did not result in a corresponding decline in men's sports. Whereas administrators worried that Title IX was a "zero-sum" game, White discovered that support for men's sports also increased during the same period.⁸ This is significant as it shows that fears about Title IX harming men's sports appeared to be unfounded. In other words, during the decade after Title IX, Big Ten schools built new women's programs and managed to improve men's sports as well.

⁷ This research focuses on the Title IX Era between 1972 and 1982. Members of the Big Ten at this time were Illinois, Indiana, Iowa, Michigan, Michigan State, Minnesota, Northwestern, Ohio State, Purdue, and Wisconsin. Representatives from Illinois, Michigan, Minnesota, Northwestern, Purdue, and Wisconsin (along with the University of Chicago) met in 1895 to establish the conference. Indiana and Iowa joined in 1899, with Ohio State affiliating in 1912. The last institution to join the conference prior to Title IX was Michigan State in 1949. The current Big Ten includes Penn State (joined in 1990) and Nebraska (2010) and will add Maryland and Rutgers in 2014. "Big Ten History," Big Ten Conference Website, accessed December 31, 2013, <http://www.bigten.org/trads/big10-trads.html>.

⁸ Kevin Michael White, "An Appraisal of the Women's Intercollegiate Athletic Programs, and the Relationship to Men's Athletics, At Big Ten Intercollegiate Athletic Conference Institutions Before and After Title IX Implementation" (Ph.D. dissertation, Southern Illinois University at Carbondale, 1983).

Several dissertations have also focused on the history of women's sports at specific Big Ten institutions. Sheryl Szady and David Diles both addressed this topic at the University of Michigan. Szady's research was focused on the long-term history of women's sports at UM going back to its earliest years when the program was housed in the department of physical education and was treated as a student club or intramural activity. Diles' research dealt more specifically with the history of Title IX. Diles not only discussed the development of women's sports after Title IX, but also addressed the connection between Title IX and national civil rights legislation that preceded it, such as the Civil Rights Act of 1964 and the Equal Rights Amendment. Diles looked specifically at the administrative process employed at Michigan to bring women's athletics into a position of equality and also discussed the attitudes and actions of some of the main administrators at Michigan, including Athletic Director Don Canham, Women's Athletic Director Marie Hartwig, and President Robben Fleming. Diles argued that Fleming urged compliance through a system that required "good faith" efforts on the part of the athletic department. Diles concluded that Canham's opposition to Title IX "inhibited the development of the women's program," leading to nothing more than "incremental growth" during the 1970s. Diles contended that

the Athletic Department's failure to recognize the need for women's intercollegiate programs prior to Title IX, combined with the profound opposition exhibited toward the legislation, provide every indication that without government mandate women's programs would not have developed as quickly.⁹

Thus, Diles suggests that Canham's rejection of Title IX meant that women's sports would not have grown at Michigan without government pressure.

⁹ Sheryl Marie Szady, "The History of Intercollegiate Athletics for Women at the University of Michigan" (Ph.D. dissertation, University of Michigan, 1987); David Lisle Diles, "The History of Title IX at the University of Michigan Department of Athletics" (Ed.D. dissertation, University of Michigan, 1988), 204-212.

Elizabeth Gregg examined the history of women's sports at Indiana University and like Diles, she connected Title IX with broader social and civil rights issues, asserting that feminist leaders frequently used athletics as a tool to push for increased rights for women. Gregg's analysis revealed an important difference between Indiana and Michigan as she emphasized Athletic Director Bill Orwig's consistent support for the new program, noting that he encouraged the development of women's athletics as early as 1970. Even with Orwig's backing, Gregg found discrimination at Indiana, noting that "despite the fact that the university publically supported Title IX . . . and touted its positive feelings on expanding opportunities for women to compete in athletics, female employees faced discriminatory working conditions in the athletics department." She also discussed the financial problems in Indiana's athletic department, specifically citing deficits in the early 1980s that led to the elimination of two sports (men's gymnastics and women's field hockey).¹⁰ A comparison between Diles' and Gregg's analyses seems to suggest that, regardless of the level of philosophical support or opposition to Title IX, Big Ten institutions faced problems with the administrative and financial realities of developing a strong women's athletics program. In other words, despite Indiana's more supportive attitude, it struggled to develop the women's program just as Michigan had.

These kinds of administrative histories of Title IX and women's sports are exceptions in the current historiography. Many scholars instead focus on Title IX's impact on gender identity. Some histories have argued that throughout American history, sports were used as a proving ground for masculine identity. Two collections of scholarly essays on this topic were published in 1993 and 1994, both of which focused on the

¹⁰ Elizabeth Anne Gregg, "A History of Women's Intercollegiate Athletics at Indiana University-Bloomington, 1965-2001: A Historical Case Study" (Ph.D dissertation, Indiana University, 2007), 220-223.

gender issues at play in American sport culture. In their 1993 essay, sociologists Donald Sabo and Michael Messner, argued that, despite an increase in female participation in sports since 1972, gender standards have remained relatively static. Ultimately, they contended that the “locker room” culture of men’s sports still included a misogynistic component that turned women into targets for sexual conquest and aggression.¹¹

Similarly, two essays in Susan Birrell and Cheryl Cole’s anthology, *Women, Sport, and Culture*, addressed the gendered environment of sports culture. Lois Bryson asserted that “sport privileges males, inferiorizes women,” noting that sport encourages violence and is still seen as a male endeavor. Ultimately, she argued that, despite the gains for women due to Title IX, sports still reinforce male hegemony.¹² In another essay contained in Birrell and Cole’s collection, Michael Messner concurred, arguing that sports are still used as a means for bolstering male superiority over women. In his view, instead of subverting gender stereotypes, increases in female athletic participation further emphasized the biological and physiological differences between men and women which men interpreted as a sign of superiority.¹³ These perspectives suggested that while Title IX provided more opportunities for female athletes it did not change the definition of sports as a primarily male activity.

Susan Cahn’s 1995 book, *Coming on Strong: Gender and Sexuality in Twentieth-Century Women’s Sports* focused on the ways in which sports have defined the limits of femininity over time. During the early part of the twentieth century, women advocated a

¹¹ Donald Sabo and Michael A. Messner, “Whose Body is This?” in *Women in Sport: Issues and Controversies*, ed. Greta L. Cohen (Newbury Park, NJ: Sage Publications, 1993), 15-24.

¹² Lois Bryson, “Sport and Masculine Hegemony,” in *Women, Sport, and Culture*, eds. Susan Birrell and Cheryl L. Cole (Champaign, IL: Human Kinetics, 1994), 47-64.

¹³ An example of this dynamic would be the comparison between the style of play for men and women in basketball, a shared sport, but played in very different ways which are coded “masculine” and “feminine.” Michael A. Messner, “Sports and Male Domination,” *ibid.*, 65-80.

sense of moderation that differentiated women's athletics from the popular male model of "muscular Christianity." In this early era, women's sports emphasized good health and rejected aggression and competitiveness. Cahn contended that after World War II, female athletes challenged the notion that men were inherently physically superior and many pushed for additional opportunities in sports. What emerged was not a redefinition of gender, but an accommodation to what were perceived as the "physically inferior" nature of women through the development of different rules for women's sports. Cahn also discussed that Title IX led to women's sports adopting a male-model of athletics resulting in the loss of female leadership. Ultimately, Cahn argued that, despite the increase in female participation in athletics, sports remained one of the last arenas of society that legitimized the "biological" superiority of men.¹⁴

Mary Jo Festle's 1996 book, *Playing Nice: Politics and Apologies in Women's Sports* also examined the gender implications of Title IX. Festle focused on efforts of women's sports advocates to ensure that women's athletics developed a different, more educationally based model than that of the men. She emphasized that commercialization and competitiveness in men's sports had caused these programs to lose sight of "educational values and leadership" and was not a model that the women should copy. Practically speaking, women's sports did not have enough financial or administrative support to pursue a competitive model in line with the men. But, women's sports leaders

¹⁴ Susan Cahn, *Coming on Strong: Gender and Sexuality in Twentieth-Century Women's Sport* (Cambridge, MA: Harvard University Press, 1995). An example of a different set of rules for men and women was in basketball. Some women's high school basketball leagues, especially in the Midwest, were played with six players on each team with three players who stayed on the offensive side of the court and three who stayed on the defensive side. This model was designed to "accommodate" physically weaker women who were perceived as not being capable of running back and forth for an entire game. In fact, this system lasted until 1993 in the state of Iowa. Jere Longman, "Women Playing Where 6-on-6 Ruled," *New York Times College Spots Blog*, March 21, 2009, accessed December 17, 2013, http://thequad.blogs.nytimes.com/2009/03/21/women-playing-where-6-on-6-ruled/?_r=0.

were also concerned that if women adopted an overly competitive structure, they would be labeled as lesbian or “mannish.”¹⁵ Festle suggested that women’s sports advocates saw Title IX as an opportunity to reform college athletics, noting that “many women in [physical education] looked beyond the goal of integration into a male-dominated arena to that of reforming that arena with their purifying vision.”¹⁶ Additionally, she highlighted the fact that male leaders often opposed government enforcement of Title IX while repeatedly touting their support for women’s sports. This ensured that administrators could avoid being portrayed as anti-woman, a strategy that left open the possibility of a male take-over if efforts to change government enforcement procedures were unsuccessful.¹⁷ In Festle’s view, women’s participation in athletics, both as participants and as leaders, was coded as either “acceptable” or “unacceptable” based on standards of gender that held the male model up as the ideal sporting model. Ultimately, Festle suggested that despite initial optimism from women’s sports leaders, Title IX forced women to accept the male system and second-tier status.¹⁸

In 2008, Eileen McDonagh and Laura Pappano took one last step in the analysis of Title IX and gender, arguing that the Title IX regulations “reinforced, rather than challenged assumptions of male superiority and female weakness.”¹⁹ Their main point rested on the fact that HEW’s Title IX regulations allowed schools to offer separate sports for men and women, even allowing contact sports such as football, wrestling, and hockey to specifically ban women from participating. In this way, HEW reinforced the

¹⁵ Mary Jo Festle, *Playing Nice: Politics and Apologies in Women’s Sports* (New York: Columbia University Press, 1996), 12.

¹⁶ *Ibid.*, 140.

¹⁷ *Ibid.*, 176.

¹⁸ *Ibid.*, 287.

¹⁹ Eileen L. McDonagh and Laura Pappano, *Playing with the Boys: Why Separate is Not Equal in Sports* (Oxford: Oxford University Press, 2008), 29.

notion that women were incapable of participating in certain sports on a level equal to men. McDonagh and Pappano contended that HEW's allowance of "separate but equal" programs perpetuated a system in which female athletes were seen as inferior, more prone to injury, and "abnormal" or "immoral" for participating in sports.²⁰ Whereas previous scholars suggested that Title IX did not alter the fact that sports have traditionally been deemed a male activity, McDonagh and Pappano took this point one step further, arguing that not only did Title IX not change this, but it actually reinforced the notion that men were superior to women. They even looked beyond the athletic fields, noting gender discrimination in politics and business. They suggested that American society treats all three endeavors (sports, politics, and business) as proving grounds for masculinity, thus forcing women to play by men's rules if they want to be successful.²¹

These gender-based analyses of women's sports suggested that despite Title IX, sports remain a predominantly masculine activity and are often seen as a place for a young boy to prove his manhood. This perspective forces women to choose between adopting masculine behavior in order to fit in or redefining what sport means. During the 1970s, leaders of women's sports saw Title IX as a potential opportunity to reform sport for both women and men. However, this notion was quickly rejected when women's sports programs were incorporated into male-dominated athletic departments,

²⁰ These two scholars referred to six different institutionalized elements of sports that perpetuated gender discrimination: 1) the existence of different kinds of sports that are for "men" and for "women" (i.e. football is the fall sport for men, volleyball is for women); 2) the fact that certain sports, such as basketball, are segregated, meaning that there would never be a chance for a woman to prove her ability versus men; 3) the existence of sex-specific rules such as the fact that male tennis players play a best-of-five format, while females play a best-of-three; 4) the fact that there are "sex-types" styles in certain sports such as gymnastics where the men's floor routine is judged almost solely on physicality, while the women have a component of "style" included; 5) the existence of sex-stereotyped roles (e.g. in figure skating – the male performs strength moves while the female is expected to be graceful); and 6) a sex-segregated structure for sports in which men and women participate together such as marathons where the men and women are timed differently. Ibid. 10-15.

²¹ Ibid., 29.

conferences, and national sports organizations. While these gendered perspectives are valuable, what they miss is the actual process of merging women's sports with that of the men. More importantly, they also minimize the very real possibility of creating a different kind of sport system than existed in the early 1970s. Festle discussed the reform-minded goals of many women, but in some sense did so with an eye towards the male takeover that eventually happened.²² The post-Title IX era was an important moment during which male administrators, at least in the Big Ten, encouraged changes in varsity athletics. The pressures that ultimately led to the demise of true reform is an important element of the history of women's sports and one that is largely ignored in the gender-based historiography of this topic.

In addition to these gender studies, researchers have also concentrated specifically on the history of Title IX and its impact on women's sports. The most comprehensive Title IX history is Welch Suggs' *A Place on the Team: The Triumph and Tragedy of Title IX*, published in 2005. Suggs thoroughly examined the implementation of Title IX on a national level focusing on the ideological and legislative basis of the law in the civil rights movement of the 1960s, the legal wrangling over government regulations, and the battle between leaders of men's and women's sports. While he did note triumphs, his focus was on the problems that still existed after Title IX. Despite the success of this legislation, Suggs suggested that women's sports still lag behind men's, especially when compared with the advances that women have made in other areas of higher education, noting, "On campus, sports have become men's last bastion."²³ Suggs asserted that Title IX led to a distortion of the educational ideals upon which women's sports were founded

²² Festle, *Playing Nice*.

²³ Welch Suggs, *A Place on the Team: The Triumph and Tragedy of Title IX* (Princeton, NJ: Princeton University Press, 2005), 188.

and he lamented the fact that women's sports have become "wrapped up in the high-stakes, highly commercialized model of men's sports" and that "college sport has become a nakedly commercial enterprise." Suggs believed that "the tragedy of Title IX's passage is that female athletes have been sucked into this mess."²⁴ Suggs concluded that Title IX was a well-intentioned piece of legislation, but that it ultimately had long-term negative consequences for women's sports.

Suggs was not the only scholar to examine the problems of Title IX. Jessica Gavora, in her 2002 book, *Tilting the Playing Field: Schools, Sports, Sex, and Title IX* also argued that Title IX did more damage than good. Whereas Suggs focused mainly on the negative consequences for women, Gavora argued Title IX caused problems for college athletics in general and specifically placed men in a losing position in the fight for athletic opportunity. She highlighted the fact that many institutions chose to eliminate minor sports for men in their efforts to comply with Title IX. She cited examples of men's swimming, gymnastics, wrestling, and baseball teams that have been cut since Title IX and contended that the destruction of these programs decreased opportunities for men to participate in intercollegiate athletics.²⁵ Her perspective underscored the division between revenue and non-revenue sports that was a major part of the debate over Title IX. Athletic departments that faced a budgetary crisis were usually unable or unwilling to cut the budget for football or men's basketball, thus leading administrators to eliminate a non-revenue sport. According to Gavora, Title IX made it impossible for them to cut a

²⁴ Ibid., 10, 175.

²⁵ Jessica Gavora, *Tilting the Playing Field: Schools, Sports, Sex, and Title IX* (San Francisco: Encounter, 2002).

women's sport, ultimately putting the so-called minor men's sports in jeopardy.²⁶

Susan Ware also addressed the question of eliminating men's sports in the post Title IX era. Unlike Gavora, she argued that the legal requirements of Title IX were not the culprit, but rather the fact that universities focused all of their attention on the revenue sports of football and men's basketball. She concluded that this mindset pitted minor men's sports against women's sports in a competition for limited financial and administrative resources. While Gavora contended that athletic departments *had* to maintain high levels of funding for revenue sports, Ware instead insisted that this was a choice, not a requirement. This choice put non-revenue and women's sports at a disadvantage because they were then forced to fight for a very small share of the financial pie. Ware suggested that Title IX was not in fact a zero-sum game in which increased support for women's sports required a comparable decrease in support for men's athletics. To support this contention, she highlighted the fact that involvement and support for men's athletics actually increased during the 1970s and 1980s, at the same time that institutions of higher education were building their women's programs.²⁷

Ware also provided one of the most recent examinations of women's athletics in her 2011 book, *Game, Set, Match: Billie Jean King and the Revolution in Women's*

²⁶ This issue is discussed at length throughout the following chapters. Essentially, administrators distinguished between revenue-producing sports (football, men's basketball, and hockey in some cases) that helped fund the entire athletic program and non-revenue sports that either made just enough money to support themselves or those that had to be paid for with income from the revenue-sports. Administrators generally treated women's sports as non-revenue (although some allowed for the possibility that some women's teams might become revenue-producing). Administrators also worked throughout the Title IX era to convince the government to "exempt" revenue sports from the regulations in order to protect their revenue streams. Gavora's contended that institutions were unable to reduce spending on football or basketball because they needed those sports to be successful in order to generate enough income to run the entire department. Thus, when schools faced a financial crunch, in Gavora's view, Title IX forced them to eliminate men's teams, thereby reducing athletic opportunities for men.

²⁷ This is a very similar argument to the one proposed by Kevin White in his 1983 dissertation that was discussed previously. Susan Ware, "Introduction: Title IX: Thirty-Seven Words that Changed American Sports," in *Title IX: A Brief History with Documents*, ed. Susan Ware (Boston: Bedford/St. Martin's, 2007), 1-32.

Sports. In this study, she focused on the connection between all levels of sports and the rise of second-wave feminism during the 1970s.²⁸ Her narrative wove together the history of Title IX and the biography of Billie Jean King. Through this method, Ware emphasized connections between Title IX and the broader women's movement. She argued that second wave feminism was focused on opening individual opportunities for women rather than challenging the system as a whole. In Ware's view, Title IX forced institutions to provide more opportunities for women to participate in sports, but left intact the notion that athletics were natural for men and unnatural for women. Like Festle, Ware contended that despite the effort of women's sports advocates to reform college athletics in general, the result of Title IX was to create a system in which institutions forced women's sports to adopt a male, competitive model of athletics. However, Ware gave more ownership to the leaders of women's sports for the system that eventually developed. Even prior to the takeover by the National Collegiate Athletic Association (NCAA), leadership of the Association of Intercollegiate Athletics for Women (AIAW) was divided between those who wanted to maintain an educational model and those who advocated that women's sports develop "big-time" athletic competition akin to the men's programs.²⁹ Ware asserted that, rather than being forced to adopt the male model, by the late 1970s some leaders of women's sports wanted a version of equality that included a commitment to competitiveness and winning.

Scholars who specifically addressed Title IX and the development of women's sports on a national level shared some similarities with the gender historians, but focused

²⁸ This is in contrast to the first-wave feminism of the early twentieth century which was focused on women's suffrage.

²⁹ The debate between the AIAW and NCAA is a topic that will be covered at length in Chapter 4. Susan Ware *Game, Set, Match: Billie Jean King and the Revolution in Women's Sports* (Chapel Hill: University of North Carolina Press, 2011).

more on the manner in which Title IX developed as well as its repercussions. A major focus was on the differences between the women's educational model and the men's competitive system. These scholars emphasized that the definition of equality promulgated by Title IX and the HEW regulations effectively forced women's sports to adopt this male, commercial model. They also addressed the difference between revenue and non-revenue sports, and the question of whether colleges and universities had a choice in regards to the level of support they would provide to income-producing teams compared with women's and so-called minor men's sports.

The final theme of Title IX historiography includes studies that focused directly on the loss of control that women experienced after Title IX. Prior to 1972, women's athletic programs were generally housed in the physical education department and included a mixture of PE classes, intramural, club, and extramural (or intercollegiate) athletic activities.³⁰ While funding and campus-wide support for women's intercollegiate athletics was minimal prior to Title IX, what these programs did have was almost exclusively female leadership. During this period, most administrators and coaches of women's teams were females. However, after Title IX many women's programs were forced to become a part of the men's athletic department, meaning that female leaders who were solely responsible for women's sports in the earlier era were relegated to a subordinate position to the male athletic director. Additionally, the added pressures of competition often led athletic departments to hire men to coach the women's teams or, in the case of combined teams (e.g. track and field or swimming), institutions would simply

³⁰ Schools often referred to women's teams that competed with other institutions as "extramural." This term included female teams that competed against teams at other universities in "traditional" intercollegiate-type sport activities. It also referred to cross-campus "play-days" that minimized direct competition even to the point that in some instances the student-athletes would play on mixed teams comprised of women from all of the participating schools.

add the women's teams to the male coach's job description.

In a 1994 essay, Mary Boutilier and Lucinda San Giovanni specifically addressed this issue. They noted that Title IX legitimized sport as an integral part of the college experience, leading to its entrenchment in higher education. This created a greater focus on commercialization and revenue-production, thereby limiting opportunities for non-revenue and women's sports. Boutilier and San Giovanni concluded that when HEW developed its Title IX regulations they defined equality as both men and women having identical opportunities and resources. This definition, combined with the increased focus on revenue sports, led to women's programs being forced to adopt the competitive model of sports, ultimately leading female administrators to lose significant authority and control over their programs.³¹

This theme was also the primary focus of Gail Maloney's 1995 study in which she examined the experiences of female athletic administrators and coaches both before and after Title IX. Like Boutilier and San Giovanni, Maloney discovered that being forced to conform to the male system led many female coaches and administrators to lose their power and influence as the programs developed. While the increase in the number of sports for women after Title IX led to additional coaching opportunities, many of these new positions went to men who, at that time, had more experience as coaches. Most importantly, she asserted that the manner in which women's programs developed was based largely on the attitude of male leadership on campus, specifically that of the campus president. If the chief executive was supportive of women's rights, women's voices were heard and valued. However, Maloney argued that this phenomenon was rare

³¹ Mary A. Boutilier and Lucinda F. San Giovanni, "Sport and Masculine Hegemony," in *Women, Sport, and Culture*, eds. Susan Birrell and Cheryl L. Cole (Champaign, IL: Human Kinetics, 1994), 97-110.

and most schools lacked this kind of supportive chief administrator. Maloney also suggested that this model was at least partially based on increased interest from the NCAA in women's sports ultimately leading individual institutions to combine their programs, relegating female officials and coaches to a secondary role in the department.³² The main focus of Boutilier and San Giovanni's and Maloney's research was not on the positive impact of Title IX in expanding opportunities for female athletes. Instead, they addressed the corresponding loss of autonomy and control that was an unintended by-product of the fight for gender equality in sports.

The most comprehensive examination of the national debate for control of women's athletics came from Ying Wushanley's, *Playing Nice and Losing: The Struggle for Control of Women's Intercollegiate Athletics, 1960-2000*, published in 2004.

Wushanley addressed this controversy throughout the post-World War II era, obviously paying particular attention to the Title IX period. His central contention was that loss of control was not an unintended by-product of Title IX, but rather was directly caused by it. Wushanley noted that female leaders had near total authority over women's athletics prior to Title IX, but after its passage, most women's programs came under the control of male-dominated athletic departments. Wushanley argued that this development occurred because campus administrators believed that achieving equality in sports meant making the women's program look just like the men's. Ultimately, Wushanley contended that after male administrators (both those at individual universities and those within the NCAA) failed to convince the government to weaken the Title IX regulations, they believed that the best way to ensure protection of men's sports was to take direct control

³² Examples of separate women's athletic departments in the Big Ten were the University of Minnesota and the University of Iowa. Gail F. Maloney, "The Impact of Title IX on Women's Intercollegiate Athletics" (Ph.D. dissertation, State University of New York, Buffalo, 1995).

over the women's program.³³ Wushanley suggested that the motivation to model women's sports after the male program was not based on support for equality, but was due almost entirely to administrators' desire to retain power over the entire athletic department to ensure that Title IX did not harm the male revenue-sports.

This loss of authority for women was a key element in the history of Title IX in the Big Ten. At most Big Ten institutions, female administrators who had control over the women's athletic program when it was housed in the physical education department found themselves relegated to assistant or associate athletic directors reporting to the male athletic director after Title IX.³⁴ However, what was largely absent from the scholarship on this issue was the fact that, at least in the Big Ten, even when women were incorporated into the male athletic department, female administrators actually retained significant authority over their programs. This dynamic was based at least partially on the fact that women administrators and coaches understood the AIAW rules and regulations. While these female leaders were often in secondary positions in the merged athletic departments, women like Marie Hartwig at Michigan, Phyllis Bailey at Ohio State, Karol Kahrs at Illinois, and Kit Saunders at Wisconsin (to name a few) remained dedicated to women's athletics and helped their programs grow, despite the resistance they faced from male administrators.

While the trends outlined in the previous historiography provide a good basis for understanding the history of Title IX, this current research addresses the specific attitudes

³³ This debate between the AIAW and NCAA which eventually led to the eventual NCAA "take-over" of women's athletics is explored more fully in Chapter 4, but is certainly a major part of the historiography. Ying Wushanley, *Playing Nice and Losing: The Struggle for Control of Women's Intercollegiate Athletics, 1960-2000* (Syracuse, NY: Syracuse University Press, 2004).

³⁴ The only exceptions to this single department model were at Iowa and Minnesota where women's sports had a separate administrative structure.

and actions of officials at individual Big Ten institutions, revealing a much more complex and nuanced story than most scholars have generally portrayed. The analysis contained herein shows that university officials were generally most concerned about the financial and logistical implications of Title IX. While there is no question that certain male administrators held sexist opinions regarding women's athletics, it is equally clear that, in most cases, these chauvinistic attitudes were not the primary driving force behind resistance to Title IX. In fact, numerous officials including athletic directors, faculty committee members, vice presidents, and university presidents clearly supported the ideal of gender equality contained within Title IX. This dissertation argues that reaction against Title IX was neither a rejection of women as athletes nor an effort to deny equal rights for women. Rather, administrative resistance to Title IX was usually based on legitimate concerns regarding how the universities were expected to fund and run the fledgling women's programs. More importantly, the most adamant denunciations of Title IX were directed not at the legislation itself, but at the methods of enforcement that the Department of Health, Education, and Welfare (HEW) and the Office of Civil Rights (OCR) developed to determine compliance. In other words, reaction against Title IX was fundamentally based on opposition to the government's specific Title IX regulations (i.e. the letter of the law) rather than on disagreement with the spirit of Title IX.

Another important element in the development of women's sports at these institutions after Title IX was the addition of women to the Big Ten conference and the NCAA.³⁵ The incorporation of women into the Big Ten and NCAA clearly showed the

³⁵ Prior to Title IX, both the NCAA and Big Ten were male-only organizations. Female sports programs were part of the Association of Intercollegiate Athletics for Women (AIAW) starting in 1971 and participated in regional athletics organizations. Title IX led to women eventually joining the NCAA and the Big Ten. These issues are discussed in detail in Chapter Four.

complexity inherent in developing women's sports after Title IX. On the one hand, throughout the 1970s, most administrators at the Big Ten schools remained steadfastly committed to the AIAW and rejected the NCAA's takeover attempts. In supporting the AIAW they revealed a belief in the importance of women having an equal voice in determining the direction of their programs. Conversely however, when male officials began discussing the process of adding women to the Big Ten conference structure, their focus was almost entirely on logistical and financial questions. Women were added to the Big Ten because university leaders believed that having a single conference would be administratively easier than trying to deal with separate organizations for men and women. However, the fact that these same leaders supported female leadership on a national level (i.e. AIAW) implies that resistance to Title IX was not solely due to a chauvinistic rejection of gender equality. Ultimately, throughout the Title IX Era Big Ten administrators were determined to distinguish between their support for women's athletics and their opposition to the specific mandates imposed by the government. In other words, university officials were generally open to the development of women's sports, yet struggled to make some of the specific changes mandated by the government to achieve gender equality. In this sense, the history of Title IX in the Big Ten revolved around practical concerns regarding the administration of these new programs rather than philosophical questions about gender equity.

The research for this project was based primarily on sources found in the archives of the Big Ten universities.³⁶ Documentation about Title IX was generally located in

³⁶ This project includes information from all of the Big Ten institutions. However, some archives were more fruitful than others. Particularly were the extensive athletic collections at Indiana, Michigan, and Minnesota. On the other hand, the archival records regarding Title IX at some universities were quite limited. Unfortunately, there was very little information at Purdue University either in the university or the

several areas including records of the university president or chancellor, the athletic department (including papers from specific administrators), campus athletic boards, women's athletics and Title IX as well as local publications (e.g. yearbooks, campus and community newspapers, and football programs). One of the most fruitful sources of information were the records of the university president or chancellor. Regardless of the institution, chief executives were intimately involved in the athletic department and specifically in the university reaction to Title IX. In many cases, the school's response to Title IX came directly from public statements made by the president or chancellor. Even when other administrators were involved in developing women's athletics, the chief executive was usually copied on many of the reports, letters, and memos from these other campus officials. Ultimately, the successful development of women's sports was often based on the efforts of the university president or chancellor and the information gathered from these campus leaders was invaluable in understanding how the Big Ten universities reacted to Title IX and how women's athletics developed on these campuses.³⁷

While the papers of the chief executive at each institution were an important source of information, records from the athletic department were also vital. Some university archives had copious records from the athletic department and even from specific athletic administrators, but this was not the case at every school. The lack of athletic sources at some Big Ten institutions might have been due to the fact that, whereas the president's office meticulously cataloged its papers knowing they would end

athletic department archives. Thus, throughout this analysis of Title IX in the Big Ten, there is minimal discussion of Purdue. This does not significantly alter the overall argument, but it is important to note.

³⁷ Gail Maloney also discussed the level of support from the chief executive and suggested that a supportive person in this top administrative role often made the development of women's athletics much easier. This contention was certainly true in the case of the Big Ten. Gail F. Maloney, "The Impact of Title IX on Women's Intercollegiate Athletics" (Ph.D. dissertation, State University of New York, Buffalo, 1995).

up in the archives, the athletic department was not always as careful. A somewhat cynical explanation for the lack of athletic resources about Title IX could be that athletic departments perhaps destroyed or removed documents that were overtly sexist or that painted the department in a negative light. However, based on some of the public statements as well as memos and letters that athletics administrators sent to other campus officials and to the government, it seems that male athletics officials were not terribly concerned about hiding their chauvinistic perspectives. While the lack of complete documentation from the athletic departments or athletics administrators was disappointing, this did not dramatically alter the fundamental argument of this project.

Another key source of evidence came from the records of campus athletic boards. While the role of the chief executive (chancellor or president) and athletic director were substantially similar at each institution, the structure and purview of the campus athletic boards varied significantly from school to school. In some cases, these boards were sub-committees of the faculty senate and the membership was entirely made up of faculty members. Other models were those at Michigan and Illinois where the athletic board was a non-profit entity that operated outside the campus administration. In these instances, membership included alumni, students, community members, and staff as well as faculty. At Minnesota, however, the athletic board was a sub-committee of the Twin Cities Student Assembly (TCSA) and was thus primarily comprised of students. The level of authority within these committees differed as well. At some institutions (e.g. Michigan and Wisconsin), the athletic director was so powerful and influential that he set the agenda and direction of the athletic department while the campus athletic committee served as little more than a symbolic nod to institutional control. The athletics sub-

committee of the TCSA at Minnesota, on the other hand, exercised tremendous influence and control over the direction of the athletic program.³⁸ Records from these committees tended to include more formal reports and meeting minutes than personal reflections or opinions. But these reports provided a fuller understanding of the administrative structure at each institution which helped illuminate some of the rationale behind the levels of support for women's sports. These reports and minutes also clarified some of the chronology of Title IX compliance at each institution.

Another important source from the institutional archives was records from Big Ten conference committees. This generally included information from the faculty representatives to the Big Ten and from the Council of Ten, an advisory committee comprised of the chief executive officers from each institution.³⁹ While they generally did not set conference athletic policy, they often provided guidance to the Big Ten faculty representatives and certainly held tremendous influence in the development of women's athletics on campus and in the conference. Of more importance was the Big Ten committee of faculty representatives, an organization that generally had the final authority on matters of conference policy, including adding women to the conference after Title IX. Records from these representatives provided a timeline of conference decisions and also revealed yet another administrative opinion regarding Title IX and women's sports—views that did not always match those of the campus athletic directors.

³⁸ For example, Minnesota's decision to affiliate its women's program with the Big Ten was delayed for several months because school was not in session during the summer months so members of the TCSA were not on campus to vote on the issue. See Chapter Four for more details about this process.

³⁹ The Council of Ten also included the president of the University of Chicago. The University of Chicago had been a charter member of the "Western Conference" (Big Ten), but withdrew in 1946. However, throughout the 1970s, the president from the University of Chicago still met regularly with the rest of the Council of Ten on matters related to academics. In the context of Title IX and athletics, Chicago was not part of the Council of Ten. "Big Ten History," Big Ten Website, accessed December 18, 2013, <http://www.bigten.org/trads/big10-trads.html>.

Another helpful source was records related specifically to women's sports and Title IX. Often these were contained within the athletic department or president's records, but the specific focus on women's sports provided a different perspective on these issues. Documentation related to Title IX helped provide a broader understanding of the legislation and its impact on campus beyond athletics. Files related to Title IX also included formal reports and correspondence with HEW and the OCR which revealed administrative perspectives on the role of the government in athletics. The letters, reports, and memos from female administrators, coaches, student-athletes, and even parents contained in these records were extremely helpful in turning a critical eye on the words and actions of the male administration. While an athletic director might emphasize the positive steps an institution was making towards gender equality, these criticisms and complaints provided a measure of balance in the analysis of the school's development of women's athletics.

Finally, local publications also provided a sense of the campus climate regarding Title IX and women's sports during this period. These sources included newspaper articles (from both campus and community papers), campus yearbooks, and athletics brochures and programs. Local publications highlighted the public rhetoric of administrators who were often quoted in articles. They also showed at least a small glimpse of the campus perspective on Title IX. The most revealing element of these media sources came not from the written word, but from images of women's athletics. In some cases, these pictures showed a positive, healthy image of women's sports, but others portrayed women's athletics in a derogatory light.

The analysis of these sources revealed a level of complexity and nuance in the

history of Title IX that were generally not present in the previous historiography. This present research addresses these issues through two primary approaches: chronological and thematic. Chapters One through Three present a chronological assessment of Title IX and the development of women's sports at the individual Big Ten universities. These chapters address the history of women's sports from the immediate post-war years through 1982. Chapter Four is the first thematic section and focuses on the issue of female affiliation with the NCAA and with the Big Ten conference. Finally, Chapter Five employs a case study approach that more closely examines the attitudes of administrators at three specific institutions: Northwestern, Michigan, and Indiana.

Chapter One deals with the period between the end of World War II and the passage of Title IX in 1972. It begins with a discussion of the American university in the post-war era, focusing specifically on the interaction between higher education and the federal government. Even before Title IX the government became much more invested in higher education, a development that caused some angst among university administrators. Another element of this chapter relates to the increase in the number of women on campus in the 1960s and the way that this demographic change affected colleges and universities. The examination of college sports in the post-war era addresses the rise of commercialism and the resulting divide between the university and the increasingly quasi-professional athletic departments.⁴⁰ Finally, Chapter One analyzes the Big Ten institutions prior to Title IX, focusing on the rise of women's rights, campus activism, and the development of athletics during the 1960s and early 1970s. During this period, Big Ten universities faced numerous challenges on both campus-wide and athletic-

⁴⁰ Analysis of the postwar university, the role of women, and the role of sports in those institutions are based largely on secondary sources.

specific levels. Even with these problems many campus administrators encouraged support for women's athletics prior to Title IX.

Chapter Two takes the narrative through the first five years of the Title IX Era, from 1973 to 1978.⁴¹ This period was marked by early efforts to develop women's sports and the battle over the specific federal regulations governing Title IX. The chapter begins with an analysis of some early complaints about the lack of equality for women's sports on campus and the reaction of male administrators to these concerns. In addition to the early development of women's programs, controversy erupted after the Department of Health, Education, and Welfare (HEW) published its first set of Title IX regulations in 1974. In response, Big Ten administrators fought against this government interference, yet also attempted to distinguish between their opposition to Title IX and their support for women's athletics. This section concludes with a discussion of the steps that each institution took to increase support for women's athletics through 1978, the year that HEW set for mandatory compliance. It emphasizes the financial and administrative challenges that these institutions faced and highlights the fact that resistance to Title IX often meant a lack of tangible support for women's sports on campus.

A final chronological chapter addresses the period between 1978 and 1982. From July 21, 1978, the date HEW set for full compliance with its regulations, until 1982, Big Ten institutions worked to comply with Title IX. Ultimately, in August of 1982 the Office of Civil Rights (OCR) finally determined that the last Big Ten institution (Michigan) was in compliance with Title IX. The first section examines the internal

⁴¹ The researcher is defining the Title IX Era as the period between 1972 and 1982. This era began with the passage of Title IX (1972) and ended when the last Big Ten school was deemed Title IX compliant (1982, Michigan). This 10-year period marked the height of controversy and uncertainty over women's athletics and Title IX.

progress made by the Big Ten institutions leading up to July 21, 1978. Administrators conducted self-assessments that highlighted the positive steps taken for women's sports and identified the areas that were still deficient. The generally laudatory tone of these university-generated reports was balanced by persistent complaints from coaches, administrators, and student-athletes about the lack of true equality for women's sports. During this period, administrators and government officials also continued to fight over the standards of compliance. In response to the Department of Health, Education, and Welfare's 1978 "Policy Interpretation," administrators attempted to limit the power of the government to oversee intercollegiate athletics even to the point where Duke University President Terry Sanford suggested placing compliance in the hands of each individual institution. This chapter also examines the final push for equality, discussing those universities that voluntarily complied with Title IX as well as those that were forced into compliance through investigations by the Office of Civil Rights. During this period, administrators continued to fight against government intervention, yet ultimately had to accept the federal guidelines in order to obey the law.

Chapter Four shifts to a more thematic approach through an analysis of the issue of conference and national regulation of women's sports. The first section relies heavily on Ying Wushanley's book, *Playing Nice and Losing* and his analysis of the controversy between the NCAA and AIAW.⁴² While Wushanley dealt with the national debate, this section examines the reaction of Big Ten administrators to this battle. Throughout the 1970s, most Big Ten leaders refused to give up on the AIAW and were often openly critical of the NCAA's attempts to take over women's sports. The main focus of this

⁴² Ying Wushanley, *Playing Nice and Losing: The Struggle for Control of Women's Intercollegiate Athletics, 1960-2000* (Syracuse, NY: Syracuse University Press, 2004).

chapter is the process by which women were added to the Big Ten Conference. Prior to Title IX, women's intercollegiate teams competed in regional AIAW organizations and did not have a formal conference structure. In 1975, male and female administrators began serious discussions about adding women to the Big Ten. Some officials worried that a single conference including both men and women would be too hard to administer since the national rules governing men's (NCAA) and women's (AIAW) athletics were so different. More importantly, female administrators were concerned that a merged Big Ten would result in the loss of control over women's athletics. Those in favor of affiliation argued that a single conference was more efficient and cost-effective, and repeatedly promised that women would not lose their voices. These national and conference debates were an important aspect in the development of women's athletics. The actions and statements of Big Ten administrators during these discussions highlighted their attempts to balance philosophical questions of equality with the logistical and financial challenges of running women's sports programs.

Finally, Chapter Five conducts in-depth examinations of the attitudes of administrators at Northwestern University, the University of Michigan, and Indiana University. These institutions represented three different points on the continuum of support for women's athletics and Title IX. Northwestern officials were consistently dedicated to gender equality and rarely criticized Title IX. Conversely, administrators at Michigan were some of the most vocal opponents of Title IX and women's athletics, contributing to the slow development of women's sports at UM. Finally, Indiana represented a mid-point between these two extremes. Officials at Indiana were generally supportive of women's athletics, leading to the rapid development of the women's

program at IU. However, administrators also criticized HEW's 1975 Title IX regulations and its 1978 "Policy Interpretation." Whereas Michigan's anti-Title IX crusade limited its development of women's sports, Indiana officials were able to achieve Title IX compliance while at the same time opposing government intervention. In other words, administrators at Indiana were perhaps the most successful in proving that rejecting the letter of the law, in the form of HEW's regulations, did not mean a similar refusal to adhere to the spirit of equality contained in Title IX.

The Conclusion focuses on where Title IX has come since 1982. This analysis addresses both the immediate aftermath of Title IX compliance and how these Big Ten institutions developed their women's programs during the 1980s. Of particular importance were the changes in women's sports that happened after the Supreme Court's 1984 *Grove City v. Bell* ruling which effectively eliminated federal control over athletics.⁴³ The conclusion also focuses on some of the continued controversy over Title IX and attempts to place these issues in a modern context to see where women's sports have come since 1972. The fact that this legislation is often blamed when a male sport is eliminated suggests that gender equality in athletics is still an elusive goal. This section will also discuss other avenues of research including a gender-based reaction to Title IX as well as possible connections between Title IX opposition and the rise of conservatism during the 1970s and 1980s.

⁴³ In this case, the Supreme Court essentially concurred with the position of Grove City College that Title IX was intended to apply only to programs that received federal funding. This meant that any university program that did not directly receive government monies did not have to comply with Title IX. As the athletic departments at most major universities were self-supporting and did not receive money from the government, this 1984 decision effectively meant that athletic departments no longer had to comply with Title IX. This was a very short-lived victory for the opponents of Title IX as the Civil Rights Restoration Act of 1987 restored federal control over Title IX enforcement in all areas—including athletics. "History: The Living Law: The 1970s", Title IX Info, accessed February 27, 2013, <http://www.titleix.info/History/The-Living-Law/Living-Law-in-the-80s.aspx>.

The development of women's intercollegiate athletics during the 1970s and 1980s was a complex issue. Women's sports are often defined in terms of a "pre-Title IX" and "post-Title IX" dichotomy. While women's intercollegiate athletics certainly have enjoyed a boom since the legislation was passed, too little attention is given to the "Title IX Era." This ten-year period between 1972 and 1982 was an important time when university administrators and government officials engaged in vigorous debate over what was meant by equality, who should be responsible for enforcing Title IX, and how institutions of higher education were going to provide equal athletic opportunities for their female students. The following examination of Big Ten institutions shows that reaction to Title IX and the development of women's sports varied widely from institution to institution, but that, with few exceptions, resistance to Title IX was not directly tied to chauvinism or a rejection of female athletes. Rather, administrative reaction against Title IX was generally based on concerns about the logistical and financial challenges of adding women's sports and the rejection of government interference in the athletic department and in the university as a whole. Leaders of Big Ten institutions often espoused a liberal commitment to the ideal of gender equality, yet many of them displayed a very conservative attitude when it came to taking action to make this ideal a reality. Ultimately, administrators embodied the "insider" mentality and their words and actions were often designed to keep the "outsiders out." However, as this research demonstrates, in most cases the "outsider" was the government, rather than female athletes.

Chapter 1

Where Did It Start?

An Introduction to Higher Education, College Sports, and the Big Ten Prior to Title IX

When President Richard Nixon signed Title IX of the Education Amendments into law on June 23, 1972, there was no way of knowing the level of controversy that would erupt over this simple piece of legislation in the subsequent decades.¹ Debates over gender equity became most pronounced when the Department of Health, Education, and Welfare (HEW) applied the law to one of the most influential parts of college culture—sports. The popularity of intercollegiate athletics, specifically football, in the 1950s and 1960s had reached an unprecedented level and when Title IX appeared to threaten the supremacy of college football, the question of gender equity in athletics became a major issue in American higher education. These concerns were most pronounced at universities, like those in the Big Ten conference, that were engaged in big-time, commercialized, and quasi-professional sports.

Without question, the effects of Title IX on female athletic participation have been tremendous. In May of 2012, *Sports Illustrated* featured Title IX in several articles in honor of the 40th anniversary of the law’s passage. Kelli Anderson contended that Title IX created a “seismic” shift in women’s sports, noting that the number of girls participating in high school sports increased more than ten-fold in the four decades since Title IX.² Various articles in this commemorative issue also discussed key events in the history of women’s sports including the formation of the Association of Intercollegiate

¹ “History: The Living Law: The 1970s,” Title IX Info, accessed June 11, 2013, <http://www.titleix.info/History/The-Living-Law.aspx>.

² Kelli Anderson, “The Power of Play,” *Sports Illustrated*, May 7, 2012.

Athletics for Women, or AIAW (the female equivalent of the male-only NCAA) and Billie Jean King's celebrated victory over Bobby Riggs in 1973.³ Alexander Wolff actually asserted that part of Title IX's success stemmed from the fact that protests from male sports leaders (i.e. football coaches fearful of the law's impact on their programs) were consistently rebuffed by the government and women's sports advocates.⁴ These *Sports Illustrated* articles painted a generally positive picture of Title IX and its important contribution to the growth of women's athletics.

However, the authors of these articles fell into the trap, albeit a common one, of ignoring the historical context regarding Title IX. First, popular conceptions of the law tend to ignore the fact that many schools had sports for women prior to this legislation. Too often it is assumed that women's athletics simply did not exist prior to Title IX. Yet this was not the case. Women's sports certainly lacked significant university support and were a relatively minor part of college life compared with the men's programs—yet they were there. Thus, while Title IX forced educational institutions to more fully develop women's intercollegiate athletics, in most cases schools were not creating entirely new programs. Second, Title IX was passed at a time when educational institutions were already facing a myriad of other issues, both connected with and unrelated to sports. In 1972, colleges and universities were nearing the end of an unprecedented period of campus unrest related to civil rights, the Vietnam War, and free speech. At the same time, schools also dealt with rising costs and changing student demographics. Adding to the burden on colleges and universities was the fact that Title IX was merely the most recent in a string of federal intervention into higher education that started immediately after

³ George Dohrmann, "Chance to be a Champion," *ibid*; L. Jon Wertheim, "When Billie Beat Bobby," *ibid*.

⁴ Alexander Wolff, "Winning at Political Football," *ibid*.

World War II. For example, the GI Bill increased student enrollment through the use of federal educational grants for returning servicemen. More significant were Vannevar Bush's 1945 report on the importance of scientific research and the Truman Commission report issued in 1948.⁵ These reports emphasized the federal government's vested interest in American higher education as a way to win the Cold War. More importantly, they showed that the government was going to become more involved in college and university operations. Finally, in the world of sports, universities grappled with the increasing professionalization, commercialization, and cost of major men's sports like football and basketball. Title IX did not happen in a vacuum. In order to fully appreciate the administrative response to the legislation and its requirements, it is important to understand the context in which it was passed.

The following discussion will address this historical context through an analysis of the state of American higher education following World War II. It will focus first on the growth of colleges and universities in the wake of the GI Bill and the corresponding demographic shift in regards to gender balance on campus. These changes in student population contributed to another important element of the post-war university, namely the rise of student protests and unrest on campus. University administrators were often at a loss about how to handle this student agitation. Their job was often made more difficult by increased pressures and expectations from state and federal governments. This chapter also examines the development of intercollegiate athletics in the post-war era, including

⁵ The Bush and Truman reports will be discussed in more detail later in this chapter. However, briefly, the Bush report established the importance of scientific research in waging the Cold War, leading to a dramatic increase in federal grants for scientific research on campus. The Truman Commission Report was a much broader examination of American higher education, and claimed that the federal government had a justifiable interest in higher education and would continue to assert its influence over America's colleges and universities. John Thelin, *A History of American Higher Education* (Baltimore: The Johns Hopkins University Press, 2004), 268, 271.

the growth of men's sports (specifically college football) and the early development of women's sports prior to Title IX. While these topics are national in scope, the analysis also considers the effects these issues had on Big Ten institutions focusing on both the administrative structures and the status of women's athletics at these institutions prior to the Title IX era.⁶ The historical context behind Title IX is vital in understanding how and why Big Ten administrators attempted to support gender equality on the one hand, but oppose government intervention on the other.

The American University: Post-World War II

The historical context of Title IX was shaped by two significant trends in the development of American universities. The first relates to the changes in higher education that emerged after World War II. Modification to structures, academics, and student life transformed America's colleges and universities after the war. These alterations were complicated by the dramatic rise in the involvement of the federal government in education during the Cold War. The second element of this story revolves around the place of women in the academy. While Title IX would not be passed until 1972, women's roles on campus as students and as faculty and administrators grew significantly in the post-war years. The ebb and flow of female participation in college life helps explain both the development of a women's movement on campus and the

⁶ In this research, the term "Title IX Era" refers to the period beginning in 1974 with discussions of the Tower Amendment (excluding revenue-producing sports from the legislation) and the publication of HEW's first Title IX regulations. While the passage of Title IX in 1972 certainly helped prompt the development of women's sports, controversies over Title IX and government mandated gender equality did not really begin until 1974. Prior to this year, university administrators saw the development of women's sports as essentially voluntary, rather than required. "The Living Law: The 1970s," Title IX Info, accessed July 6, 2013 <http://www.titleix.info/History/The-Living-Law.aspx>.

federal government's decision to legislate gender equity. This section focuses on both of these issues in an attempt to explain the historical era in which Title IX was passed.

In *The Emergence of the American University*, Laurence Veysey addressed the early development of a uniquely American form of higher education. He argued that a “modern” version of the American university emerged in the decades following the Civil War and specifically came to fruition during the late nineteenth and early twentieth centuries. Early in this development, Veysey noted that higher education was plagued by conflicts over “the basic purpose of the new university” and the “degree of control to be exerted by the institution’s leadership.” Veysey contended that in the period between the Civil War and 1890, disagreements about the purpose of higher education were based largely on differing educational philosophies. Some university leaders believed that the institution should maintain strict discipline and teach its students proper Christian values. Others thought it should focus on training students for career success. Finally, a third perspective held that the university was there to encourage faculty research. After 1890, this philosophical debate gave way to questions about the proper administrative structure and the need for a bureaucratic system to run these increasingly complex institutions.⁷ Ultimately, Veysey held that the “modern” university that emerged in the late 19th and early 20th century was a multi-faceted, complex institution that, in some ways, had room for all three purposes. But, by 1910, bureaucratic and administrative realities had largely pushed aside any discussion of the ideal form of higher education.⁸ In this sense, administrative issues largely overwhelmed concern over educational philosophies. This

⁷ Laurence Veysey, *The Emergence of the American University* (Chicago: University of Chicago Press, 1965), viii, xiii.

⁸ *Ibid.*, 433-438.

debate between administration and idealism would continue throughout the twentieth century and play an important role in Title IX as well.

Veysey's commentary demonstrated that institutions of higher education became a way to measure individual success. The university became a place that "[rewarded] all types of ambition," but was most concerned with encouraging students to pursue an "urban middle class" lifestyle. Veysey contended that "the university catered to those who sought to compete against men who were basically like themselves."⁹ While inculcating these middle class values, universities at this time also developed an openness to accept a wider range of students. In this sense, the modern university was focused on bringing in students from a variety of backgrounds and teaching them to understand and practice "popular values" Thus, the university was designed to provide guidance to its students on the best way to be American: adhering to the middle-class values of hard work, individual achievement, and loyalty to the nation.¹⁰

While the social control element of Veysey's modern American university was an important part of this development, he also discussed the institution's unique ability to include serious scholars within its walls. Even as university leadership developed systems to control their students, some professors created "a more or less effective insulation from the rhythm of undergraduate life." This separation allowed the faculty to "produce scientific and scholarly research of a quality and variety which . . . made it eventually pre-eminent in the world."¹¹ In Veysey's view, the significance of the American university was not in resolving the conflicts over its purpose or control, but rather in its ability to accommodate both sides of the debate. The modern American university that

⁹ Ibid, 440.

¹⁰ Ibid, 441.

¹¹ Ibid.

emerged in the early twentieth century allowed faculty the academic freedom to engage in serious research and scholarship and, at the same time, taught American values to its undergraduate students. In other words, the early twentieth century university was a place that was intimately connected with the cultural development of the nation, yet at the same time maintained an ivory tower mentality that separated it from society.

While Veysey's perspective on the development of the American university focused on the late nineteenth and early twentieth centuries, George Marsden addressed some of these same notions in reference to higher education after World War II. In his estimation, the war emphasized the need for education to "pass on the best of Western values." Fascism and Marxism had pressured traditional morality and Marsden argued that higher education provided a means to combat these ideological threats. Interestingly, however, Marsden also contended that the use of traditional, Western liberal arts to instill American values was on the wane as institutions of higher education moved from elite to mass and eventually universal education. While one purpose of higher education during and immediately after World War II was to help students develop moral and ethical values, the transformation of college to a mass endeavor meant that a "pragmatic approach" would eventually supersede the notion of an elite, values-oriented institution.¹² In other words, as higher education evolved in the decades after World War II, the institution changed from Veysey's model of a dual purpose (elite research and development of American values) to one based on the more practical concern of preparing its students for a successful career after graduation.

¹² George M. Marsden, "The Soul of the American University: A Historical Overview," in *The Secularization of the Academy*, 9-45, ed. George M. Marsden et al. (New York, Oxford: Oxford University Press, 1992), 23-24.

These conclusions help clarify some of the reasoning behind administrative reaction to Title IX. The fact that the modern university had a multitude of purposes and structures and a diversity of opinion reflected Veysey's contention that there was no single, monolithic university. The conflicts over Title IX also mirrored the turn of the century debates that Veysey discussed, namely issues of administrative control and the university's role in teaching social values.¹³ During the 1960s and 1970s university administrators wanted to maintain complete control of their operations and tried to resist government intervention. They also wanted to avoid becoming embroiled too deeply into the social movements of the day so they could hold the university out as a bastion of learning, free from social unrest. As Marsden noted, however, universities also became more attentive to students' academic, personal, and cultural needs because they were no longer simply students, but were now also consumers.¹⁴ Title IX raised questions regarding whether universities could successfully negotiate these various roles. The divide between the university as a social arbiter and as a center of academic research did not simply "re-emerge" in 1972; rather the debate continued throughout the decades preceding Title IX.

John Thelin's *A History of American Higher Education* highlighted these issues through a comprehensive examination of university life during the twentieth century. He conducted research at a wide range of schools, using a variety of source material in order to gain a broader understanding of the history of American colleges and universities. Thelin approached the topic as an "organizational saga." By this he meant that the history

¹³ Veysey, 440-441.

¹⁴ Marsden, 23-24.

of a university was equal parts “fact” and “legend.”¹⁵ In other words, to understand an institution’s history, it was just as important to learn about the campus myths that created the culture of that university, as it was to know which man served as president in 1910 or how many students were enrolled in 1943. Using this perspective can be helpful in understanding the place of women in the university and in athletics. While participation and budgetary numbers are helpful, it is often more important to focus on the ideology surrounding athletics when trying to understand the resistance to women’s sports.

Thelin’s “saga” approach led him to focus on campus events and student life as well as on the administrative and academic history of higher education. He contended that as American higher education grew in the years between World War I and World War II, it moved away from “being a scarce commodity and an elite experience.” Rather, campuses were becoming more open to students from all backgrounds.¹⁶ This expansion caused schools to undertake massive physical expansion projects, often relying on philanthropic donations from wealthy industrialists as well as civic and alumni pride in these institutions. University growth was also spurred by the rise of public high schools which produced more students who might be prepared for college life. With physical growth and a less elite mindset regarding higher education, the decades separating the two great wars also saw an increase in the number and types of educational institutions. Women’s colleges, junior colleges, business schools, teachers’ colleges, and technical schools flourished during the 1920s and became options for higher education alongside the more traditional four-year institutions. Furthermore, Thelin suggested that four-year,

¹⁵ John Thelin, *A History of American Higher Education*, xx-xxii.

¹⁶ *Ibid*, 205.

state institutions began to take on levels of importance and prestige that had traditionally been reserved for elite private universities like Harvard and Yale.¹⁷

The growth of higher education after World War I was aided by a shift from an academic-only institution to a four-year living environment. In other words, during the inter-war period, colleges and universities began to focus more attention on extracurricular activities (i.e. sports) and these institutions took a much greater interest in undergraduate life than ever before. For example, universities constructed huge stadiums and used big-time sports to help promote the school as well as provide entertainment for the students and the community. Additionally, drinking and having fun at fraternity parties or homecoming and other campus events became a more significant part of campus culture, as Thelin noted: “bathtub gin, speakeasies, gambling on college sports, and other stereotyped activities that characterized the roaring twenties . . . dominated the popular image of campus life.” This even extended to women on campus who often mirrored the fashion and behavior of the flapper or “new woman.”¹⁸ In this sense, college was an extension of popular American culture, rather than an ivory tower set apart from the rest of society.

According to Thelin, this shift in campus culture also contributed to the creation of the postwar modern state university. The expansion of both the physical footprint of the university and the corresponding increase in enrollments led to “a new model—the extended, multi-purpose university that had numerous campuses.” These new state institutions grew throughout the West, Midwest, and South and began to compete with the older, elite private institutions from the East. The success of state universities was

¹⁷ Ibid, 205-206.

¹⁸ Ibid, 208-211.

based at least partially on a new style of presidential leadership as exemplified by Robert G. Sproul (University of California) and Herman B. Wells (Indiana University) who were alumni of their institutions, had backgrounds in finance, and were not traditional scholars. Instead, the new executive used his local connections to build a financially healthy and strong infrastructure as well as providing an attractive location for renowned scholars. In this model of a state university, the president's role as fundraiser and liaison to the state government superseded any academic role the position might have previously had.¹⁹ This was an important shift in relation to the issues surrounding Title IX for several reasons. First, the president of this large, multi-purpose state institution often became the primary decision-maker when it came to athletics. Second, the president had to be accountable not only to the faculty, but also to the students, alumni, community, and the government. Balancing these various interests often proved to be challenging, especially in relation to Title IX. Finally, the new model of the university led presidents to make decisions based primarily on fiscal and administrative realities rather than ideological questions.

In addition to the transition to mass education and the development of the modern university, the post-war period also represented the culmination of a shift in the educational goals of the university. In *The Making of the Modern University*, Julie Reuben discussed the transition of American higher education from its late nineteenth-century focus on "truth" to the twentieth-century "division between facts and values." She argued that the main purpose of a nineteenth-century American college (usually private) was to instill the "truth" in its students. In this period, truth was defined very broadly to encompass academic knowledge as well as moral and spiritual values. However, by 1930 most intellectuals and academics had rejected this notion and instead

¹⁹ Ibid, 245-249.

created a distinction between facts—what were verifiable through math and science—and values. The shift in focus that began at the end of the nineteenth-century reached its culmination in the interwar period leading to the creation of a modern post-war university that “encouraged specialization” over values education.²⁰ In Reuben’s view, prior to World War II and in the years following the war, institutions of higher education increasingly took a practical, academic, and career-oriented approach to college education rather than adhering to a values-based orientation.

The first twenty-five years after World War II were also considered the golden age of American higher education. This period was marked by “prosperity, prestige, and popularity” with universities moving “closer to providing mass access to higher education” while at the same time showing “increasing capacity to add advanced, academically selective programs” that led to the emergence of the “research university.”²¹ Higher education after World War II seemed to strike a balance between inculcating American values *and* developing internationally recognized scholarship and research.²² The blend of these two purposes contributed to a dramatic rise in enrollment during the post-war era as the total college student population grew by over 80% from 1939-1940 to 1949-1950 and increased more than five-fold by 1970.²³ This increased population transformed American colleges and universities.

The expansion of higher education created new challenges that would have a lasting effect on the dynamic of American educational institutions. Ultimately, postwar

²⁰ Julie A. Reuben, *The Making of the Modern University: Intellectual Transformation and the Marginalization of Morality* (Chicago: University of Chicago Press, 1996), 2-6.

²¹ Thelin, 260.

²² This dichotomy between the university as a form of social control for its students and one that encouraged serious scholarship was what Laurence Veysey noted in his analysis of the emergence of the American university.

²³ Enrollment figures according to Thelin: 1939-1940: 1.5 million; 1949-1950: 2.7 million; 1960: 3.6 million; 1970: 7.9 million. Thelin, 261.

growth reflected a major transition in the character of higher education from “elite to mass higher education” and ultimately to “universal access.” Martin Trow has argued that expansion happened in three separate ways: an increase in the total number of students on campus, growth in the physical size of the system and institution, and a rise in the percentage of traditional college-age Americans who actually attended college. Trow suggested that each manifestation of growth brought with it certain problems. Increases in student population during the postwar era put a strain on institutional governance, administration, infrastructure, and socialization. When institutions or systems grew larger, it changed the nature of the environment and the educational instruction process (e.g. a larger institution made it more difficult for faculty to engage with students). Finally, as the rate of 18-22 year-olds attending college increased, it created more pressure on graduating high school students to enroll, whether they wanted to or not. Trow asserted that this progression led higher education “from being a privilege to being a right, and then . . . to being something close to an obligation.” This process had an important effect on “student motivation, and thus also for the curriculum and intellectual climate of these institutions.”²⁴ Physical as well as demographic growth on college campuses in the decades following World War II contributed to a major change in the structure as well as the purpose of these institutions.

In addition to a rise in population, another key element in the transformation of American higher education during this period was the increased connection between state and federal governments and educational institutions. Historian Christopher Loss suggested that institutions of higher education became “parastates” located between

²⁴ Martin Trow, *Twentieth-Century Higher Education: Elite to Mass to Universal*, ed. Michael Burrage (Baltimore: Johns Hopkins University Press, 2010), 89-92.

“citizens and the state.” In his view, American colleges and universities were “beholden to neither party but expected and committed to serve both.”²⁵ In other words, the people and the government were the two main constituents of higher education, but universities still attempted to operate independently. Loss concluded that social developments of the twentieth-century led to the state taking “an active interest in, and [providing] financial support for, training democratic citizens.” He contended that “education created prosperous, politically astute, and psychologically adjusted citizens” that could respond adequately to the pressures of World War II and the Cold War.²⁶ Ultimately, the expansion of government involvement in the twentieth century was based on the needs of these international conflicts.

One element of this development was the recognition of the role that higher education and scientific research played in helping win World War II. In Thelin’s view, this led directly to greater “cooperation between government and higher education” in the postwar world. The emergence of this “cooperation” was actually comprised of various disparate parts that, during this period, were not necessarily coordinated in a formal manner, but would set the tone for the rest of the century.²⁷ The first and probably most significant example of government and higher education collaboration was the 1944 “Servicemen’s Readjustment Act” or GI Bill. The bill provided returning war veterans with unemployment compensation as well as home loans to ease the transition for these former soldiers. It also offered education assistance to allow them to attend college. The educational provisions of the GI Bill were a huge success with over two million veterans

²⁵ Christopher P. Loss, *Between Citizens and the State: The Politics of American Higher Education in the 20th Century* (Princeton: Princeton University Press, 2012), 2-3.

²⁶ *Ibid*, 11; 119-120.

²⁷ Thelin, 261-262.

going to college with the money provided by the government. The two-fold increase in university enrollment between 1943 and 1946 due to the GI Bill led to new construction projects (e.g. dormitory buildings, classrooms, etc.) and forced colleges to deal with changing student demographics since the veterans were often older and nearly all male.²⁸

Beyond the increase in enrollment fueled by the GI Bill, the new veterans attending college represented a different type of student that helped change the nature of American colleges and universities. David Riesman noted that “the veterans did not subordinate themselves to the institutions.” In general, these new students were older, more mature, and often were married or even had families. For these new students, college was about getting a good job once they graduated. Rather than being concerned with typical campus life concerns like housing or fraternities or sports or social lives in general, these new students went about the business of using the GI Bill to attain an education which would lead to a fruitful career. They also came from a relatively wide range of backgrounds, creating a much more “heterogeneous student body.”²⁹ In addition to being one of the first steps towards greater federal involvement in higher education, the GI Bill clearly contributed to significant changes to student populations and to the campus infrastructure.

Another significant connection between higher education and the government was President Harry Truman’s 1946 Commission on Higher Education. This was “the first time a president of the United States deliberately extended federal inquiry into nationwide educational issues.”³⁰ The justification for this federal involvement came

²⁸ Ibid, 262-266.

²⁹ David Riesman, *On Higher Education: The Academic Enterprise in an Era of Rising Student Consumerism* (San Francisco: Jossey-Bass, 1980), 44-47.

³⁰ Thelin, 268.

from concerns regarding defense and nationalism that were central to waging the Cold War. The commission report, issued in two parts in 1947 and 1948, urged greater involvement from the federal government in education and encouraged more access to colleges and universities.³¹ One of its most important recommendations was “that all barriers to educational opportunity be abolished” and set as a goal that college enrollment double by 1960. Some of the commission’s proposals were to extend free public education for two more years (essentially a federally funded community college system) and the creation of government-sponsored college scholarships.³² The report raised important issues about the state of higher education and signaled the fact that the federal government believed it had an important role to play in the development of America’s colleges and universities.

While the report generated much discussion, many of its proposals were not immediately implemented. Ultimately, government and education leaders saw the report as an effort to “[move] too far, too fast” and most improvements to higher education during this period ultimately came from “state governments, private foundations, and individual colleges and universities.”³³ Despite this, the report became a symbolic “manifesto for the era of mass education” and foreshadowed “the direction that higher education would take once it became essentially a consumer product, largely controlled by governments.”³⁴ The report included several proposals that would eventually become hallmarks of American higher education including the removal of barriers to college attendance through federal financial aid and the development of a two-year community

³¹ Ibid.

³² John S. Brubacher and Willis Rudy, *Higher Education in Transition: A History of American Colleges and Universities*, 4th edition (New Brunswick, NJ: Transaction Publishers, 1997), 234.

³³ Thelin, 270.

³⁴ Marsden, 23.

college system. These ideas would not be implemented in the 1940s, but they affected higher education in the following decades. Despite the laudable goals of the Truman commission, university administrators became concerned about the increasing federal role in higher education that the report signaled. Fundamentally, they worried that “federal aid [would] be followed by tight federal control,” thus eliminating freedom and flexibility within university administration.³⁵ This matter loomed over higher education throughout the rest of the twentieth-century and at least partially justified the administrative response to Title IX.

Another part of the advance of the federal government was the impetus, provided by the Cold War, to help support “elite, advanced research and development in the sciences.” In 1945, noted engineer, Vannevar Bush sent a report to President Truman, titled, “Science, the Endless Frontier” establishing the perspective “that ‘Big Science’ was the ‘Best Science.’” Bush contended that in order to be competitive in the scientific realm, America required elite researchers with sufficient funding to explore new techniques the theories. Bush’s suggestions led to the development of scientific grants for university researchers, once again putting the federal government in the business of higher education.³⁶ Of course on one level increases in federal spending for higher education benefited American colleges and universities. However it also forced administrations “to confront the long-term . . . issues of reconciling federal research programs with campus autonomy.”³⁷ While these government programs were designed to assist higher education, they also raised questions regarding government intrusiveness. Despite the financial benefits, administrators worried that federal involvement would

³⁵ Brubacher & Rudy, 234-235.

³⁶ Thelin, 271.

³⁷ Ibid, 276.

mean universities could lose autonomy and independence, a concern that seemed to be fulfilled in the form of Title IX.

While the late 1940s and 1950s brought an increase in government interest in American higher education, in the 1960s campuses experienced a wave of student discontent. In most cases, protests were conducted by a minority of the students and were focused on “students’ rights of self-determination.” Student unrest had been a part of campus life throughout American history, but the difference during the 1960s was the high level of student organization and the fact that most significant manifestations of student unrest took place at large, state institutions. The complaints were partially against the increasing bureaucratization of the university and the rules that quashed individual rights. Students wanted to be treated as people, rather than just numbers. Eventually the protests shifted focus towards the “appropriateness” of the university’s social role, specifically the connection between the university and the military establishment.³⁸ Rather than being “anti-university,” David Reisman suggested that 1960s protestors “were imbued with ultrauniversity values and were insisting that the university live up to [its] ideals.”³⁹ In this perspective, student protests were not truly revolutionary, but instead focused on reforming the university by holding it accountable to its stated values.

In a very important sense, student protestors accomplished these reform goals. Student unrest contributed to both federal and state governments questioning their support for higher education. At the federal level, Department of Defense concerns about

³⁸ Ibid, 307-310.

³⁹ Riesman, 68. Brubacher and Rudy also addressed these issues, arguing that students critiqued the university for “its claim to being neutral or ‘value-free.’” They believed that this was a hypocritical stance since institutions were working hand-in-hand with the government and military. More importantly, Brubacher and Rudy argued that student protestors believed that the university should not be “value-free,” but should engage in social issues of the day. Brubacher & Rudy, 305.

property destruction and campus instability led to the abandonment of the university as a viable site for military research. State governments also worried about the level of campus unrest and questioned the ability of university administrators to control their students. Rather than withdraw funding, however, most state officials pushed for major reforms in the structure and administration of higher education.⁴⁰ The increasingly active student protest culture of the 1960s actually led to reforms that ultimately changed how federal and state governments interacted with America's colleges and universities.

While campus protests largely focused on issues related to Vietnam and student opposition to university control, the 1960s also included an increase in diversity with corresponding concerns regarding racial and gender equality. African-American students increasingly experienced alienation at the traditional white universities they attended, ultimately questioning the ability of universities to “meet [their] intellectual and personal needs.” Black students responded with efforts to use their education to “retrieve personal and group identity.” Universities made some attempt to assist in this process by creating black studies programs, but they were often hastily put together and did not always respond appropriately to the needs of African-American students.⁴¹ Diversity issues were also felt along gender lines. Women's liberation movements often rose from the fight for racial equality when women discovered that civil rights groups and protest organizations remained steadfastly sexist. Campus women's movements focused on discriminatory employment policies as well as the “blatant sexism that ordered women's experiences inside and outside the college classroom.”⁴² Both racial minorities and women experienced significant alienation on traditional campuses and their reaction

⁴⁰ Thelin, 312-313.

⁴¹ Loss, 184, 189, 194.

⁴² Ibid, 197-199, 203.

fundamentally re-ordered higher education as it “thrust college students . . . into the thick of American politics for the first time.”⁴³ Ultimately, while campus protests addressed a variety of issues, they shared two fundamental characteristics: they displayed a lack of trust in the institution and its administration and tended to focus on student identity. The impact of these student protests on the Title IX era was to create a climate of mistrust in the administration and a culture of individual students as consumers who demanded that institutions respond to their needs and desires.

Even with the protests of the 1960s, the twenty-five years following World War II was a period of unprecedented growth for America’s colleges and universities. But danger loomed on the horizon. In 1967, the Carnegie Commission on Higher Education concluded “that higher education was on the brink of a ‘new depression.’” The commission’s research revealed that many colleges and universities had “overextended” themselves and their budgets to accommodate student population increases in the 1940s and 1950s, incorrectly assuming that enrollment growth would continue. Additionally, the commission discovered that university administrations were often incapable of responding to problems in a rapid and efficient manner and were “cumbersome” and “lethargic.”⁴⁴ In 1971, a follow-up report commissioned by the Department of Health, Education, and Welfare (HEW) urged colleges and universities to abandon the “business as usual” model. The report noted “a growing rigidity and uniformity of structure that makes higher education reflect less and less the interests of society.” The report suggested that colleges and universities focus on promoting diversity by opening their doors to minorities and “achieving equality for women.” In addition to overextension and

⁴³ Ibid, 219.

⁴⁴ In 1973, the Carnegie Commission was succeeded by the Carnegie Council on Policy Studies in Higher Education, and the initial findings in 1967 were expanded in future years. Ibid, 318-319.

the problems that came from this issue, universities were also hit by the “stagflation” financial crisis, declining birth rates, and the end of the military draft—all of which contributed to a reduction in enrollment in the mid-1970s.⁴⁵ Thus, during the height of the Title IX era, universities faced financial and administrative struggles, and the realization that the halcyon days of the 1950s and 1960s were over. In order to survive, administrators were often forced to take a new approach.

The final significant development of the 1970s was the switch from mass to universal education. This change led to a re-thinking of college admissions in which public institutions became the most accessible and most populated in the nation. By 1970, over 75% of college students attended public institutions, compared to only 50% in 1950.⁴⁶ As student populations shifted from private to public institutions, the relationship between the government and higher education also went through a transformation in the 1970s. In addition to Title IX, the Higher Education Act of 1972 included several new sources of federal funding for education. First, the government created a series of “direct federal monetary grants” to educational institutions that included no restrictions on how the money should be spent. Secondly, the program included a revised loan policy that allowed banks to give student loans with new, government provided capital.⁴⁷ This legislation also included the “Basic Educational Opportunities Grant program” that gave grants to students for college. The government showed that it believed higher education

⁴⁵ This report, known as the “Newman Report” “emphasized the shortfalls of American higher education.” It argued that college and university administrations were ill-equipped to deal with the changes in student needs, the financial problems associated with decreasing enrollment, and a generally bad economy that was stalling, yet at the same time included inflation of prices (stagflation). While seemingly counter-intuitive, the end of the draft contributed to lower enrollments partially based on the fact that young men would often enroll in college to earn an exemption from the draft. After the draft ended, the motivation to avoid wartime service by attending college disappeared. Ibid, 320-321.

⁴⁶ Brubacher & Rudy, 236

⁴⁷ Helen Lefkowitz Horowitz, *Campus Life: Undergraduate Cultures from the End of the Eighteenth Century to the Present* (New York: Alfred A. Knopf, 1987), 9.

to be a fundamental right and that financial need should not limit a person's academic opportunities. The fact that the government was now directly funding students forced institutions to see its students as consumers, meaning administrators needed to respond to student needs in a much more substantial way than ever before.⁴⁸ Most importantly, "the federal government had emerged by 1972 as the principle financier of America's programs of higher education."⁴⁹ Thus, controversies over Title IX took place under the specter of a federal government that held the purse strings.

Martin Trow argued that crises of the 1970s led to "the loss of confidence in academics and academic administrators" by politicians and government officials and that these misgivings led to "the loss of institutional autonomy that rests ultimately on that trust" as governments at both the state and federal level took a much greater role in the affairs of public institutions.⁵⁰ Trow suggested that federal involvement generally focused on enforcement of its affirmative action programs and its regulations on scientific experimentation while state governments addressed issues of "efficiency and productivity" and "greater 'accountability.'"⁵¹ The federal method of enforcement on both of its issues was largely financial as they held a threat of funding cuts over the heads of college administrators. Writing from the perspective of 1977, Trow argued that this loss of trust would ultimately have a greater impact on higher education than the student protests of the 1960s.⁵²

⁴⁸ Thelin, 322-326.

⁴⁹ Brubacher & Rudy, 237.

⁵⁰ Martin Trow, forward to *The Academic Revolution*, by Christopher Jencks and David Riesman (Chicago: University of Chicago Press, 1977), x-xi.

⁵¹ Ibid.

⁵² Ibid.

John Brubacher and Willis Rudy largely confirmed Trow's view when they analyzed the development of a "public distrust of universities" that emerged in the 1970s. This lack of trust led to a push for "accountability" and for institutions of higher education to quantitatively justify the effectiveness of their work. This focus on accountability put universities "on the defensive" and made them more and more vulnerable to increasing government and public intervention.⁵³ Thus, while the decades immediately following World War II represented the "golden age" of American higher education, by the 1970s (i.e. the Title IX era), colleges and universities had lost the confidence of both the students and the government. Due to university growth during the 1940s, 50s, and 60s, higher education became an integral part of American culture, essentially becoming a universal experience. Thus, when universities displayed a lack of responsiveness to emerging fiscal, diversity, and structural issues, the government felt obligated to get involved because these institutions had become too large and too important in American society to ignore.

Beyond the public mistrust and corresponding administrative challenges that emerged in the 1960s and 1970s, it is important to get a sense of the culture of student life during the post-war period. Helen Horowitz developed a model of student life that divided students into three categories: college men (and eventually women), outsiders, and rebels. In this division, the college men and women were the "popular" students who had active social lives and participated in campus sports and fraternities; outsiders were usually more focused on their studies rather than social life; rebels attacked campus regulations and control.⁵⁴ While Horowitz used these categories to describe college life

⁵³ Brubacher and Rudy, 388-389.

⁵⁴ Horowitz, 11.

throughout American history, her perspective on the 1960s and 1970s is most significant. She argued that many of the protests of this era “drew in those who, a decade earlier, would have been college men and women—the campus leaders.” Whereas the protests of the 1960s only comprised a minority of students, the people involved were mainstream students rather than outsiders or rebels. She argued that the 1960s “ended the hegemony of college life” and that protests of the era grew “in attractiveness to a broad segment of middle-class youth.”⁵⁵ In other words, this era broke up the power that had previously been held almost exclusively by the “college men and women” and made campus life more open to diversity—not just of race or gender, but also of attitudes and perspectives.

By the time that Title IX was passed in 1972, American colleges and universities had gone through a major process of growth and change in the nearly three decades since the end of World War II. The increase in student enrollment after the war due partially to the GI Bill led to the development of higher education as a universal right rather than a province of the elite. The tensions of the Cold War led to greater government involvement in the form of scientific and military grants for university research. However, the student unrest of the 1960s and the dangerous overextension of universities during this “golden era” led to a crisis of confidence in the late 1960s and early 1970s that forced a re-examination of college and university administration and structure. By 1972, the government, while still providing research grants to university faculty, had developed an extensive system of financial aid for individual students, creating a shift in the power to public institutions and the development of a student consumer culture. In an important way, university administrators confronted with Title IX faced the challenge of responding to another government program that they viewed as an undue burden and

⁵⁵ Ibid, 19, 223.

intrusion on their independence. At the same time, they were also concerned with responding appropriately and quickly to student (i.e. consumer) needs and desires. In the case of Title IX, this meant those of female athletes who wanted increased support for women's athletics.

College Women

The state of American higher education provided an important context for Title IX. Likewise, the role of women in colleges and universities in the twentieth-century also impacted Title IX and the development of women's sports. Barbara Miller Solomon's *In the Company of Educated Women* presented an overview of the history of women in higher education. She contended that opposition marked every stage of advancement of women into institutions of higher learning because entry into college life "gave women an identity outside the family," leading to "anxiety over their possible abandonment of traditional roles." Education provided "a process by which women can learn to value their own thinking and themselves."⁵⁶ In other words, higher education provided a way for women to explore their identity beyond the confines of the home and traditional gender roles. Solomon's perspective on the twentieth-century issues was most significant. During the 1920s and 1930s, more and more women recognized the opportunities that higher education afforded them, as Solomon stated: "the interwar generation did not obtain an education in order to sit idly at home afterward." Many women took their degrees and went out into the workforce rather than getting married and returning to the

⁵⁶ Barbara Miller Solomon, *In the Company of Educated Women: A History of Women and Higher Education in America* (New Haven: Yale University Press, 1985), xviii, xxi.

domestic sphere. Whereas women in previous eras saw only two options—marriage or work—during the interwar period women also recognized the possibility of having both “marriage and career.” Solomon asserted that college educated women of the teens and twenties believed “there were no limits to what they could do.”⁵⁷ The interwar period offered a sense of hope for women that they could use their college educations to break free of the home and forge their own independent lives.

This perspective continued during World War II, as women’s educational opportunities expanded. During the war, women entered college and graduate school in higher numbers and even participated in traditional male fields such as science and math. However, once the war ended, these opportunities decreased dramatically.⁵⁸ While “the actual number of women in higher education increased during the 1950s” the dramatic increase of male students after the war reduced the proportion of women in higher education. For example, in 1920, women constituted about half of all college students, but that percentage fell to only a third by 1958. Female representation in campus administration also declined from 30% in 1940 to only 22% by 1960.⁵⁹ While the total number of female students on campus increased during the 1950s, this reduction in the proportion of women on campus affected their ability to advocate for gender equality.

More important than basic numbers, the addition of millions of war veterans also altered the notions of gender in higher education. Many of the new male students were already married, thereby subtly reinforcing the notion that a woman’s role was as a

⁵⁷ Ibid, 172-174. Horowitz also echoed this sentiment, noting that many college graduates during the early twentieth century “continued to hold jobs after marriage.” Horowitz, 198.

⁵⁸ For example, Solomon noted that women made up 12% of medical school graduates in 1949, but only 5% by the mid-fifties. Solomon, 188-189.

⁵⁹ Susan Levine, *Degrees of Equality: The American Association of University Women and the Challenges of Twentieth-Century Feminism* (Philadelphia: Temple University Press, 1995), 90-91.

wife.⁶⁰ In the 1950s, female college students were shown examples of their accepted roles and even those students who were single were encouraged to use college to find a husband. This change in focus also affected the curriculum for women. While groups like the AAUW consistently favored a program of study that mirrored that of the men, this perspective changed during the 1950s. Decreased opportunities for women and a general social resistance to professional women led many colleges to develop a specific curriculum for women that focused on domestic duties.⁶¹ Even with this change in focus, some women believed college could provide them with a better professional life. Many women from poorer backgrounds still saw higher education as an opportunity for social mobility. Even some middle and upper class women graduates planned to work prior to getting married.⁶² Despite the drop in proportion and the change in perception, college still was a significant option for women during the 1950s.

The changes in gender norms on campus during the 1950s did not stop some female students, faculty, and administrators from continuing the fight for gender equality in education. In her history of the American Association of University Women (AAUW), Susan Levine addressed the seeming lack of women's activism during the 1950s. While a "climate of consensus and anti-communism shaped the postwar political context" of the women's movement, women's groups in this era simply re-cast the message to make it fit this atmosphere of fear and mistrust. Liberal groups like the AAUW struggled to balance the Cold War need for heightened security and loyalty with "a respect for individual liberty and the right to dissent." Cold War hysteria created a change in the operation of

⁶⁰ Solomon, 189-190; Horowitz, 216.

⁶¹ Levine, 91; Solomon, 197.

⁶² These jobs tended to be in "traditional" women's occupations such as nursing, teaching, or social work. Solomon, 192, 195-196, 197.

the AAUW and other women's groups. Specifically, the fear of being labeled a communist or subversive led the AAUW to "[withdraw] from coalition work." Instead of various groups cooperating in the effort, the struggle for women's equality turned to individual organizations fighting smaller battles to avoid being tainted by other groups' political reputations.⁶³ Levine insisted that leaders of the AAUW had not lost sight of the goal of equality, but rather their efforts lost a cohesive, collaborative framework due to attacks by anti-communist groups on liberal organizations in general.

Another limitation for women's rights in the 1950s was based on a male concern about the loss of masculinity. Babette Faehmel has argued that 1950s prosperity and affluence made men worry about losing their manhood. Of further concern, there was a sense that more men during this decade were seeking "approval, security, and the comforts of home" which she indicated meant that men were growing weaker while women were "turning the nation's suburbs into virtual matriarchies." Furthermore, men in the 1950s became fixated on issues of sexual anxiety and developed "increasing homophobia."⁶⁴ Faehmel suggested that during this era men worried that if college-educated women joined the professional and political world, this would further erode their notions of male superiority. Furthermore, fears of an emasculated American man contributed to the view that women needed to stay in the domestic sphere. Ultimately, a combination of increasing male enrollment due to the GI bill, the Cold War fear of subversives, and the crisis of masculinity contributed to the decrease, although not the erasure, of women's rights activism during the 1950s.

⁶³ Levine, 69, 71, 82.

⁶⁴ Babette Faehmel, *College Women in the Nuclear Age: Cultural Literacy and Female Identity, 1940-1960* (New Brunswick, NJ: Rutgers University Press, 2012), 81-83, 108-109.

This changed dramatically in the late 1960s and 1970s as college women began to gravitate towards a re-emerging feminist movement. Solomon suggested that female support of the civil rights movement and campus protests led to a discovery of the “bonds of womanhood” and an “awakening of the feminist consciousness.” Contrary to the traditional narrative, Solomon argued that black women were the first to directly challenge the system of discrimination they faced within the Civil Rights movement, but white women soon followed in their footsteps. Women bonded over the recognition that their participation on campus “was not acknowledged as equal to that of males.”⁶⁵ The development of a conscious women’s movement out of civil rights was an important change in the 1960s. In this decade, Levine suggested that the emerging women’s movement was “not so much a ‘rebirth’ of feminism as its legitimization as part of the ‘mainstream liberal’ political agenda.”⁶⁶ In other words, while the traditional narrative of the twentieth century women’s movement implies that feminism disappeared during the 1950s, Levine argued instead that it was merely lying dormant before its reemergence in the 1960s. Ultimately, while gender equality on campus in the 1950s was not completely ignored, it took the emerging rights revolution of the 1960s and 1970s to bring it back into the public consciousness.

Born out of the civil rights movement and 1960s campus protests, the women’s movement on campus fought to break down control of male-dominated power structures, including university administrations. This movement contributed to an increase in opportunities for women in extracurricular activities and campus leadership as well as affecting the traditional women’s curriculum. Scholarship by and about women exploded

⁶⁵ Solomon, 202-205.

⁶⁶ Levine, 116, 138.

in the 1970s and more college women returned to using college as a training ground for professional and political careers.⁶⁷ The movement of the late 1960s and 1970s shifted again as groups like the AAUW tried to “shape the educational environment for women.”⁶⁸ They believed it was important to develop a movement that did not simply add token opportunities for women, but fundamentally altered how women in the academy were treated. This change in focus led the organization to address issues like equal pay and daycare for female administrators, faculty, and students as well as support for Title IX. The women’s movement of the late 1960s and 1970s turned more militant as the nature of feminism shifted as well. For most of its history, the AAUW fought for equal rights within a societal framework that believed women to be different from men. However, the fight for gender equality that emerged during the 1970s was one that believed that men and women were not fundamentally distinct.⁶⁹ This shift in perspective had an important impact on the history of Title IX as more and more women rejected the notion of a specific women’s role and believed that female students could be just as successful as men in all educational arenas including athletics.

The postwar development of higher education and reemerging women’s movement provided an important context for institutional reaction to Title IX. Increases in government intervention in higher education and student unrest in the 1960s put universities on the defensive, in part leading to their negative reaction to Title IX. Interestingly, the experiences of women during the postwar decades showed an inverse pattern to that of men. Whereas the GI Bill contributed to an increase in male enrollment and led to the so-called golden age of higher education, these improvements for men led

⁶⁷ Solomon, 202-205.

⁶⁸ Levine, 149.

⁶⁹ Ibid, 152, 155-156, 165.

to a loss of influence for women on college campuses. Yet, by the 1970s, as colleges and universities faced difficult administrative and fiscal challenges, the women's movement helped create more opportunities for female students. While women were gaining more access and influence on campus, they were doing so at a time when administrators were dealing with significant administrative and fiscal challenges. This fact made it more challenging to fully implement programs of gender equality, including those mandated by Title IX. During the 1970s universities grappled with a series of interrelated issues that had no easy solution. From government intervention to students as consumers to administrative weaknesses and financial shortfalls to heightened advocacy for racial minorities and for women, administrators confronted multiple issues beyond athletics.

College Sports in the Twentieth-Century

Clearly university administrators faced numerous problems during the 1960s and 1970s apart from athletics, but in some ways, college sports during this period exacerbated many of these issues, putting additional pressures on institutions of higher education. During the postwar era, the system of college athletics changed dramatically. Whereas college sports programs were once characterized as extracurricular activities that were closely connected with the institution and its educational mission, they were now becoming an auxiliary unit that operated somewhat independently from the university. By the 1960s and 1970s, football and men's basketball grew into multi-million dollar businesses that in some cases were more powerful than the university as a whole. The emergence of these sports as the driving force behind the athletic department

changed the nature of college athletics. The need to generate revenue from football and basketball led to a win-at-all-costs mentality that forced institutions to spend increasing amounts of money on recruiting, scholarships, equipment, and stadium improvements among other things. The rising costs of college athletics placed additional pressures on universities that were already struggling financially. College sports after World War II grappled with a host of issues including the transition into a major spectator event, the rise of college football, efforts to reform college athletics, and the evolution of women's athletics prior to Title IX.

The values of sports in the mid-twentieth-century went through a fundamental alteration. Benjamin Rader has argued that starting in the 1920s, sports changed from a “participant” centered activity to a “spectator” activity. This shift led to “specialization, bureaucratization, expert coaching, careful preparation, hours of grueling training, and the application of scientific methods to improve performances.” In other words, sports were no longer a fun activity for the participants, but was “a form of ‘work.’” Prior to the 1920s, college sports were often seen as an enjoyable extracurricular activity that focused on providing a positive experience for the student-athletes. In this new model, college athletics became more about the coaches, administrators, and the institution than the individual athletes.⁷⁰ For example, the University of Michigan philosophy of athletics was geared towards both the participant and fan: “sports provide a social cohesiveness few other activities can—for spectators as well as for participants.”⁷¹ The notion that sports existed for the enjoyment of the fan led to a new dynamic in intercollegiate

⁷⁰ Benjamin G. Rader, *American Sports: From the Age of Folk Games to the Age of Spectators* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1983), 173.

⁷¹ Eunice L. Burns, Chairperson, “Report of the Committee to Study Intercollegiate Athletics for Women,” University of Michigan, November 1, 1973, p. 1, Box 1, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

athletics in which the games and the way they were administered changed dramatically. No longer were sports something that a college athlete did as a sidelight to his academic career. Rather, college sports, especially football and basketball, entered an era in which student-athletes became more focused on their athletic pursuits than their academic goals and their sport, rather than their education, became the top priority.

This process certainly began prior to World War II. In the 1920s, for example, the popularity of college football expanded dramatically. Rader noted that during this period, the game itself changed to a “more wide-open offensive style of play” in order to appeal to the fans. Additionally, universities in the 1920s “went on a stadium-building binge” during which massive, concrete stadiums were constructed at major institutions such as Michigan and Ohio State. College football provided a powerful symbolic meaning based around alumni and student loyalty, regional rivalries, and the use of traditions and spectacles. The change in the style of play, the new, larger stadiums, and the symbolism of the game helped fuel an increase in attendance and fan support during the 1920s and 1930s.⁷² The growth in popularity of college football during this era signified the changing nature of the sport and the increasing importance of providing a “good product” for its fans. As a result, colleges felt the need to field winning teams. This led to concerns about the ethics of college football and its role in the system of higher education. Prior to the 1920s, universities maintained strict adherence to the “amateur principle.” This meant that college athletes were treated just like every other student and received no additional perks for their participation in sports, including athletic scholarships. Adherents to this ideal even opposed recruiting players. However, the emergence of the spectator as

⁷² Rader noted that while only one stadium seated more than 70,000 people in 1920, by 1930 seven institutions had stadiums with that capacity. Attendance doubled during the 1920s and the number of fans doubled again during the 1930s. Rader, 196, 209-211.

consumer led schools to focus more and more on winning in order to attract fans. By the end of the 1920s, coaches at almost every major university had developed a complex system of recruitment and that included some “devious methods” to provide financial incentive to attract new athletes.⁷³ The changes in the 1920s started the process by which athletic programs at major universities sacrificed their former code of ethics in order to gain an advantage that might lead to more victories and therefore additional notoriety and revenue.

The development of college football and the corresponding ethical compromises created a challenge for institutions of higher education. Historian John Sayle Watterson suggested that college football “[wrote] the script for big-time college athletics,” but “its role [exacted] a price.” However, he also contended that this was not an entirely new development since “football never fit the academic definition of a college activity; at best it was almost a slightly squared peg jammed into a round hole.”⁷⁴ Critics of college big-time athletics shared this perspective, questioning the connection between sports and each institution. Interwar critics argued that “football represented a serious misplacement of values” and they called for the “complete abolition” of the sport from colleges and universities.⁷⁵ This went largely unheeded as those pushing for the abolition of college football did not fully realize the power that football had over university life even then. By

⁷³ Ibid, 213-214.

⁷⁴ John Sayle Watterson, *College Football: History, Spectacle, Controversy* (Baltimore: Johns Hopkins University Press, 2000), xi.

⁷⁵ The most high profile case of an institution dropping its football program was the University of Chicago whose president, Robert Maynard Hutchins convinced the trustees to drop the sport in 1939. Additionally, several Jesuit schools eliminated football in the 1940s and 1950s, including Gonzaga University, Marquette University, St. Louis University, and Loyola Marymount University. That said, very few schools took this step unless their athletics program was losing money. Rader, 215.

the end of World War II, “big-time football was simply too entrenched” for administrators to realistically consider abolition or even large-scale reforms.⁷⁶

While the notion that universities would be willing to abolish football was certainly naïve, some administrators called for other reforms of college athletics. In the interwar and immediate postwar period, college sports became more commercial and professional, leading to questions about the “hypocrisy endemic to ‘big-time’ college football.” Some reformers used moral suasion to convince athletic departments to adhere to a stricter set of ethical principles consistent with the amateur code. This use of moral pressure was the preferred tactic of enforcement for the National Collegiate Athletic Association (NCAA) and of many of the athletic conferences.⁷⁷ Some critics pushed for internal reforms and encouraged campus faculty boards and presidents to “lead a crusade for institutional self-restraint.” However, they underestimated the fact that institutional presidents and faculty were often powerless to effect any real change. This was partially due to the fact that at some institutions, it was the president and faculty who introduced football in the first place. More importantly, universities were reluctant to enact significant changes to its football operations as they often benefited from the financial successes of a winning football program.⁷⁸ In the years prior to World War II, university officials were concerned about the growing professionalism and commercialism of big-time college athletics, but administrators were often powerless or unwilling to make substantive reforms.

⁷⁶ Watterson, 205.

⁷⁷ Interestingly, the Western Athletic Conference (Big Ten) had a rule in place that they could expel a member institution for violation of the amateur principle. However, the rule was never invoked despite evidence of violations. Rader, 214

⁷⁸ Watterson, 3.

Questions regarding the commercialization of football began during the interwar years and these concerns remained prevalent throughout the following decades. By the time Title IX was passed, football had become so entrenched that athletic administrators feared the harm that women's athletics might cause these programs. With the rise of women's sports after 1972, college football became "the last bastion of exclusively male-dominated sports" and administrators and coaches often tried to protect that role.⁷⁹ As in previous decades, university presidents and faculty were often limited in the amount of athletic reform they could enact. Even at Northwestern University, a Big Ten school with a long history of gridiron futility, perception that the school was not paying enough attention to football was met with multiple complaints from university alumni.⁸⁰ By the 1970s football was clearly the driving force behind most major college athletic departments. Administrators saw Title IX as a threat to football and, because revenue from that sport funded all the others, a danger to the entire athletic department.⁸¹ Ultimately, the emergence of women's sports in the wake of Title IX was viewed as threatening the financial health of many athletic departments.

While football was certainly the major driving force behind most athletic departments, the problems associated with the growth of college sports in general deserves careful consideration. On a basic level, the development of college athletics into

⁷⁹ Ibid, xii.

⁸⁰ A 1978 *Sports Illustrated* article about Northwestern athletics (Jerry Kirshenbaum, "WAA-MU! WAA-WHO?" *Sports Illustrated*, October 30, 1978) included quotations from President Robert Strotz and Athletic Director John Pont in which they repeatedly invoked the amateur principle and criticized institutions like the University of Michigan that devoted so much money towards its football program. Alumni response was generally hostile and included multiple criticisms of what they perceived to be a "non-winning" attitude. Athletics Correspondence, 9/1/76-79, Box 6, Robert H. Strotz Papers, NU-A.

⁸¹ In his opposition to the enforcement of Title IX, Indiana Athletic Director Bill Orwig argued that making football and men's basketball subject to the same rules of equality would lessen profits and create financial instability for athletic departments which would lead departments to sacrifice the smaller, non-revenue sports. Bill Orwig to The Honorable Gerald R. Ford, March 11, 1974, Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

a spectator endeavor created a dramatic increase in the administrative pressures faced by colleges. Rader noted that while the number of college athletes rose by 11.8 percent between 1966 and 1972, the number of full-time athletics administrators grew by 35.9 percent and the number of part-time administrators grew by 32.7 percent. By 1976, a poll of athletic directors revealed that their biggest concern related to administrative issues.⁸² This is yet another example of the fact that college sports had become a semi-professional endeavor in which administration, organization, and strict financial planning became vital to the success of major college athletic departments.

The development of bureaucratized athletic departments also led to an increase in the oversight capacity of athletic conferences and the NCAA. Prior to World War II, colleges believed that “being honorable institutions, they should police themselves.” This changed in 1941 when universities gave much greater power to the NCAA to punish schools that broke the organization’s rules.⁸³ In 1948, the NCAA increased its influence through the development of a set of academically oriented rules known as the “sanity code.” This set of regulations dealt with issues related to scholarships, funding, and recruitment, and was designed to eliminate the ethical abuses by college athletic departments. This code turned the NCAA into an oversight organization that “set a single standard to which all members would adhere.”⁸⁴ Ultimately, some institutions rejected the sanity code and threatened to leave the NCAA unless it was repealed. This pressure ultimately led to NCAA members abolishing the code in 1952, thus allowing individual schools and athletic conferences to deal with ethical infractions on their own.⁸⁵ Despite

⁸² Rader, 266-267.

⁸³ Ibid, 267-269.

⁸⁴ Watterson, 209-212.

⁸⁵ Ibid, 218.

its failure, the “sanity code” marked a change in the values and operation of the NCAA. Prior to the code, NCAA leadership was steadfastly opposed to any kind of payment for student-athletes. Yet in its efforts to regulate athletics, the “sanity code” actually allowed schools to provide scholarships, meal money, and incidental fees, thereby “[treating] athletes as a separate group.”⁸⁶ Thus, after World War II, college sports not only became more structured, they also began to create separation between the athletic department and the rest of the university.

This evolution of college athletics led to additional reform efforts in the 1950s. In 1951, the American Council on Education (ACE) established a committee of ten university presidents to study college athletics and make recommendations to member institutions. The committee report revealed significant values-related problems in athletics. It noted that many football coaches lacked ethical scruples revealing a discrepancy between those who saw college athletics as a form of entertainment and those who did not. The committee report included ten specific recommendations related to institutional control, recruiting, and scholarship policies for student-athletes.⁸⁷ On one side, football coaches felt the report was directly attacking them and did not believe the ACE recommended reforms were feasible. On the other hand, critics of college sports worried that the report called for the NCAA, which they believed to be part of the problem, to lead the reform efforts. Despite its limitations, the ACE report was significant because “it showed presidential and institutional concern.”⁸⁸ While in previous years,

⁸⁶ Ibid, 212.

⁸⁷ Ibid, 232.

⁸⁸ Ironically, the chairman of the ACE committee, was John Hannah, President of Michigan State—an institution that was operating a major “slush fund” that provided payments to its athletes. John R. Thelin, *Games Colleges Play: Scandal and Reform in Intercollegiate Athletics* (Baltimore: Johns Hopkins University Press, 1994), 107-113.

presidents and universities seemed reluctant to get involved in reforming college sports, the ACE report showed that at least some university presidents wanted to enact changes.

Despite these efforts, the measures proposed by the ACE committee failed for many of the same reasons other reform efforts had failed in the past—big-time football was simply too entrenched in the life of the university. What is significant about this period of reform is not that the proposed changes ultimately failed, but rather they were an attempt to halt the transition of college sports into a semi-professional system. John Thelin argued that while college presidents in the 1950s “claimed that they wanted amateur athletics, they actually were making an extended pit stop, not changing their earlier direction toward high powered and highly commercialized competition.”⁸⁹ In other words, efforts to reform big-time college athletics during the 1950s were in some sense simply a last-ditch effort to retain the amateur ideal. University presidents and athletics administrators saw the professional, commercial model steadily approaching and were powerless to stop it. But more importantly, their ideological adherence to the amateur ideal aside, many campus leaders recognized the financial and publicity benefits of supporting a major college athletics program and were thus reluctant to enact any major changes.

In addition to athletics reform efforts, the 1950s also saw an evolving connection between college football and television. While today it seems like an obvious pairing, in the early 1950s college football coaches and administrators actually saw TV as a threat. The Big Ten, for example, “mandated a blackout of all live telecasts in 1950” because they believed that televised games would drive down ticket sales. The NCAA discussed the possibility of a blackout, but eventually developed a “controlled policy” towards

⁸⁹ Thelin, 153.

televising games. They allowed games to be shown on TV, but each telecast had to include a few minutes for “the NCAA to publicize its efforts on behalf of amateur athletics.” They also reserved the right to blackout games if stadium attendance did not rise. The concern over the loss of income due to lower ticket sales never materialized since the revenue generated by television proved to be too lucrative, leading the NCAA and the conferences to eventually allow unlimited broadcasts of games. In fact, “what was regarded as a scourge of television turned into a nest egg for the NCAA.”⁹⁰ Despite previous efforts to retain a sense of amateurism, leaders within college athletics once again charted a course towards a more semi-professional and commercial model that would ultimately drive many of its decisions in the succeeding decades.

The transition to a more professional model of college athletics reached a significant milestone in the 1970s. In that decade, the NCAA implemented a series of rule changes that signified the ultimate victory of commercialization over amateurism. These changes included allowing freshmen to compete in varsity sports (1972), letting an athlete play as an amateur in one sport in college while competing as a professional in another (1974), and rejecting a plan to award athletic scholarships only on the “basis of financial need.” Additionally during this period, sports other than football and basketball added “grants-in-aid” (scholarships), thereby “[bringing] a new, semiprofessional character to so-called minor sports.” Colleges and universities also began sponsoring sport camps and youth leagues leading to earlier sport specialization.⁹¹ While the progression of a commercial model of college sports evolved throughout the 1960s, the 1970s marked the point when it became fully established. Ironically, during that same

⁹⁰ Watterson, 264-267, 272.

⁹¹ Thelin, 173-175.

decade, women's sports advocates urged colleges to maintain an amateur model for women and even suggested that men's athletics should return to this same ideal. But, by the time Title IX was passed, universities had already committed to commercialism and largely abandoned earlier efforts to return college athletics to the amateur principle.

While certain administrators and critics fought commercialization during the 1950s, their efforts were ultimately doomed to failure. The increasing popularity and rising revenue from television contracts led to college sports "[becoming] a part of . . . American higher education's 'golden age'" during the 1960s. While scandal and rules violations still occurred during this decade, when these troubles were discovered "the college establishment responded promptly" and were able to mitigate the public relations damage from these issues.⁹² This era also included a striking increase not only in the prestige, but also the administrative power of the athletic director and football coaches at major universities. Aside from a few notable exceptions (e.g. Notre Dame's Knute Rockne), in previous eras, most football coaches were seen as simply another staff member and their access to the upper administration was heavily filtered through mid-level administrators and faculty committees. However, in the 1960s, the importance of college football led to coaches gaining greater power across the university as a whole and many "coaches had direct, frequent access to university leadership." Additionally, athletic departments became more autonomous, often distinct from the regular administrative structure of the university. This led to potential abuses of power since coaches and athletics officials became less concerned by penalties due to ethical

⁹² Ibid, 156-157.

violations and often found loopholes around conference and NCAA regulations.⁹³ While ethical infractions during the 1950s were often used as the impetus for major reform efforts, in the 1960s they were seen as merely public relations issues that the increasingly powerful and autonomous athletic departments quickly and easily covered up.

While the 1950s and 1960s were a “golden age” for higher education and for college sports, the 1970s were an era of massive upheaval and challenges for sports as well as universities in general.⁹⁴ In 1974, the ACE published a report by George Hanford, vice president of the College Entrance Examination Board that revealed more dire problems in college sports than administrators or the public realized. As opposed to previous reform efforts, Hanford’s report was not triggered by a specific problem or scandal. Instead, Hanford examined a wide variety of issues in sports and his discoveries were designed as “a kind of distant early warning system that anticipated a new set of problems outside public consciousness.” Hanford revealed several issues that the public would have found shocking. First, he contended that “intercollegiate athletics faced severe financial problems” and that, despite appearances, college “football was expensive and problematic.” Second, he noted that there were significant differences in the administration, character, and policies among universities in the different regions of the country. These differences, Hanford argued, made national solutions to problems very

⁹³ For example, several Big Ten universities ran afoul of institutional, Big Ten, and/or NCAA rules during this period. Coaches joked that the schools “took turns being penalized” and essentially flouted the authority of faculty boards and conference or national regulators. Ibid, 160-162.

⁹⁴ See Thelin, *Games Colleges Play* and *A History of Higher Education* and Brubacher and Rudy. Thelin argues that the “golden age” in higher education came immediately after World War II as enrollments and the physical footprint of America’s colleges and universities grew. During this era, college became more popular and was seen as a right for all rather than simply something for the privileged elite. The term golden age is trickier when applied to college sports. During the immediate post-war years, college administrators were engaged in a battle over the amateur principle versus the increasing commercialization of college athletics. If we described “golden” as based on a system of principles and ethics, the 1960s and 1970s in college sports were not that. However, if “golden” could be defined as simply an increase in prestige and popularity, then there is no question that college sports enjoyed a golden age after World War II as administrators saw the potential financial and exposure value in a successful athletics program.

difficult to find. Finally, he noted that “faculty were relatively uninvolved in intercollegiate athletics governance” and that faculty committees were merely figureheads with no real power. One solution he proposed was for each institution to develop an annual self-study process to determine the issues they faced so they could take the steps to correct them. Hanford’s report spurred other groups like the ACE and the NCAA to put more effort into researching and finding solutions to the problems facing college athletics.⁹⁵ Hanford’s report was significant as it revealed that, despite the claims of university administrators to the contrary, college athletics actually faced a significant financial crisis. These fiscal problems made the addition of women’s sports after Title IX a much more difficult proposition. More importantly, his report also spurred a re-emergence of the power of faculty athletics boards in the administration of college sports.

Ultimately, while Hanford’s report revealed challenges beneath the surface, the growth of college sports during the 1960s and 1970s were, as Thelin argued, “a function of avoidance, indicative of an enterprise characterized more by self-congratulation than by critical self-analysis.” The controversy that emerged with the passage of Title IX highlighted the issues of funding, equality, and the role of sports in the educational system. With this perspective, administrative critiques of Title IX centered primarily on financial issues and business concerns. Had Title IX passed in 1952 rather than 1972, critics of the legislation might have highlighted the educational purpose of college athletics and argued that women did not belong in that co-educational environment. However, in the 1970s, critics of Title IX focused almost entirely on the fiscal concerns and the impact that adding women’s sports might have on the revenue sports (football and basketball). As Thelin argued: “coaches and athletic directors no longer went through

⁹⁵ Thelin, 168-173.

the ritual of deferential statements about educational purpose.”⁹⁶ In other words, by the time that Title IX passed, the transition to a commercial and semi-professional bureaucratic athletic department was complete.

In addition to dealing with increased financial pressures and a growing bureaucracy, athletics administrators during the postwar years also grappled with racial integration. At the college level, the rise of black protest against racism was slow to develop. Black athletes were generally reluctant to challenge the system because they knew that their scholarships and educational future hung in the balance. By the end of the 1960s, however, more and more black athletes aligned themselves with the emerging black power movement and began to question their roles on campus and on their teams. Black athletes were often subject to discrimination such as the practice of “stacking” in which they were limited to only certain positions on the team—usually ones that placed a premium on athletic ability rather than intelligence. Additionally, they believed that they were being used solely for their playing abilities and found a lack of academic and social support at the predominantly white universities they attended. While some athletes protested by staging walkouts from practice, a full-scale revolt from black athletes never fully materialized. While racism on campus and in the athletic department had not been eliminated, by the mid-1970s concerns about race and athletics had lessened significantly.⁹⁷ However, the concerns of black athletes forced athletic departments to

⁹⁶ Ibid, 176-178

⁹⁷ Ibid, 329-335. See also Jack Olsen, “The Black Athlete: A Shameful Story,” *Sports Illustrated*, July 1, 1968; Robert L. Green, Joseph H. McMillan, Thomas S. Gunnings, “The Status of Black Athletes in the Big Ten Athletic Conference: Issues and Concerns,” March 7, 1972, Black Athletes, 1972, Box 473, Office of the President, Wharton, Clifton R. Papers (UA 2.1.14), MSU-AHC. Indiana and Northwestern both faced athletic protests based on racial concerns. Black football players at Indiana threatened a walkout in 1968. Bill Orwig to Dr. Elvis Stahr, June 3, 1968, Athletics, 12/68-5/69, Box 6, Indiana University President’s Records (Joseph Sutton), c268, INB-ARM; *Indiana Arbutus*, 1970, p. 106-107; “Black Gridders Ouster at I.U. Draws NAACP Fire,” *The Indianapolis Recorder*, November 15, 1969, Athletics, Football,

take student needs more seriously, partially laying the groundwork for the fight for gender equality during the Title IX era.

Although black athletes certainly faced their own challenges, female athletes were also determined to have their needs met. Martha Verbrugge's recent study, *Active Bodies* examined the development of women's sports prior to Title IX concluding that as early as the 1920s, colleges formed competitive women's athletics programs in conjunction with physical education departments. While other scholars contended that early women's athletics were non-competitive and inclusive, Verbrugge noted that many schools endorsed varsity teams and sponsored competitive Play Days, "thereby accommodating skill levels from average to exceptional." In the post-World War II era, physical educators were determined that women become "vigorous, wholesome, well-balanced, physically and mentally competent to carry out their share of the world's work." Educators believed that athletics were an important conduit for inculcating these traits in women. In the 1940s and 1950s, female physical educators increased athletic offerings for women, including the addition of more competitive, varsity-style contests. In addition to these new activities, many institutions also created student-led athletic associations that were responsible for administering both intramural and extramural (i.e. intercollegiate) sports for women. By the end of the 1940s at least 20% of predominantly white colleges and universities had a version of intercollegiate athletics for women.⁹⁸ The mid-century

Boycott by Black Students, Nov 1969-April 1970, Box 6, Indiana University President's Records (Joseph Sutton), c268, INB-ARM. Northwestern football coach Rick Venturi was ousted in 1980 over racial concerns, thus proving that while reduced after the 1960s, racial protest continued. Gregory Huckisson, "NU Black Players say: 'Venturi brought it on himself,'" *The North Shore Examiner*, November 24, 1980, Athletics (1980), Box 6, Robert H. Strotz Papers, NU-A.

⁹⁸ Martha H. Verbrugge, *Active Bodies: A History of Women's Physical Education in Twentieth-Century America* (New York: Oxford University Press, 2012), 103-109, 113.

growth of competitive women's athletics provided an important background for the eventual rise of women's sports after Title IX.

Verbrugge also addressed another important part of the development of women's sports prior to Title IX: the struggle against established men's sports and male-dominated administrations. She used Stanford University as an example of the process by which women's athletics negotiated its place in the university. At the turn of the twentieth century, female athletes at Stanford had adequate opportunity to participate in sporting competitions, yet in the first decade of the new century, concerns over "mismanagement" of men's athletics led to greater administrative control over all of athletics. As a result, Stanford established a faculty athletics committee that increased administrative control over men's athletics. However, it also effectively curtailed women's sports not including them in this new committee essentially suggesting female athletes were an anomaly and did not deserve formal support. This meant that while Stanford's Women's Athletic Association (WAA) continued to sponsor athletic activities for women, the assistance they received in the form of equipment, financing, and playing space paled in comparison to the improvements the university made for men's athletics.

Women's sports at Stanford during the twenties also focused on non-competitive activities, including play days such as the "Triangle Sports Day (TSD)" held with mixed teams from Stanford, Mills College, and the University of California at Berkeley. By the 1930s and 1940s, female athletes fought for a competitive model in which they would play against students from other schools. Interestingly, Verbrugge argued that the "WAA's paradigm was men's college sports; female athletes wanted to compete as representatives of Stanford University on a varsity basis." This was an important point as

it suggested that, despite repeated efforts by female administrators to create an alternate, non-competitive model of athletics for women, female student-athletes wanted direct equality of opportunity rather than a “separate but equal” system. By the 1950s, some colleges and universities had developed intercollegiate athletic programs for women that, while on a lesser scale, were designed similarly to men’s athletics, ultimately “[blurring] traditional sex differences and [resetting] gender relations.”⁹⁹

While this initial development of women’s varsity athletics in the 1940s and 1950s was an important step, women’s sports programs did not truly take off until the 1960s. Resistance to women’s competitive sports at the college level came not only from men who saw athletics as a male-only activity, but also from female physical educators who believed that competition impeded the ability of sports to teach women new skills and gain confidence. The main impetus for increasing support for women’s competitive athletics came from the lack of success by American female athletes at the Olympics. In the context of the Cold War, the embarrassing performance of U.S. women at the games was a major concern. In 1958, the Amateur Athletic Union (AAU) established a “Women’s Advisory Board” charged with the development of female athletes who could compete and win at international competitions. In conjunction with the rise of the women’s movement in the 1960s, the Cold War failures of American women athletes helped start a women’s revolution in sports.¹⁰⁰ By 1972, women’s athletics programs had many of the same goals and competitive drive as men’s sports yet needed the additional administrative and financial support that Title IX demanded.

⁹⁹ Ibid, 117-123.

¹⁰⁰ Rader, 337-340.

The Big Ten at the Birth of Title IX

Big Ten universities obviously dealt with many of the same economic, administrative, student, and athletic challenges that faced higher education in general throughout the postwar years, but it is important to highlight some of the specific concerns at these particular institutions. There were two key issues that affected Big Ten administrative reaction to Title IX. First, the rise of the women's movement on campus during the late 1960s and early 1970s often set the stage for the fight for athletics equality. Second, administrators were often bound by the structure of the athletic department and the strength of the women's sports program prior to Title IX. In other words, the manner in which university leaders dealt with Title IX was directly related to their experiences with women's rights organizations and with the strength and power of the athletics administration. Most importantly, several Big Ten schools began increasing support for women's sports prior to 1974 when the Department of Health, Education, and Welfare issued its first Title IX regulations. While the rise of women's athletics between 1972 and 1974 was partially spurred by Title IX, it is important to note that vehement resistance to Title IX did not happen until HEW published its first set of regulations in 1974. Thus, the growth of women's sports prior to this point was based, at least in part, on an honest effort by administrators to increase opportunities for women.

During the 1960s institutions of higher learning dealt with attacks on their power and influence from both the government and campus communities. Big Ten institutions were no exception. Several schools endured student protests against proscriptive student life regulations and gender discriminatory practices. The experiences at Indiana

University, Ohio State University, and the University of Wisconsin are worth mentioning specifically. At Indiana, the students formed a group known as the Progressive Reform Party (PRP) that fought against the rigid student code of conduct. Their initial attacks focused primarily on abolishing curfew hours for female students; yet their protests evolved into a broader fight for women's rights which included pushing the university to provide daycare for the children of students, faculty, and staff. Eventually, the university acceded to their demands and loosened their control over female students.¹⁰¹ Ohio State dealt with similar issues when the Women's Liberation Front (WLF) organized protests for gender equality, university sponsored daycare, and a self-defense program. Interestingly, Ohio State's response was to form a committee to study the problem, which the administration deemed as a way to peacefully deal with the protests. By the mid-1960s, rules for female students had loosened and even coed dormitories were in use.¹⁰² Finally, Wisconsin actually had one of the most progressive approaches in regards to the rules and regulations for female students. As early as 1949, administrators and students discussed extending the hours for upper class female students and by the mid-1950s, Martha Peterson, the Dean of Women, was actively consulting the Student Life and Interests Committee (SLIC) in regards to student policies. However, periodic efforts by Wisconsin students to end "in loco parentis" were met with faculty resistance. At Wisconsin, the "protests" were relatively tame and students at Wisconsin generally worked through the system rather than against it. Ultimately their demands were not met until 1967 when the faculty committee agreed to give the students more power in making

¹⁰¹ Mary Ann Wynkoop, *Dissent in the Heartland: The Sixties at Indiana University* (Bloomington: Indiana University Press, 2002), 140-147.

¹⁰² Francis Phelps Weisenburger, *The Fawcett Years, 1956-1972* (Columbus: Ohio State University Press, 1975), 177-179.

their own decisions.¹⁰³ In all three examples, students took an active role in voicing their concerns and demands, whether through the creation of protest organizations (Indiana) or through student committees (Wisconsin). Their successes forced the administration to adopt a new policy in regard to student rights and especially women's issues.

While concerns over student life and administrative control were important, equally significant was the inclusion of women's studies programs in the academic curriculum. Indiana University and the University of Minnesota were both leaders in the development of these programs. Indiana was on the cutting edge in regards to women's rights partially due to the activism of students, faculty, and staff who pushed for women's rights in student life as well as faculty hiring practices. Indiana's gender studies program started in 1973 and IU was one of the first institutions to offer an academic program focused on women and gender.¹⁰⁴ The University of Minnesota was also a national leader in this process due to its sympathetic administration. The university established one of the first women's centers in the nation in 1965 and also developed the Minnesota Plan for Continuing Education for Women that encouraged women to return to college later in life. The UM women's studies program was created starting in the 1972-1973 school year and eventually evolved into the Center for Advanced Feminist Studies which became a national leader in the area of feminist scholarship.¹⁰⁵ While on the surface, women's and feminist studies may seem to have little to do with athletics, support for these types of programs was important as it often implied an administrative openness to women's rights

¹⁰³ E. David Cronon and John W. Jenkins, *The University of Wisconsin, A History: 1945-1971, Renewal to Revolution*, volume 4 (Madison, University of Wisconsin Press, 1999), 419-427, 430-431.

¹⁰⁴ Wynkoop, 179; "Women's or Gender Studies," Indiana University Department of Gender Studies, accessed June 30, 2013, <http://www.indiana.edu/~gender/aboutus/about.shtml>.

¹⁰⁵ Stanford E. Lehmborg and Ann M. Pflaum, *The University of Minnesota, 1945-2000* (Minneapolis: University of Minnesota Press, 2001), 125-127, 144-145.

in general. This would have a direct connection with the fight for gender equality in athletics and it is not coincidental that both Indiana and Minnesota were early and active supporters of women's sports.

Universities faced one final women's rights issue during the years preceding Title IX: faculty gender balance. At several schools, female faculty formed organizations that fought for both the addition of women to the faculty and for equality in pay and privileges for female faculty and staff.¹⁰⁶ Under President Willard "Sandy" Boyd, the University of Iowa established a university-wide affirmative action program to address issues related to racial diversity and women in 1971-1972. By the end of 1972, Iowa eliminated depression era laws that prohibited female spouses from working at the same institution as their husbands and started evaluating female candidates for promotion under the same criteria as their male counterparts. The affirmative action plan also set as an ambitious goal the hiring of 25 new female faculty and 235 women in "administrative, professional, and scientific" areas over the course of two years. Iowa's approach to affirmative action for women was particularly significant because of their interactions with the federal government. Government investigators approved of Iowa's plan, but also pushed them to go even further in hiring highly qualified female and minority candidates. In response to the government's demands, Dean of the College of Liberal Arts, Dewey Stuit argued that the University was "not a social welfare or political institution" and his goal was to hire the best candidate—regardless of gender or race.¹⁰⁷ This conflict

¹⁰⁶ For example, Minnesota had the "Council for University Women's Progress" Lehmberg & Pflaum, 125-127; Indiana formed the "Concerned University Women," Wynkoop, 150.

¹⁰⁷ The goal of hiring 235 new female staff was clearly ambitious, but as noted, part of that number included the "scientific" category (i.e. nurses) as well as staff on all levels. Stow Persons, *The University of Iowa in the Twentieth Century: An Institutional History* (Iowa City: University of Iowa Press, 1990), 287-292.

between Iowa's administration and the government mirrored debates over Title IX. As with Iowa's affirmative action experiences, most schools argued that they were making progress in relation to women's sports and battled the additional restrictions imposed by the federal government.

The University of Michigan also faced questions over its hiring practices for women. In 1969, a group of university women filed a suit against Michigan with the Department of Health, Education, and Welfare (HEW) accusing the university of gender discrimination. To help support the suit, a group of female volunteers known as "PROBE" investigated university hiring practices and discovered extreme inequities in the number of women serving on the faculty. In 1970, PROBE reported that only 11% of faculty and 5% of full professors at Michigan were women. In response to this suit, HEW forced Michigan to develop an affirmative action program related to faculty hiring. Michigan's affirmative action plan included a dedicated office and staff for affirmative action, the creation of a program to equalize salaries and hiring, and a system of internships to help women get involved in academic research at an earlier stage. HEW approved these plans in 1976, but ultimately these programs led to minimal gains for women.¹⁰⁸ The way that Michigan handled gender issues in academia directly correlated to its perspective on women's rights in general, including women's athletics. While Iowa voluntarily developed its affirmative action program, Michigan had to be forced into changing its discriminatory policies. This would be a consistent pattern at Michigan where its administrators were some of the most aggressive critics of Title IX.

¹⁰⁸ Howard H. Peckham, *The Making of the University of Michigan, 1817-1992* (Ann Arbor: University of Michigan, Bentley Historical Library, 1997), 310-312.

In addition to the status of women on campus, the role of sports at each school constituted an important part of the institution's culture and directly impacted how the administration dealt with Title IX and women's athletics. While there was certainly some variation in each school's approach, the Big Ten institutions fell into two relatively distinct camps. First, schools like Ohio State and Michigan placed football at the top with every other team ranking a distant second (semi-professional model). The second group of schools (e.g. Northwestern and Indiana) generally emphasized the educational value of athletics and supported a wider program of "non-revenue" sports (educational model).¹⁰⁹ One particular example of the debate between these two camps came in 1971 when Michigan's athletic director Don Canham proposed new legislation to the Big Ten that dramatically reduced the number of scholarships available to athletes in non-revenue sports. Designed as a cost-saving measure, the debate over the plan revealed the different perspectives between schools like Michigan that favored a more commercial model with football at the top and those like Indiana that rejected this plan since it could lead to the de-emphasis of all other sports.¹¹⁰ Ultimately, the difference between these two groups came down to their perspective on the educational value of athletics.

Two additional examples will suffice to highlight the place of sports in the Big Ten. Michigan State University was the most recent addition to the conference, affiliating

¹⁰⁹ For an interesting perspective on the power of football at Ohio State and Michigan during this period, see Michael Rosenberg, *War as They Knew It: Woody Hayes, Bo Schembechler, and America in a Time of Unrest* (New York: Grand Central Publishing, 2008). The 1978 *Sports Illustrated* article, "WAA-MU! WAA-WHO?" also presents a good sense of Northwestern's anti-commercial athletic perspective. Finally, in a 1974 interview, Indiana's athletic director, Bill Orwig gave a clear picture of the university's support of a well-rounded athletic program. Bill Orwig, interviewed by Scott Peterson, April 22, 1974, p. 57-58, CSHM Accession #74-15, Oral History Project, INB-ARM.

¹¹⁰ Michigan's perspective on the issue: Don Canham to President R.W. Fleming, March 29, 1971, Box 17, President's Records, UM-BHL; Don Canham to President R.W. Fleming, April 8, 1971, *ibid.*; Indiana's view: Rudy Pozzatti, Distinguished Professor of Fine Arts, September 1, 1972, "Indiana University: Athletic Committee Statements on Proposed Reductions in Athletic Grants-in-Aid for 'Non-Revenue' Sports," Athletics Committee, 1972-73, Box 72, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

its sports program with the Big Ten in 1949 and starting football competition in 1953. Interestingly, Michigan State joined the conference for academic as well as athletic reasons. The administration believed that it was important to associate the university with other like institutions that had long traditions of research and strong academic reputations. Under the leadership of President John Hannah, Michigan State entered the world of big-time higher education and athletics. Hannah actively supported college sports, but ultimately saw athletics as a secondary endeavor to the university's academic mission and implemented several athletic reforms (e.g. having the same office administer athletic and non-athletic scholarships) designed to more purposefully align athletics with the institutional mission.¹¹¹

Ohio State President Harold Enarson also attempted to bring athletics and the university administration closer together. Perhaps due to the status of football at OSU, Enarson faced a “massive gulf between the administration and the Athletic Department” when he was inaugurated president in 1972. Enarson consistently opposed federal regulations, but he also believed that Title IX served a positive purpose since it reduced the independence of the athletic department and forced it to maintain closer ties with the overall university administration. Despite the power of Ohio State football, Enarson welcomed the development of women's sports since it forced a “de-escalation of spending on intercollegiate sports.” While athletics were important, Enarson contended that they should be secondary to the educational mission of the university and that

¹¹¹ David Thomas, *Michigan State College: John Hannah and the Creation of a World University, 1926-1969* (East Lansing: Michigan State University Press, 2008), 293-296, 352-355. As an example of the growth of Michigan State under Hannah, enrollment went from 6,000 during his first year to over 40,000 by the time he retired. “John A. Hannah,” University Archives and Historical Collections, Michigan State University, accessed June 30, 2013, http://www.archives.msu.edu/collections/presidents_hannah_j.php. Hannah was the chairman of the 1951 ACE study of college athletics Thelin. *Games Colleges Play*, 107-113.

schools needed to get spending under control.¹¹² However, in the face of the increasing popularity of college football, Hannah and Enarson's attempts at reform were met with significant resistance from coaches, athletics administrators, alumni, students, and fans.

In the 1960s, as big-time men's athletics were becoming distinct from the educational environment of the institution, women's intercollegiate athletics were also growing in popularity. While most men's programs in the Big Ten developed the commercial model at a similar pace, the scale of women's varsity sports programs at the Big Ten institutions was widely divergent. Women's athletics at some schools were virtually non-existent, while these programs at other universities were nearly on par (at least in terms of scope, if not in regards to finances) with men's athletics. At Northwestern, for example, the women's varsity program in the 1960s and 1970s was clearly underdeveloped. While physical education faculty coached these teams, the student-run Women's Athletic Association (WAA) was responsible for recruiting students to play on the varsity teams. In a recruiting letter to incoming students, the WAA noted that while "intercollegiate events entail more serious competition than do the intramural events . . . they are very rewarding if you stick with them."¹¹³ This suggested that they viewed varsity competition as a part of the overall recreation program that emphasized fun rather than competition. Part of the challenge at Northwestern appeared to be a lack of interest. While any female student, regardless of major, was allowed to participate in varsity athletics, it is telling that as of 1971 there were no women majoring

¹¹² Paul Underwood, *The Enarson Years, 1972-1981* (Columbus: Ohio State University Press, 1985), 152-154.

¹¹³ WAA Board, "The Women's Athletic Association: better known as WAA," 1971, WAA General I, General Files, NU-A. Illinois also shared the student-run model; the Women's Extramural Sports Association (WESA) organized most of its varsity sports activities. Cecil N. Coleman to Vice Chancellor J.W. Briscoe, March 5, 1973, Athletics, Women's Intercollegiate, Task Force, Huelster, 24/1/1, Box 119, IL-A.

in Physical Education.¹¹⁴ Prior to Title IX, Northwestern's program lacked organization, a strong competitive philosophy, and student interest.

At the other end of the spectrum, Ohio State University's tradition of women's intercollegiate athletics dated as far back as the 1940s.¹¹⁵ In 1958, the women's department of physical education drafted a philosophical statement regarding intercollegiate athletics that displayed a high level of development in women's competitive sports. The main thrust of their philosophy was based on reconciling the competitive nature of sports with the educational goals of academia. The department argued that "the majority of life experiences are of a competitive nature" and therefore "intercollegiate sports can further the educational growth of college women." In an era when most schools tended to limit female sports to intramurals and non-competitive play days, Ohio State attempted to unite competition and education, as their philosophy indicated: "intercollegiate competition leads to excellence of performance, a drive for achieving perfection, and pride in accomplishment."¹¹⁶ Despite the emphasis on competition, Ohio State clearly did not favor a win-at-all-costs mentality for its female athletes. In fact, coaches were urged not to enter their teams into competitions if they felt the athletes did not meet the skill level of those events.¹¹⁷ As of 1972, the women's program boasted eleven varsity sports and was part of the department of "University

¹¹⁴ Walter H. Gregg to Mr. Tippy Dye, January 18, 1971, Box 8, Faculty Committee on Athletics, NU-A.

¹¹⁵ In 1941, Ohio State sponsored the "first National Women's Intercollegiate Golf Tournament." At the time, this competition was seen as abnormal because most physical educators felt that competition for women was unfeminine and "considered in poor taste." Phyllis J. Bailey, "A Brief Historical Review of Women's Athletics at The Ohio State University and The Relationship of the Program to National and Conference Governance," October 19, 1983, OSU-A, Women's Athletics (9/e-5a), Box 1, "OSU: Athletic Council Reports, 1980-1986."

¹¹⁶ "Intercollegiate Policies, The Ohio State University, Department of Physical Education – Women's Division," 1958, OSU-A, Women's Athletics (9/e-5a), Box 9, "Intercollegiate, Policies, Plans, 1957-1973."

¹¹⁷ Phyllis J. Bailey, "Handbook for Intercollegiate Competition for Women, The Ohio State University," *ibid.*

Recreation, Intramural Sports, and Women's Intercollegiates.” The program's funding was still limited compared with men's athletics, but it actually had a consistent budget with funding coming from student affairs, physical education, and the athletic department.¹¹⁸ Furthermore, by 1973, leaders of the women's program urged the university to hire a full-time women's athletic director and acknowledged that future events would likely lead to the school granting athletic scholarships for women.¹¹⁹ Prior to Title IX, Ohio State's women's varsity sports program was clearly more developed than that at Northwestern or most other institutions, for that matter.

Michigan State University also developed its women's intercollegiate athletics program earlier than most institutions. Michigan State administrators shared a similar philosophical perspective with those at Ohio State; namely, that there was educational value in competitive sports for women. However, their argument for the necessity of sponsoring women's athletics went even further. In 1970, Imogene Popejoy opined that “women harbor the same needs for competition as men and boys” and if institutions did not sponsor varsity athletics for women, the students “will insist on women's competition whether we are ready or not.” Popejoy contended that sponsoring athletics at an institutional level would allow qualified administrators and coaches to guide female athletes in a manner that promoted good sportsmanship and avoided the “ailments that

¹¹⁸ Phyllis J. Bailey to Dr. Lewis A. Hess, Director, July 15, 1971, OSU-A, Athletic Department Records (Accession 83/2001), Box 11, “Women's Intercollegiate Sports and Recreation, 1968-1971;” Phyllis J. Bailey, “A Brief Historical Review of Women's Athletics at The Ohio State University and The Relationship of the Program to National and Conference Governance,” October 19, 1983, OSU-A, Women's Athletics (9/e-5a), Box 1, “OSU: Athletic Council Reports, 1980-1986.”

¹¹⁹ “Policies on Intercollegiate Competition for Women, The Ohio State University,” 1973, *ibid.* Ohio State hired Phyllis Bailey as the associate director for women's sports in 1973. Ellen Schneider, “Director's New Duties Reflect Growth of Women's Sports,” *The Lantern*, June 19, 1973, OSU-A, Subject Files, “Women's Athletics.”

have plagued men's sports."¹²⁰ In other words, early support for women's athletics included greater institutional control over its development. Other Michigan State administrators recognized the potential for growth of this program. In 1971, Michigan State's Big Ten faculty representative John Fuzak recognized that women's athletics were "likely to develop varsity teams of their own sports" and that institutions would face pressure to provide "more expert coaching, better equipment and facilities, and travel support."¹²¹ This prescient statement partially led Michigan State to create the first full-time women's athletic director in the Big Ten in 1972 and was one of the first schools to move women's athletics into the athletic department in the same year.¹²²

Prior to the Title IX era, the development of women's sports at the other seven institutions fell somewhere between the Northwestern and the Ohio State and Michigan State models. The most common system of organization was to house women's intercollegiate athletics in the department of physical education. However, some universities implemented other organizational models that placed women's varsity sports in the recreation and intramural sports departments and even in the department of athletics.¹²³ Financial support for women's athletics as of 1965 was minimal, averaging

¹²⁰ Imogene Popejoy, Ph.D., "Report on Women's Athletics: Present Status of Women's Athletics at Michigan State University," September, 1970, Intramural Sports, 1971-1973, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

¹²¹ John A. Fuzak to President Clifton Wharton, June 4, 1971, Athletic Council, 1971, Box 444, *ibid.*

¹²² Press Release, July 26, 1972, Women, 1972-1973, *ibid.*; Barbara Allen, "Gals Gain Success," Spartan Football Game Program, November 25, 1972, Title IX Files, Title IX Athletics, 1981-1983, Box 1309, General Academic Administration, Office of the Provost, UA 3.6, MSU-AHC.

¹²³ Schools with the physical education department model included Illinois, Indiana, Iowa, and Minnesota. Rollin G. Wright to Professor Eunice L. Burns, Chairperson, August 27, 1973, UM Committee to Study Intercollegiate Sports for Women, Memos and Correspondence, 1973-1974, Box 2, Eunice Burns Papers, UM-BHL. Leanne Grotke to Ms. Eunice Burns, Chairperson, July 19, 1973, *ibid.* M. Gladys Scott to Eunice L. Burns, August 2, 1973, *ibid.* Eloise M. Jaeger to Dr. Eunice Burns, July 26, 1973, *ibid.* Purdue was the best example of the intramural route. Sandy J. Phillips to Ms. Eunice L. Burns, Chairperson, "Women's Intercollegiate Sports, Purdue University, Fact Sheet," August 21, 1973, *ibid.* Michigan State had developed its joint athletic department already by 1973. Burt Smith to Miss Eunice L. Burns, Chairperson, August 7, 1973, *ibid.*

barely more than \$13,000 for the entire program with some institutions only allocating \$300 for women's sports. Sources of funding at this point came from a wide variety of areas including state allocations, student fees, dues (paid by the athletes), campus departments (i.e. physical education or student affairs), or the athletic department.¹²⁴

However, by 1974, prior to the publication of HEW's Title IX regulations, financial support among the Big Ten universities had increased significantly. Table 1 outlines the women's athletics budgets at Big Ten institutions as of 1973 and 1974, including the source of funding in 1974. As the table indicates, while some institutions turned to the central administration or student fees to fund women's athletics, the majority of schools used money from the men's athletic department. Prior to Title IX most Big Ten institutions treated women's athletics as a separate entity from men's sports (i.e. putting it in separate departments). But, as this table shows, most turned to the men's athletic department to increase funding for women's sports, thus foreshadowing the eventual movement of women's sports into that administrative office.¹²⁵

¹²⁴ Helga Deutsch to Miss Phyllis Bailey, January 14, 1965, "Questionnaire: Study of Financing Extramural Sports Programs for University Women: Big Ten Conference and Illinois State Universities, 1964-1965," OSU-A, Women's Athletics (9/e-5a), Box 17, "Big Ten: Women's Intramural Program, 1965-1967."

¹²⁵ For 1973 data see Frederick W. Haberman to Chancellor Edwin E. Young, November 6, 1973, Athletics, 1973-1974, Box 125, 4/21/1, UW-A; "Purdue University: Women's Intercollegiate Athletics," n.d., ca. 1973, OSU-A, Women's Athletics (9/e-5a), Box 14, "Big Ten: Committees: Study of Intercollegiate Athletics for Women, 1973;" "University of Minnesota: Intercollegiate Efforts for Women: Proposed Budget," June 26, 1972, Women's Athletics Title IX: 1974 and Earlier (folder 1), Box 8, Faculty Representative for Intercollegiate Athletics, 1970-1980s, Uarc 22, MN-A; "Estimated Budget for Women's Intercollegiate Athletics: University of Wisconsin-Madison," n.d. ca. 1973, Athletics/Women's Budget, 1978-1979, Box 1, Accession 86/49, UW-A; "Women in Athletics: University of Illinois at Urbana-Champaign," June 13, 1973, Athletics, Women's Intercollegiate, Task Force, Huelster, 24/1/1, Box 119, IL-A. Author was unable to locate similar data from 1973 for Northwestern, Michigan, and Iowa. For budget and source of funding data from 1974, see "Meeting of the Big Ten Women's Directors of Intercollegiate Athletics," June 15, 1974, OSU-A, Women's Athletics (9/e-5a), Box 16, "Big Ten: Women's Athletics Administrators Memos, Minutes, Reports 1973-1976."

Table 1: Women's Athletics Budgets, 1973 & 1974

School	Women's Budget (1973)	Women's Budget (1974)	Source of Funding (1974)
University of Illinois	\$17,000	\$82,535	100% Athletics
Indiana University	\$38,000	\$118,000	100% Athletics
University of Iowa	No Data	\$71,000	Central admin.
University of Michigan	No Data	\$86,000	100% Athletics
Michigan State University	\$84,000	\$90,000	100% Athletics
University of Minnesota	\$45,000	\$98,231	Central Admin.
Northwestern University	No data	\$7,952 and about \$2,500 coaching	Student fees
Purdue University	\$28,000	\$46,800	Student fees
Ohio State University	\$45,000	\$85,024	85% athletics, 15% general fund
University of Wisconsin	\$60,000	\$118,000	73% Central Admin, 27% Athletics

The increased involvement of the men's athletic department in women's sports suggested that soon women's athletics would have to contend with the administrative and financial issues that existed in men's intercollegiate athletics prior to Title IX. While each school had its own unique structures, some consistent processes governed intercollegiate athletics throughout the Big Ten. Most institutions separated intercollegiate athletics from the departments of physical education and intramurals and recreation. The director of athletics also usually reported to either the University president or a vice president of

business or management (as opposed to recreation which often reported to the department of student affairs).¹²⁶ This was an important point because this model created a division between competitive sports (i.e. varsity) and recreational or physical education activities. As women's intercollegiate athletics grew during the Title IX era much of the administrative discussion actually came down to a debate over what exactly they were: competitive or educational. Each institution also had a faculty athletics committee that oversaw intercollegiate sports, including hiring new athletic directors, participating in coaching interviews, working with the Big Ten conference, and providing guidance to the athletic department.¹²⁷ Faculty played an important role in the development of intercollegiate athletics and was determined to keep athletics as part of the educational environment of the institution. The bylaws of Michigan State's Board stated, for example, that athletics were "an integral part of the University" rather than a separate, commercial enterprise. The purpose of this faculty board was to "assure the proper place and perspective of intercollegiate athletics in the University."¹²⁸ While the goal of these faculty boards was to ensure that women's sports fit the educational environment of the

¹²⁶ For example, Northwestern: Laurence H. Nobles to Members of the Administrative Planning and Policies Committee, December 5, 1972, Department of Athletics, Box 3, Wild Files, NU-A; Minnesota: Eloise M. Jaeger and Belmar Gunderson, "University of Minnesota School of Physical Education and Recreation: A Report to the Sub-Committee of the Twin Cities Assembly Committee on Intercollegiate Athletics," May 15, 1973, Athletics, Women's Intercollegiate Athletics, 1972-1976, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A; Michigan State: "Proposed Bylaws of the Intercollegiate Athletic Council, Michigan State University," April 14, 1972, Athletic Council, 1972, Box 444, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC; Ohio State: "Department of Intercollegiate Athletics, Intramurals and Recreation, Organizational Chart," ca. 1971, OSU-A, Athletic Department Records (Accession 83/2001), Box 11, "Women's Intercollegiate Sports and Recreation, 1968-1972." The one exception to this model was the University of Michigan that combined intramurals, physical education, intercollegiate athletics, and recreation into the Department of Physical Education and Athletics. Janice L. White to Dr. Rodney J. Grambeau, April 18, 1972, UM Committee to Study Intercollegiate Sports for Women, History, 1970-1973, Box 2, Eunice Burns Papers, UM-BHL.

¹²⁷ The following document noted that this structure existed for each institution: "Women in Athletics: University of Illinois at Urbana-Champaign," June 13, 1973, Athletics, Women's Intercollegiate, Task Force, Huelster, 24/1/1, Box 119, IL-A.

¹²⁸ "Proposed Bylaws of the Intercollegiate Athletic Council, Michigan State University," April 14, 1972, Athletic Council, 1972, Box 444, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC

institution, these committees also represented another bureaucratic hurdle for women's athletics to overcome.

While the faculty board was a common element at each institution, several schools used a unique model that impacted the athletics administration. At both Illinois and Michigan, the athletics boards were non-profit entities, distinct from the university administration as a whole. The board at Illinois included faculty, students, and alumni and was completely self-supporting.¹²⁹ This arrangement would become a significant part of the debate over Title IX when the athletics committees at Illinois and Michigan used their separate status (i.e. that their boards did not use federal funds and were therefore not subject to federal rules) to oppose government intervention in athletics. The other unique structure existed at the University of Minnesota where a legislative organization of students, faculty, and staff known as the "Twin Cities Student Assembly" (TCSA) had an oversight function over athletics (as well as many other facets of student life). This organization included a sub-committee on intercollegiate athletics that guided the development of women's athletics during the 1970s.¹³⁰ Like the faculty boards, the TCSA created another level of bureaucracy. Additionally, its process was often slower than the other institutions because it was often unable to make rulings during the summer months when the student representatives were not in school.

Beyond the impact of these administrative structures, the financial concerns facing college sports in the 1960s and 1970s created an even more significant barrier to

¹²⁹ Ibid.; "University of Illinois Athletic Association," Faculty Handbook, 1973-1974, Athletic Association, 1973-1974, 24/1/1, Box 119, IL-A.

¹³⁰ "University of Minnesota Twin City Assembly Committee on Intercollegiate Athletics: A Report by the Sub-Committee on Women's Intercollegiate Athletics," June 5, 1973, Women's Athletics, Title IX: 1974 and Earlier (folder 2), Box 8, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A.

the development of women's athletics. For example, in 1973, Michigan State faced the prospect of having to reduce its athletic budget by approximately \$200,000 in a year.¹³¹ Wisconsin athletic director, Elroy Hirsch dealt with similar issues in 1971 which caused him to lament: "from a budgetary standpoint, the Athletic Department of the University of Wisconsin has its back up against a wall." University of Michigan Athletic Director Don Canham expressed similar concerns noting that his department projected a \$300,000 deficit by 1977 due to the fact that the costs associated with intercollegiate athletics were "going to keep spiraling." He believed that the dire financial circumstances were likely leading many institutions to "[turn] more and more to general fund monies to finance their programs." This was an untenable plan for Canham since he did not believe that state legislators or students would support these continued expenditures. Both Canham and Hirsch proposed a conference-wide reduction of the number of athletic scholarships offered to non-income sports. They believed that reducing this expense would help save significant money for the athletic departments.¹³² These plans revealed two interlocking issues that would impact women's sports: the financial challenges within athletics in general and the tendency to reduce support for non-income sports when departments faced monetary shortfalls.

Canham's suggestions eventually became a formal proposal made to the Big Ten faculty representatives in 1972. In May, the conference joint group passed a plan limiting schools to providing "15 full initial tenders in sports other than football, basketball,

¹³¹ Jack Breslin to Mr. J. Burt Smith, August 6, 1973, Intercollegiate Athletics, General, 1973, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

¹³² Interestingly, Hirsch also recommended that the non-income sports cease competition in the Big Ten and schedule contests within a closer geographic radius, thereby reducing travel costs. Elroy L. Hirsch to Mr. William Reed, et al, January 17, 1971, Athletic Department, 1970-1971, Box 45, 4/21/1, UW-A; Don Canham to Robben Fleming, April 18, 1972, Topical Files, 1971-1972: Athletics, Box 26, President's Records, UM-BHC.

hockey, soccer, lacrosse, and crew.” The proposal was passed under the Big Ten’s “White Resolution” which required that it be taken back to each campus’s faculty athletic boards for final approval.¹³³ The institutional discussions about this proposal were instructive in understanding the perspective of each school regarding non-revenue sports. Ohio State took a pragmatic approach to the issue, noting that it was already offering approximately fifteen scholarships for its non-income sports and that the proposal allowed institutions to divide the fifteen “full” scholarships into forty-five “partial” awards (i.e. fifteen each for board, tuition and books, and room). This actually allowed Ohio State to increase the number of student-athletes it could support. Of more interest to Ohio State were discussions about the possibility of reducing scholarships for the revenue sports teams because OSU administrators saw this proposal as a better cost-saving measure.¹³⁴ Wisconsin’s faculty board supported Canham’s proposal, arguing that not only would it save money it would also allow the department to provide additional resources for travel, coaching, and equipment for the minor sports. Wisconsin’s faculty representative Frederick Haberman noted that this reduction in scholarships for non-revenue sports would help the department extend its program—for women as well.¹³⁵

On the other side of the spectrum, Indiana’s administrators vehemently opposed the plan to reduce scholarships for non-revenue sports. Indiana president John Ryan argued that the action would not save any real money, and more importantly, reduced the flexibility of institutions to develop broad sports programs. He contended that the plan

¹³³ Frederick W. Haberman to Chancellor Edwin Young, November 8, 1972, Athletics, 1972-1973, Box 100, 4/21/1, UW-A.

¹³⁴ Report of the Athletic Council to the Faculty Council, June 6, 1972, OSU-A, Papers of Novice G. Fawcett (3/i), Box 73, “Athletic Council: Correspondence, January 1969-October 1972.”

¹³⁵ Frederick W. Haberman to Chancellor Edwin Young, November 8, 1972, Athletics, 1972-1973, Box 100, 4/21/1, UW-A.

“erodes the initiative open to the University in developing its ‘minor’ sports program” and that “the very commercialism implicit in the action makes it unworthy of our institutions with their proud reputations.”¹³⁶ Ultimately, the conference passed the proposal, but reactions to it highlighted serious fiscal concerns in athletics and provided a glimpse of administrators’ views on the place of non-revenue sports in the athletic department. These perspectives would be important during the Title IX era as most officials equated women’s athletics with non-revenue sports. Thus, a supportive attitude towards non-revenue male sports often meant a similar view of women’s athletics.

The fiscal challenges facing men’s athletics during the early 1970s directly affected the development of women’s sports during this period. Administrators at several Big Ten institutions expressed a desire to support women’s athletics, but were extremely concerned about the financial implications. Indiana University’s athletic director Bill Orwig believed that the institutions should support women’s athletics, but “it’s just an added burden of cost.” In 1974-1975, this meant an additional \$118,000 expense for Indiana.¹³⁷ Iowa President Willard “Sandy” Boyd expressed a similar concern. He believed that Iowa should be willing to support a women’s athletic program, but that “it poses fiscal problems” and further questioned whether “the University [could] finance male and female intercollegiate athletic teams with . . . ticket revenues and private

¹³⁶ John W. Ryan to President John C. Weaver, October 2, 1972, Athletics, 1972-1973, Box 100, 4/21/1, UW-A. Ryan’s perspective was shared by several members of the Indiana athletic board. “Indiana University: Athletic Committee Statements on Proposed Reductions in Athletic Grants-in-Aid for ‘Non-Revenue’ Sports,” September 8, 1972, Athletics Committee, 1972-1973, Box 72, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

¹³⁷ Orwig noted that the women’s program had been funded from the chancellor’s office and the department of physical education, but would be completely paid for by athletics starting with the 1974-1975 school year. Bill Orwig, interviewed by Scott Peterson, April 22, 1974, CSHM Accession #74-15, Oral History Project, INB-ARM.

funds.”¹³⁸ While administrators at Indiana and Iowa fretted over the financial implications of adding women’s athletics, in 1973, the University of Illinois took a drastic step to balance its athletics budget. In the summer of that year, women’s athletics administrators at Illinois determined that they would need an additional \$17,000 to fund an adequate program. After consulting with administrators and coaches, the physical education department agreed that unless additional funds could be found they would have to drop five women’s sports. Eventually, they chose to eliminate only three sports, but the notion of cutting any women’s teams “at a time when women’s sports [were] blossoming thruout [sic] the country” was problematic.¹³⁹ Finally, Ohio State attempted to develop practical solutions to the problem by coming up with some specific ideas about how to support a full women’s athletics program with a “very limited budget.”¹⁴⁰ As these four examples indicated, university leaders at these schools expressed a willingness to support women’s athletics as much as possible. Yet the financial challenges of adding a new budget item to the athletic department were real, often forcing institutions, as in the case of Illinois, to actually cut women’s teams.

Despite the verbal support from administrators, prior to Title IX Big Ten intercollegiate sports programs for women were still woefully underfunded. For example, the budget for women’s athletics at the University of Illinois in 1973-1974 was just over

¹³⁸ Willard L. Boyd to Dean Robert F. Ray, July 10, 1972, Intercollegiate Conference, 1972-1973 (folder 2), Box 73, Willard “Sandy” Boyd Papers, IA-A.

¹³⁹ Rollin G. Wright to Dean King J. McCristal, July 18, 1973, Task Force on Women’s Intercollegiate Athletics, 1973-1974, 16/4/22, Box 3, IL-A; John Husar, “Illinois Women’s Athletics Death Near?” *Chicago Tribune*, October 30, 1973, Athletics, Women’s Intercollegiate, Task Force, Huelster, 24/1/1, Box 119, IL-A.

¹⁴⁰ Some suggestions included publicizing women’s sports in football and basketball programs, renegotiating the use of space for practices and games, and identifying good coaches for the women’s teams. “Suggested Support for the Women’s Intercollegiate Program Involving Very Limited Financial Resources,” February 21, 1973, OSU-A, Women’s Athletics (9/e-5a), Box 9, “Intercollegiate: Budgets 1972-1975.

\$14,000 (all from state appropriations) while the budget for men's athletics exceeded two million dollars. This low figure could have been based on the fact that women's athletics was just starting or that men's athletics used football and basketball gate receipts to fund their program. However, it is important to note that this \$14,000 figure was the lowest for women's sports among *all* Illinois state universities, reflecting a lack of real support for women's athletics at the University of Illinois.¹⁴¹ The stance was partially fueled by the athletic director, Cecil Coleman who often displayed resistance to the ideal of equality. In response to the university's affirmative action plan, Coleman flatly stated that he had "no present plans to achieve a racial balance by the additional hiring of anyone" and that he had "no present plans of upgrading women into better paying positions."¹⁴² When vice chancellor J.W. Briscoe inquired about women's sports, Coleman's response was brief and vague, noting only that "W.E.S.A." was a student group that sponsored nine sports. Not only was he unable to provide any additional details about the women's program, Coleman even got the group's name wrong, referring to it as "W.E.S.A." when the proper name of the organization was W.I.S.A.¹⁴³ Coleman also became quite defensive when his policies were questioned. A concern about female athletes not being allowed to attend national meets was met with an aggressive retort that certain male athletes were also not permitted to attend national competitions due to the fact that, in Coleman's words, "we

¹⁴¹ The other state universities included in the comparison were the University of Illinois-Chicago Circle, Northern Illinois, Eastern Illinois, Western Illinois, Southern Illinois-Carbondale, Southern Illinois-Edwardsville, Illinois State, Northeastern Illinois, and Chicago State. Women's sports budgets for these other nine institutions ranged from \$14,290 (Illinois-Chicago Circle) all the way up to \$66,462 (Illinois State). "Sources of Funds for Intercollegiate Athletics in the State Universities by Sex, 1973-1974," Athletic Association, 1973-1974, 24/1/1, Box 119, IL-A.

¹⁴² Cecil N. Coleman to James Ransom, Jr., September 14, 1973, *ibid.*

¹⁴³ Cecil N. Coleman to Vice Chancellor J.W. Briscoe, March 5, 1973, Athletics, Women's Intercollegiate, Task Force, Huelster, *ibid.*; Rollin G. Wright to Dean King J. McCristal, July 18, 1973, Task Force on Women's Intercollegiate Athletics, 1973-1974, 16/4/22, Box 3, IL-A.

simply did not have the money to send them.”¹⁴⁴ Coleman’s concerns over the budget were certainly legitimate. But, this justification often obscured a generally negative attitude towards women’s athletics in general.

Coleman’s dismissive approach towards women’s athletics was not isolated in the pre-Title IX era. Elroy Hirsch, director of athletics at the University of Wisconsin and a former star running back at Wisconsin and in the NFL, also displayed opposition to women’s athletics. In public he said all the right things noting in a newspaper article that while he had financial concerns about adding women’s sports, it was “a crime” that female athletes did not have the same opportunities as men.¹⁴⁵ However, in his internal interactions with the fledgling program, Hirsch showed a different side. In June of 1972, Hirsch was named chairman of a campus-wide committee to study women’s sports and recreation. Under his leadership, the committee met only once in the span of a year! This suggested that Hirsch had minimal interest in pushing for a rapid development of women’s athletics. Equally concerning was Hirsch’s response to a faculty member who publically complained about the lack of facilities for female athletes. In response, Hirsch arrogantly told the professor that she should “come up with the necessary plans and bids . . . for construction of a shower room facility . . . which will satisfy your needs.”¹⁴⁶ While Hirsch may have presented the right image in public, his lack of tact and his dismissal of women’s athletics in these settings showed his true perspective on the issue.

¹⁴⁴ Coleman noted that three qualifying male track and field athletes and one golfer were not permitted to attend their national competitions and that the men’s golf team was invited to the national tournament, but was not permitted to attend due to these budget constraints. Cecil N. Coleman to Vice Chancellor J.W. Briscoe, June 20, 1973, Athletics, Women’s Intercollegiate, Task Force, Huelster, 24/1/1, Box 119, IL-A.

¹⁴⁵ Vivian Waixel, “U.W. Girl Athletes – They Bake Brownies (It’s a Crime – Elroy Hirsch),” *Wisconsin State Journal*, March 26, 1972, Interview #95 – Katherine S. Saunders-Nordeen, Wisconsin Oral History Project, UW-A.

¹⁴⁶ Muriel R. Sloan to Elroy Hirsch, March 2, 1973, Athletics, 1972-1973, Box 100, 4/21/1, UW-A; Elroy L. Hirsch to Mrs. Ruth Bleier, April 3, 1973, *ibid.* The faculty member (Ruth Bleier) was the chairperson for the campus’s committee on athletics.

While Coleman and Hirsch represented one side of the story, certain athletic directors at other institutions were genuinely supportive of women's sports at this early stage. Indiana University athletic director Bill Orwig argued in 1971 for the university "to move immediately toward the development of an intercollegiate sports program for women . . . [If] the University provides an intercollegiate sports program for men, and it is good for a University, then certainly a sports program for women should be provided." Similarly, Don Canham, the athletic director at the University of Michigan noted in 1972 that colleges and universities should be "providing funds for women's intercollegiate teams, an area with great potential for growth."¹⁴⁷ Significantly, both of these statements were made in private letters to the university president, suggesting that this was not just a public relations ploy and that Orwig and Canham actually believed they should support women's athletics. In the case of Canham, his future opposition to Title IX and women's sports suggested that this early statement was perhaps disingenuous. What is more likely, however, is that Canham's opinion in the spring of 1972 was based on a supposition that improvements for women could be limited and controlled by the university, but he altered his stance in response to the government's Title IX mandates.

While university athletic directors certainly played an important role in the development of women's athletics, other athletics administrators were also part of these discussions in the years prior to Title IX. At the University of Minnesota, athletic director Paul Giel, faculty representative M.O. Schultze, and university vice president Stanley Wenberg all displayed resistance to the development of women's sports at the expense of the men's program. In response to a complaint about the poor facilities for women's

¹⁴⁷ Bill Orwig to Dr. John Ryan, July 27, 1971, Athletics, 1971-1972, Box 26, Indiana University President's Records (John W. Ryan), c459, INB-ARM; Don Canham to President Robben W. Fleming, April 13, 1972, Correspondence, 1970-81, Box 8, Faculty Committee on Athletics, NU-A.

athletics, Giel noted that “men’s athletics have priority because it was there first” and “it’s men’s athletics which pay the bills.” In 1973, Schultze recognized the potential impact of Title IX, but also argued that there was no “immediate urgency” in making changes to the women’s program. Finally, both Wenberg and Schultze opposed the idea that income from men’s revenue sports should pay for women’s athletics. As Schultze contended: “it would not be fair to saddle our present athletic department with financial responsibility for any part of the cost of women’s intercollegiate athletics.”¹⁴⁸ These administrators shared a similar perspective to that of Coleman and Hirsch: support for women’s sports stopped when it appeared to impact the bottom line of men’s athletics.

Despite this negative reaction from athletic directors and other athletics administrators, campus leaders at certain institutions were generally more supportive of the women’s program. Whereas Wisconsin’s athletic director Elroy Hirsch may have opposed women’s sports, some faculty members at Wisconsin expressed clear support for the new women’s program. Historian E. David Cronon, a member of the athletic board at Wisconsin, asserted that “the athletic board fully supports [the development of a women’s athletic program].” Similarly, at Illinois, Vice Chancellor for Campus Affairs Hugh Satterlee’s perspective differed from that of Athletic Director Cecil Coleman. Satterlee actually compared the fight for women’s equality with civil rights and argued that, in both situations, the push for equity came not “because it is demanded by law” but because “it’s the right thing to do.” Despite these more open views, both Cronon and

¹⁴⁸ Paul Forsberg, “Women Athletics Short-Changed on Facilities, Directors Say,” *Minnesota Daily*, n.d. ca. 1972, Athletics, Women, 1926-1975 (folder 1), Information Files, Uarc 1158, MN-A; M.O. Schultze to Paul R. Giel, November 19, 1973, Title IX and Big Ten, 1974, Equal Opportunity: Integration – Women’s Athletics, Box 4, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A; M.O. Schultze to Vice President S.J. Wenberg, July 20, 1972, Women’s Athletics Title IX: 1974 and Earlier (folder 1), Box 8, *ibid.*; Dave LaShomb, “Sport Clubs, Women Grope for Funding,” *Minnesota Daily*, January 16, 1973, Intercollegiate Athletics, Information Files, Uarc 1158, MN-A.

Satterlee were also concerned about the financial implications of these new developments.¹⁴⁹ While these examples at Wisconsin and Illinois showed that different administrators brought varied perspectives to the table, they also indicated that regardless of the level of vocal support for women's athletics, budgetary concerns were always at the forefront of their minds and had a vital impact on the future of the women's programs.

Despite the financial issues, some institutions took much more progressive stances regarding women's athletics. Throughout 1972 and early 1973, Indiana president John Ryan's executive assistant Ed Williams researched women's sports, leading to the first formal plans for incorporating a women's varsity program into the athletic department. Williams argued that these early efforts on behalf of women's athletics would help the institution "to capitalize on some very positive publicity . . . which will enable us to do more than react—as we have to do so often."¹⁵⁰ Willard "Sandy" Boyd, president of the University of Iowa, also engaged in discussions regarding both facilities improvements and scheduling concerns as early as the spring of 1972.¹⁵¹ In a letter to Michigan State President Clifton Wharton, MSU Executive Vice President Jack Breslin asserted that "[Michigan State] can no longer turn its back and pretend women's athletics don't exist . . . It is absolutely necessary to establish a reasonable level of support to this

¹⁴⁹ Cronon noted that while the athletic board supported women's athletics, "the real question is financing" and he was not sure how much they could get from the revenue sports. E. David Cronon to Mrs. Constance F. Threinen, October 24, 1973, Title IX, Subject File, UW-A. Similarly, Satterlee noted that "spiraling costs and diminishing income" as well as planned physical upgrades to the football stadium (which he saw as necessary) combined with adding the women's program was going to create a "crisis" in athletics at Illinois. Hugh M. Satterlee to Stephen H. Spurr, President, December 28, 1973, Athletics, Women's Intercollegiate, Task Force, Huelster, 24/1/1, Box 119, IL-A.

¹⁵⁰ Ed Williams to President Ryan, April 17, 1973, Athletics, 1972-1973, Box 33, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

¹⁵¹ Willard L. Boyd to Mr. Darrell Wyrick, May 22, 1972, Intercollegiate Athletics, 1971-1972, Box 62, Willard "Sandy" Boyd Papers, IA-A; George A. Chambers to President Willard L. Boyd, June 16, 1972, *ibid.*

program starting fall 1972.” Wharton heeded this warning and in 1972 Michigan State became the first Big Ten institution to hire a full-time women’s athletic director.¹⁵² The perspectives taken by these administrators showed that, despite the financial concerns, many institutions were quite active in planning and even creating an active intercollegiate athletic program for women prior to the Title IX era.

In addition to administrative discussions on this issue, campus publications (i.e. yearbooks and campus newspapers) also provided a glimpse into campus-wide opinions regarding women’s athletics. In the 1969 edition of the Northwestern yearbook, the title page of the “Intramurals” section included a short poem, part of which stated: “I aM a Man. I am an amateur athlete. I aM a Man. I am athletic.” This word play implied that athletics, even intramurals, were a male-only endeavor. Publications at Purdue and Indiana displayed a more open perspective. As early as 1965, the Purdue yearbook included a separate section for women’s intramurals and argued for the importance of women’s athletics, noting that “in the middle of a sports world dominated by men, the Purdue co-ed can find a women’s intramural program specifically planned and prepared with her in mind.” This theme of sports as a place for women continued in the 1968 edition as it included the following statement: “the place where a girl doesn’t have to wear make-up, the paradise where a girl can relax and not worry about looking nice for a guy.” While the number of pages devoted to this subject is not necessarily proof of a universally supportive attitude, it is significant that the Indiana University yearbook

¹⁵² Jack Breslin to President Clifton R. Wharton, Jr., April 10, 1972, Athletic Council, 1972, Box 444, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC; Press Release, July 26, 1972, Women, 1972-1973, Athletic Council, 1971, *ibid.* Nell Jackson was the conference’s first women’s athletic director and noted her hiring as a signal of changing attitudes in regards to women in athletics. Larry Middlemas, “Women Gaining Rights in Sports,” *Detroit News*, December 5, 1973, Jackson, Nell Cecelia, Assistant Director, Women’s Athletics, Faculty and Staff Biographical Files, MSU-AHC.

included seven pages on women's sports as early as 1972.¹⁵³ Even at the University of Illinois, where women faced a significant battle against administrative attitudes, campus newspaper editorials often championed the fight for women to have "the same opportunities as men."¹⁵⁴ Again, while not necessarily an indication of the direction of the university or its administration, these yearbooks and student papers suggested the level of support that women's athletics had on campus.

Clearly attitudes regarding women's athletics varied from institution to institution and within each university as well. Regardless of these varied perspectives, there is no question that on the eve of Title IX, women's programs still lacked many of the basic necessities of a full-fledged athletic department and were under-supported in comparison with men's athletics. In addition to the lack of funding, female athletes dealt with some of the following problems: poor locker room facilities and equipment, insufficient medical equipment and care, the expectation that they pay for their own uniforms, the fact that they had to fight for practice time with men's athletics (intramural and recreational as well as varsity), and had to provide their own transportation to competitions. During this pre-Title IX period, most schools did not have a full-time athletic director for women's sports and coaches of women's teams were severely underpaid. Advocates of women's sports continually fought to add additional sports based on student interest, to expand the competitive seasons, and to provide funding for travel to regional and national tournaments.¹⁵⁵ While this is just a small sampling of the challenges faced by women's

¹⁵³ "Intramurals," *Northwestern Syllabus*, 1969, 199; "Women's Intramurals," *Purdue Debris*, 1965, 298; "Coeds Jock it Up," *Purdue Debris*, 1968, 561; *Indiana Arbutus*, 1972, 50-51, 140, 206-209.

¹⁵⁴ Jeff Metcalfe, "WISA Initials Disguise Real Cause," *The Daily Illini*, November 15, 1973, Women Athletes, Newspaper Clippings, 1973-1974, 41/20/47, Box 1, IL-A.

¹⁵⁵ Susan Smolenski to Committee to Study Women's Intercollegiate Athletics, August 14, 1973, UM Committee to Study Intercollegiate Sports for Women, Memos and Correspondence, 1973-1974, Box 2, Eunice Burns Papers, UM-BHL; Michigan State Female Athletes to Dr. Gale E. Mikles and Mr. Burt

athletics in 1972-1973, it provides a good indication of just how far women's sports programs had to go to achieve parity with the men.

After passage of Title IX, women's sports advocates used this legislation to push for increased athletic opportunities. At some institutions this meant lodging formal complaints with the Department of Health, Education, and Welfare. In August of 1973, Marcia Federbush sent a letter to HEW Secretary Caspar Weinberger accusing the University of Michigan "of maintaining vastly discriminatory athletic policies and practices for females versus males."¹⁵⁶ In February of 1974, a group at the University of Illinois known as the "Concerned Women Athletes" also sent a letter to HEW, alleging that the university was "in violation of Title IX."¹⁵⁷ One of the leaders of the group, Mary Pollock, highlighted the specific discrimination faced by female athletes and suggested possible solutions to the issue. She emphasized the extreme financial disparity between men's and women's athletics (the women's budget was 0.58% of the men's) and lack of equality in equipment, travel, and coaching. In addition to these specific complaints, Pollock attempted to clarify what women meant by "equity" in athletics. In her view, women were not looking to recreate the commercial, win-at-all-costs system that the men had, nor were they trying to compete with men's teams. Rather, they simply wanted to have equal opportunities and to be treated as serious athletes. She put it best when she noted that "everyone has the spirit and the committment [sic] but no one can bear to make

Smith, May 11, 1973, Intercollegiate Athletics, General, 1973, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC; Ann McCreary to J. Edward Weaver, June 8, 1972, OSU-A, Women's Athletics (9/e-5a), Box 1, "OSU: Correspondence, January-June 1972;" 1973-1975 Improvement Request for Women's Sports, March 17, 1972, *ibid.*; Christine H.B. Grant, et. al. to President Willard L. Boyd, November 2, 1972, Physical Education – Women, 1972-1973, Box 85, Willard "Sandy" Boyd Papers, IA-A.

¹⁵⁶ Marcia Federbush to Caspar Weinberger, Secretary, August 19, 1973, UM Committee to Study Intercollegiate Sports for Women, History, 1970-1973, Box 2, Eunice Burns Papers, UM-BHL.

¹⁵⁷ Phyllis Zatlin Boring to The Honorable Caspar Weinberger, February 29, 1974, Human Relations & Equal Opportunity (HREO), Title IX, 1974-1976 (folder 3), 24/1/1, Box 158, IL-A.

the men's program smaller to bring a little equity for women."¹⁵⁸ This perspective could sum up the pre-Title IX era at all institutions in the Big Ten. While many administrators expressed a desire to support women's athletics, they all struggled with the financial and administrative realities of adding a new program. And when it appeared to threaten the stability of men's athletics, most campus officials stopped well short of full support for the women.

Institutions of higher education went through significant changes during the decades between the end of World War II and the start of the Title IX era. Physical, academic, and population growth during the postwar years contributed to an increase in the importance of higher education throughout American culture. This status correspondingly led to increased involvement in college and university life from all levels of government. While this intrusion raised some warning flags during the 1940s and 1950s, the increased financial support from government grants along with higher enrollments from the GI Bill appeased administrators who may have been concerned about any potential loss of autonomy. However, this period came to an abrupt halt in the 1960s and 1970s when student protests and the consequences of the over-expansion of higher education during the 1940s and 1950s caught up with these institutions. The growth of college sports during this era went through a similar pattern with a dramatic spike in interest and financial rewards in the 1950s and 1960s to be followed by extreme concern in the 1970s over the connection of sports with higher education and the

¹⁵⁸ Mary Pollock, "A Documentary History of Demands for Sex Equality in Intercollegiate Sports at the University of Illinois, 1973-1974: Summary," November 1973, A Documentary History of Demands for Sex Equality in Intercollegiate Sports at the University of Illinois, 1973-1974, 41/20/47, Box 1, IL-A; Mary Pollock, "Women's Intercollegiate Athletics at the University of Illinois," March 5, 1974, Women's Intercollegiate Athletics at the University of Illinois, Urbana-Champaign, 1974, 41/20/47, Box 1, IL-A.

spiraling costs associated with maintaining a successful (i.e. winning) athletics program.

Thus, in 1972-1973, on the cusp of the Title IX Era, universities stood in a tenuous position. An economic downturn, escalating costs in athletics, a more intrusive federal government, and a more vocal women's movement all combined to make the development of women's athletics an extremely complicated and controversial process.

While some male administrators certainly maintained chauvinistic positions about female athletes, ultimately, it was the financial and administrative challenges of adding women's athletic programs and questions about the role of the government in intercollegiate athletics that would dominate the Title IX era.

Chapter 2:

The Start of the Title IX Era:

Coming to Terms with Title IX and Increasing Support for Women's Sports, 1973-1978

In 1972, Indiana Senator Birch Bayh introduced a clause (Title IX) to the Education Amendments of 1971 designed to halt “the continuation of corrosive and unjustified discrimination against women in the American educational system.” Because education provided the basis for future success, Bayh believed that “discrimination [in education was] doubly destructive for women.” Ultimately, Title IX was designed to ensure that educational institutions judged individuals based on merit, not on gender. What is often neglected is that the original language of Title IX did not specify the areas of education to which it applied. In fact, when passed it was unclear whether Congress ever intended the legislation to apply to intercollegiate athletics. However, in 1974, Congress amended Title IX to give the Department of Health Education and Welfare (HEW) the authority to develop the specific rules that would define equality. This decision and the corresponding HEW regulations led directly to the controversy over gender equity in intercollegiate athletics.¹

While the broad issues facing American institutions of higher education prior to the Title IX Era certainly impacted administrative reactions to this new legislation, the height of the debate over the government's role in sports and the development of women's athletics took place between 1973 and 1978. Certain institutions had already

¹ “Title IX Legal Manual: Synopsis of Legislative History,” The United States Department of Justice, accessed July 23, 2013, <http://www.justice.gov/crt/about/cor/coord/ixlegal.php#II.%A0%A0%20Synopsis%20of%20Purpose%20of%20Title%20IX,%20Legislative%20History,%20and%20Regulations.>

increased support for women's athletics prior to 1974, but the HEW regulations undoubtedly served to speed up the process of development. Despite this government pressure, some Big Ten institutions were still slow to advance the cause of women's sports. It is easy to suggest that male administrators resisted Title IX's application to sports because of deep-seated stereotypes about gender. These perspectives certainly existed during the early 1970s when some sport leaders still believed that "boys are 'supposed to be' strong and aggressive" and women "are 'supposed to be' weak and passive." People who held this opinion saw female athletes as "biological misfits or mutations, while male athletes [were] revered as 'real men.'"² That said, it is too simplistic to assert that these attitudes dictated every administrative decision. University officials faced serious and legitimate financial and structural concerns regarding intercollegiate athletics even before Title IX. The addition of a full-sized women's program only created new challenges they needed to address. Increased involvement of the federal government in the operation of colleges and universities also added new problems. While some administrators were more progressive than others in their approach to women's athletics, there is no doubt that every Big Ten school faced common difficulties that impacted the growth of women's varsity sports.

The challenge of establishing a formal program of women's intercollegiate athletics was never more obvious than in the first five years of the Title IX era (1973-1978).³ Several major issues impacted this initial development of women's sports. First,

² Margaret C. Dunkle, "Equal Opportunity for Women in Sports," Speech for American Association of Health, Physical Education, and Recreation, April 13, 1973, Equal Opportunity for Women in Sports, 1973, 41/20/47, Box 1, IL-A.

³ 1973 was the first time that women's sports advocates used Title IX to push institutions to increase support for women's athletics and 1974 was when HEW published its first set of regulations. July 21, 1978, was the date, set by HEW that schools were supposed to be in compliance with Title IX. Thus, this chapter

administrators faced internal pressures from female athletes and staff as well as feminist organizations demanding a rapid improvement in women's sports. When the male-dominated administration did not respond quickly enough to these concerns, some women lodged formal Title IX grievances with HEW. The complaints from women and response from male administrators ultimately revealed the true status of women's athletics early in the Title IX Era. Second, administrators also faced the prospect of an overly proscriptive set of regulations from the Department of Health, Education, and Welfare (HEW). In response to HEW's proposed rules, Big Ten leaders revealed their extreme opposition to government interference. But, even in the midst of this resistance, they continued to assert their support for women's athletics. Finally, in response to these internal pressures and the HEW regulations, institutions actually began the work of developing women's varsity sports programs. This was a difficult process. Not only did administrators have to address specific logistical and financial details, but they also had to grapple with the philosophical differences between men's and women's athletics.⁴ And, most importantly, administrators felt it was necessary to ensure that the new women's sports program did not adversely affect the male revenue-producing sports (football and basketball) since those teams generated the income for the entire athletics program. Ultimately, despite opposition to HEW's regulations and the specific challenges these institutions faced, the Big Ten schools dramatically increased support for women's athletics during this period and, in most cases, displayed a commitment to establishing a strong program of women's varsity sports.

examines the initial process of addressing the expectations of Title IX. "The Living Law," Title IX Info, accessed July 23, 2013, <http://www.titleix.info/History/The-Living-Law.aspx>.

⁴ During this period, leaders of women's sports held firm to an "educational" model of athletics while the men's program (particularly football and basketball) was much more commercial. For a more detailed description of this ideological divide, see Chapter One.

Title IX Complaints and Administrative Response

Following the passage of Title IX, women's sports advocates were quick to lodge complaints against Big Ten institutions accusing them of gender discriminatory practices in athletics. Even before the Department of Health, Education, and Welfare issued its formal regulations, leaders of women's sports were already using Title IX to fight for additional support for women's athletics. The criticism of athletics came in two forms: internal complaints in which women used the threat of Title IX to induce administrative action and formal grievances filed with HEW. These objections revealed the specific deficiencies in athletics and that women—students, coaches, and administrators—were not content to wait for campus officials to voluntarily provide equality.

The first institution to face criticism of its program was the University of Michigan. The women's program at Michigan suffered from myriad problems. On a basic level, it lacked administrative support since the university did not officially recognize the women's program as a varsity sport, essentially treating it as a club activity. Financial assistance was also deficient. If they had any university funding, it was only on a year-to-year basis and, in most cases, female athletes had to pay dues to help finance the program. From a staffing perspective, women's teams had limited access to medical professionals (e.g. trainers and doctors) and were often coached by graduate assistants or even volunteers rather than by full-time professionals. Finally, women's sports were

subject to poor and outdated facilities and equipment, and usually had to drive themselves to competitions off campus.⁵

In April of 1973, two Michigan student-athletes, Sheryl Szady and Linda Laird, raised these issues in their criticism of the university. Their initial tactic was to highlight the problems internally through a letter to university administrators urging them to address these deficiencies. To support their requests, Szady and Laird emphasized the fact that UM's support for women's sports lagged behind that of several other universities in the state of Michigan. Instead of going straight to HEW with their concerns, they believed this internal plea would be the better strategic move. After repeated communications they came to feel the university administration was not showing "an adequate level of concern for their plight." Consequently, they lodged a formal complaint with the government.⁶ In August of 1973 they sent a letter to HEW charging Michigan with "lack of a women's intercollegiate athletics program versus the men's" and "the discrepant guidelines, philosophies, and programming governing the men's and women's athletic practices maintained by the University." This complaint focused on the tangible lack of equity between men's and women's varsity sports programs. It also emphasized the fact that different philosophies on athletics led to gender inequality. While acknowledging that this ideological division came from national organizations (i.e. the Association of Intercollegiate Athletics for Women (AIAW) and the National Collegiate Athletic Association (NCAA)), their complaint discounted this justification as a legitimate reason to deny equality for female athletes. Interestingly,

⁵ Sheryl Szady and Linda Laird to Executive Officers, April 11, 1973, Board in Control of Intercollegiate Athletics Minutes, Jan 1971-Dec 1974, Box 50, Board in Control of Intercollegiate Athletics Records, 1879-1997, UM-BHL.

⁶ The complaint compared the University of Michigan with Michigan State and Eastern Michigan. Ibid.; Henry Johnson to Executive Officers, April 12, 1973, *ibid.*

while critical of the athletic department the students and staff who lodged the complaint took this action neither to “cast blame on any University athletic personnel” nor “to destroy men’s athletics.” Rather, they were seeking HEW’s assistance to guide the university in the development of gender equality in intercollegiate athletics.⁷ Instead of directly attacking men’s sports, these women took a more diplomatic approach, perhaps to ensure that male administrators at Michigan would be more willing to assist in the development of the women’s program.

While the tone of the complaints against Michigan were relatively civil, the situation at the University of Illinois was much more adversarial. It did not start this way. In a similar manner as at Michigan, criticism of the athletic department was submitted internally and, at least initially, did not rise to a formal government complaint. In November of 1973, Mary Pollack, Dr. Joan Huber, and Kathy Murphy on behalf of the group “Concerned Women Athletes (CWA)” met with Tim Madigan, the university legal counsel to discuss issues of gender inequality in the athletic department. They emphasized the lack of facilities and equipment, and the fact that women’s sports had a budget of \$4,500 compared with nearly two and a half million for the men’s program. The meeting with Madigan became heated when Mary Pollock threatened to sue the

⁷ The philosophical difference between men’s and women’s sports was covered in the previous chapter, but is a major component of the Title IX controversy. Some administrators (women as well as men) proposed an educational philosophy of women’s athletics that placed sports in the context of the overall education that student-athletes received at the university. They vehemently argued against women’s sports adopting the more commercial and semi-professional philosophy that dominated men’s athletics. This difference will be addressed later in connection with the AIAW’s restrictions on recruiting and ban on athletic scholarships. But, as this complaint against Michigan showed, some student-athletes saw that these differing philosophies were actually exacerbating gender inequality in athletics. Marcia Federbush to Caspar Weinberger, Secretary, August 19, 1973, UM Committee to Study Intercollegiate Sports for Women, History, 1970-1973, Box 2, Eunice Burns Papers, UM-BHL

university under Title IX if their demands were not met.⁸ Madigan was dismissive in his response, telling the group that it was unlikely “that they had a very strong case against the University” and scoffed at the threat of a lawsuit. This adversarial reaction was at least partially based on his belief that, since the Athletic Association was a separate legal entity from the university, it was not subject to Title IX. In a memo to Chancellor Peltason after the meeting, Madigan suggested that the University “placate” them by pressuring the Athletic Association to include women.⁹ Despite Madigan’s proposal, the Athletic Association was already facing financial shortfalls and remained reluctant to provide additional support for women’s sports.¹⁰ The university’s dismissive stance ultimately led women’s advocates to submit a formal Title IX complaint to HEW in February of 1974.¹¹ The criticisms from women’s sports advocates at Michigan and Illinois followed a similar pattern: when internal reform efforts were met with administrative resistance, women’s sports leaders turned to the government for help.

Criticism of the programs at Wisconsin and Iowa also revealed a lack of support for women’s athletics. The complaint against Wisconsin alleged that the university had a “very limited budget for women’s sports in comparison to men’s sports;” yet it also opposed “cutting the men’s football, basketball, and hockey budgets since these are self-

⁸ Mary Pollock, “Funding – Men vs. Women,” n.d., ca. Fall 1973, Women’s Sports, 1974, 41/20/47, Box 1, IL-A; Mary Pollock to Tim Madigan, November 14, 1973, Athletics, Women’s Intercollegiate, Task Force, Huelster, 24/1/1, Box 119, IL-A; Timothy O. Madigan to Mr. James J. Costello and Chancellor J.W. Peltason, November 15, 1973, *ibid*.

⁹ The Athletic Association was a committee made up of faculty, administrators, and community members that oversaw the athletic department. At Illinois, unlike at most other institutions, this committee was legally distinct from the university and was completely self-supporting. “Faculty Handbook: University of Illinois Athletic Association,” n.d., Athletic Association, 1973-1974, 24/1/1, Box 119, IL-A; Timothy O. Madigan to Mr. James J. Costello and Chancellor J.W. Peltason, November 15, 1973, Athletics, Women’s Intercollegiate, Task Force, Huelster, *ibid*.

¹⁰ Joan Huber to Chancellor’s Committee on the Status of Women, University of Illinois, Urbana-Champaign, January 16, 1974, Women’s Athletic Association, 1973-1974, 41/20/47, Box 1, IL-A.

¹¹ Phyllis Zatlin Boring to The Honorable Caspar Weinberger, February 29, 1974, Human Relations and Equal Opportunity (HREO), Title IX, 1974-1976, folder 3, 24/1/1, Box 158, IL-A.

supporting.” This critique of Wisconsin’s program highlighted a key element of the battle over Title IX: the division of revenue and non-revenue sports. In this example, some women’s sports leaders at Wisconsin suggested that equality could be achieved through a comparison between women’s and men’s *non-revenue* athletics. In response, Wisconsin administrators claimed that the institution has “sought and will continue to seek to fulfill both the letter and the spirit of the concept of equal opportunity.”¹² Genevieve Proot, a student at the University of Iowa also filed a formal complaint in October of 1974. This led to an on-site investigation of the University of Iowa by HEW in February of 1975 that revealed many of the same problems found at other institutions (i.e. financial, facility, equipment, scheduling, and administrative inequalities). The administration at Iowa acknowledged that there were problems, but also emphasized “that steps have been and are being taken to upgrade the women’s program.”¹³ In these responses, administrators at Wisconsin and Iowa seemed to be either genuinely interested in improving women’s sports or were simply trying to placate women’s sports advocates.¹⁴

Finally, the University of Minnesota faced a formal complaint from the Twin Cities Student Assembly (TCSA). On May 16, 1974, the TCSA filed a grievance with the HEW’s Office of Civil Rights (OCR) charging Minnesota with violating Title IX. The primary evidence of gender inequality was the fact that women’s athletics had a budget of

¹² Jeanne Halverson to Mr. Caspar Weinberger, March 6, 1974, Title IX, Box 1, Accession 86/49, UW-A; Kenneth A. Mines to Dr. H. Edwin Young, January 22, 1975, *ibid*; Cyrena N. Podrom to Mr. Kenneth A. Mines, February 24, 1975, *ibid*.

¹³ Investigative Report, February 19-21, 1975, Christine Grant: Gender Equity in Athletics, Title IX Lawsuits, University of Iowa, 1976, Box 12, Christine Grant Papers, IA-WA.

¹⁴ Based on future actions at these two schools, it is likely that Wisconsin administrators were not entirely forthright in their response, whereas those at Iowa were most likely sincere in their stated goal to enhance women’s sports. See Chapters Two and Three for more details about the development of the women’s programs at each school.

just over \$15,000 compared with the \$2.2 million budget for men's athletics.¹⁵ The complaint also accused the University of Minnesota of providing inadequate facilities and equipment, not granting financial aid to female athletes, and using only part-time coaches for women's sports, among other issues.¹⁶ While the TCSA action was pending, women's administrators continued to work with the athletic department to encourage increased support for women's athletics. The director of the School of Physical Education, Recreation, and Health Education, Eloise Jaeger, pushed for additional support from the upper administration, suggesting that "the young women who are engaging in intercollegiate athletics would appreciate the same kind of moral support from the University that is afforded to the men."¹⁷ Administrative response to these complaints was generally defensive. Vice President for Institutional Planning and Relations Stanley Kegler expressed weariness with the "That's fine so far, when will we get the rest?" syndrome," as he called it. Kegler urged the TCSA to withdraw the complaint until the Minnesota administration "had an opportunity to fully study the situation and take such additional steps as we feel appropriate."¹⁸ Ultimately, the government refused to hear the TCSA complaint until HEW issued its specific Title IX regulations. Ironically, despite these criticisms and Kegler's response, in May 1975, women's athletic director Belmar Gunderson praised the university for being "extremely supportive" of women's sports.¹⁹

¹⁵ Ken Kaeder, "TCSA Files Complaint to Pressure University to Increase Women's Athletics Funding," *Minnesota Daily*, May 17, 1974, Athletics, Women (folder 1), 1926-1975, Information Files, Uarc 1158, MN-A.

¹⁶ Twin Cities Student Assembly vs. The University of Minnesota, Prepared by Larry Leventhal, Section IV, Specific Discrimination against Women in Athletics, May 1974, Athletics, Women's Intercollegiate Athletics, 1972-1976, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

¹⁷ Eloise M. Jaeger to Dr. C. Peter Magrath, December 3, 1974, *ibid*.

¹⁸ SBK [Stanley B. Kegler to CPM [C. Peter Magrath], October 22, 1974, *ibid*; Stanley B. Kegler to Ms. Barbara Ann March, July 10, 1974, *ibid*.

¹⁹ Pat Lodden, "Title IX Unenforceable until HEW Provides Compliance Guidelines," *Minnesota Daily*, May 28, 1975, Athletics, Women (folder 1), 1926-1975, Information Files, Uarc 1158, MN-A.

While these five schools each faced formal complaints early in the Title IX era, the other Big Ten institutions were not immune to criticism. All of the Big Ten schools faced pressure from students, staff, and faculty to increase support for women's athletics. These objections brought to light many of the major roadblocks for women's athletics during this period. Most women's teams faced facilities issues including minimal locker room space for women and run-down, inadequate athletic fields and gymnasiums. Women's sports suffered from a lack of female leadership in the university athletics administration (i.e. no women on the athletic board) and struggled with a system of favoritism for men's sports. This structure often forced women's teams to practice at odd hours of the day and contributed to the fact that most women's teams did not have a full-time professional coach.²⁰ This widespread disparity at the beginning of the Title IX Era led some women to demand that universities establish gender equality in athletics.

Early efforts at reform revealed several important points about the initial development of women's sports. First, most criticism of university athletic departments started as internal suggestions that often went unheeded. This perceived lack of attention led to women lodging formal complaints with HEW. Second, the biggest problem was budgetary, but there were a host of other issues that essentially contributed to placing women's athletics in a secondary position at the institution. Finally, in some cases,

²⁰ Eunice L. Burns to Rodney Grambeau, September 18, 1974, Correspondence, Miscellaneous, 1972-1988, Box 2, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL; Marie Hartwig to Don Canham and Charles Harris, November 1, 1974, *ibid.*; Will Perry to Eunice L. Burns, February 11, 1975, Athletics/Athletic Facilities, 1972-1976, Box 4, Affirmative Action Records, UM-BHL; Eunice L. Burns to Board of Regents, July 24, 1975, Topical Files, Advisory Committee on Women's Intercollegiate Athletics, 1975, Box 1, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL; Paula Dwyer, "Athletes Protest: Women Concerned over Equality in Athletic Program," *The Purdue Exponent*, March 28, 1975, 1; Paula Dwyer, "Title IX Softened: WISO," *ibid.*, April 23, 1975, 1; Melvin R. Oing to Dr. Ed Williams, May 15, 1974, Athletics, Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President's Records (John W. Ryan), c.459, INB-ARM; Ms. Kit Boesch to Miss Phyllis Bailey, October 8, 1974, OSU-A, Women's Athletics (9/e-5a), Box 2, "OSU: Correspondence, August-December, 1974."

female sport leaders actually seemed to understand the challenges of implementing a new program for women's athletics and were thus willing to approach the administration tactfully rather than aggressively. They believed that by highlighting the problems and even proposing solutions, the university administration would be more easily able to create a strong women's sports program. However, in response, most male administrators were dismissive and unwilling to provide tangible support for women's athletics, despite claiming to agree with the idea of gender equality. While most institutions were not creating brand new programs for women, administrators argued that it would take an immense amount of amount of money, work, and time to bring women's sports into a position of equality. Most university officials expressed belief in the spirit of equality contained in Title IX, but they faced genuine challenges in achieving this goal.

The process of providing equality for women in athletics was fraught with practical difficulties: What sports should be offered? How should they be administered? Who should be in charge? And, of course, how to pay for them? But, the attitude of male administrators towards women's sports is equally important in understanding the response to Title IX. While a chauvinistic attitude did not necessarily doom women's sports and a progressive viewpoint did not guarantee success, these perspectives undoubtedly impacted the manner in which women's sports developed. More importantly, the pervasive attitude on a campus affected the ability of women's sports leaders to forge cooperative relationships with their male peers.²¹ In discussing the attitude of male administrators, it is important to emphasize that perspectives on women's

²¹ For a more detailed discussion of this issue, see the comparison of Northwestern, Michigan, and Indiana in Chapter 5. As Chapter 5 shows, while Northwestern was open to women's athletics, it still struggled to develop its women's program. Meanwhile, Michigan was continually resistant to women's sports and outwardly hostile to the Title IX legislation, but their program quickly became one of the best in the Big Ten.

sports often varied widely, even among officials on the same campus and circumstances also affected male attitudes. Some administrators could be openly hostile to women in one moment and be completely supportive the next.

Without question, many men still held chauvinistic attitudes about women's rights and women's athletics. Several administrators and coaches at the University of Michigan exemplified this sexist perspective. Head football coach Bo Schembechler opposed Title IX by stating: "you don't arbitrarily say '50-50, men and women.' . . . That's like me saying that I want 50-50 with the kitchen or housework."²² He and UM basketball coach John Orr echoed this sentiment in the spring of 1975 when the athletic committee was debating whether female athletes should be eligible to earn the "Block M" letter that was awarded to male athletes. Schembechler lamented that "if that came to pass, it will minimize the value of the 'M.'" Orr concurred, suggesting that awarding the "M" to women would "minimize incentive" for male athletes to earn the "M."²³ Michigan athletic director Don Canham also vehemently opposed Title IX, a stance that cast him as anti-woman as well. However, Canham's main concern was not the spirit of the law, but his assumption that HEW's definition of equality meant equal expenditures, something that he saw as impossible to achieve.²⁴ Despite his reluctance, Canham made significant efforts to improve women's athletics, including proposing a plan to reduce funding for

²² "Interview: Bo Schembechler," *University News, UM-Flint*, ca. 1974, 3, Schembechler, Bo – Articles, 73, 74, 75, Box 16, Athletic Department Individual Files, UM-BHL.

²³ Bo Schembechler to Mr. Don Canham, May 1, 1975, Topical Files, "M" Award Controversy, 1975, Box 1, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL; John Orr to Mr. Don Canham, May 1, 1975, *ibid.*

²⁴ For example, Canham noted that the university spent \$10,000 to send its men's basketball team to a tournament in California, but that the tournament sponsors reimbursed the school for its expenses and it would be impossible for Michigan to comply with Title IX if it meant that they had to spend \$10,000 for its women's team to travel, especially when there was no tournament to pay for the expenses. "Don Canham," *Detroit Free Press*, September 9, 1988, 11A, Canham, Donald (folder 1), Box 19, News and Information Services, Faculty and Staff Files, UM-BHL.

men's sports to help pay for the women's program and using a portion of the athletics budget to help fund a national conference on women's sports.²⁵ President Fleming supported Canham, suggesting that he was "not as hostile to sports for women as the women often think."²⁶ Thus, in the case of Michigan a negative attitude towards women's sports, while somewhat limiting, did not completely halt the development of a women's athletics program.

Leaders at the University of Minnesota responded to the issue of women's sports in very similar ways. Anne Truax, chairperson of a task force created to develop the women's athletic program, noted that while the athletic department talked about cooperation they were often "unwilling to follow through." She believed that the process of equalizing women's sports would "be a dragging, screaming and kicking operation."²⁷ Athletic director Paul Giel asserted that it was unfair and even impossible to expect the revenue generated by football and basketball to fund all of the other sports.²⁸ In a January 1975 editorial in the alumni magazine, director of the Minnesota Alumni Association Ed Haislet expressed his opposition to Title IX, asserting that the "HEW Rule seems absurd when applied to intercollegiate athletics . . . [because] there is no real demand for women's intercollegiate athletics." He believed that athletics did not discriminate against

²⁵ "National Conference on Women's Sports: Ethics and the Amateur Principle," June 3-5, 1975, University of Michigan Material, National Conference on Women's Sports: Ethics and the Amateur Principle, 1974-1976, Box 5, Marie D. Hartwig Papers, 1927-1988, UM-BHL; R.W. Fleming to Ms. Marcia Federbush, June 2, 1976, Athletics (Affirmative Action, Title IX, Women), 1975-1976, Box 53, President's Records, UM-BHL.

²⁶ Ibid.

²⁷ "Criticism Made of 'U' Athletic Program," Press Release, November 13, 1974, Intercollegiate Athletics, Information Files, Uarc 1158, MN-A.

²⁸ Paul Giel, "Revenue Sports Shouldn't Fund All Sports Programs," *National Collegiate Athletic Association News*, 10 (no. 14), November 1, 1979, 5, NCAA (folder 3), 1972-1973, Box 22, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

women, but against everyone “but the skilled, agile, the strong and the tall.”²⁹ Other Minnesota administrators showed a more favorable perspective towards women’s athletics. Vice President Stanley Kegler called Haislet’s editorial “stupid” and President C. Peter Magrath urged the university to “do everything that is needed to do . . . to improve very substantially our overall support for Women’s Intercollegiate Athletics . . . [and to] do that which is right, and not that which is minimally or legally required.”³⁰ Despite the chauvinism that persisted on campus at Minnesota, some of the upper administrators displayed a more open perspective on supporting women’s athletics.

In contrast to the perspectives of Michigan’s Don Canham and Minnesota’s Paul Giel, some Big Ten athletic directors offered a more positive assessment of women’s sports. Cecil Coleman at the University of Illinois made it clear that he and the university intended to do the “right thing” in regards to women’s athletics. After women were incorporated into the men’s athletic department, Coleman told them that “you’re in because we wanted you to be in, not because somebody forced us to take you . . . this male chauvinist world we’ve lived in so long has not yet made room for the fairer sex in the Tribe of Illini. That time has now come.”³¹ At Indiana University and the University of Wisconsin, the men’s athletic directors were similarly supportive, but remained concerned about the financial implications of adding women’s sports. Bill Orwig at Indiana argued that he was “certainly not against women’s athletics,” but worried “that women are putting additional costs on the athletic departments with no sizable income to

²⁹ Ed Haislet, “Editorial: Points of View,” *Alumni News*, January 1975, Women’s Athletics, Title IX: 1975, Box 8, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A.

³⁰ SBK [Stanley Kegler] to CPM [C. Peter Magrath], February 4, 1975, Athletics, Women’s Intercollegiate Athletics, 1972-1976, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A; C. Peter Magrath to Vice President Walter H. Bruning, January 15, 1976, *ibid.*

³¹ Dave French, “First Year as A.A. Members: Coleman Welcomes Women Athletes,” *Champaign-Urbana Courier*, August 23, 1974, Women’s Athletic Task Force, 1973-1978, 1984, 16/4/22, Box 6, IL-A.

offset those costs.”³² Elroy Hirsch at the University of Wisconsin agreed suggesting that “women certainly should have a full, well-rounded program.” Despite this support, Hirsch also wondered “where is this money going to come from.” Unlike other athletic directors, Hirsch’s statement of support was followed by action when he provided institutional funds to support the burgeoning women’s athletics program.³³ These perspectives reflected a fundamental conflict regarding women’s sports: whereas certain administrators were philosophically supportive of women’s athletics, financial concerns made action on behalf of equality much more difficult.

Beyond the male athletic directors and upper administrators, other groups in the early Title IX Era played a significant role in women’s athletics, including faculty athletic committees and women’s administrators. At Ohio State, the athletic council argued that the traditional male-dominated administrative structure was the most challenging barrier to equality. They noted that:

The structures presently existing inevitably produce thoughtless failures to accord fair consideration to problems regardless of sex, by the mere fact that representation among them of officers who are sensitive to sexual discrimination is the exception rather than the rule in the structures established longest and wielding the greatest influence.³⁴

The fact that there was not enough female representation in the highest levels of administration was a major problem in the development of women’s athletics.

Additionally, the council suggested that some of the “failures” were “thoughtless” rather than intentionally motivated by chauvinistic attitudes. Some women’s administrators

³² *Indiana University Arbutus*, 1974, 223.

³³ “An Exclusive Interview with Elroy ‘Crazylegs’ Hirsch,” *Purdue University vs. University of Minnesota, Football Program*, November 9, 1974, Football Programs, PU-KA; Marilyn Preston, “Government Funding Rescues Fledgling Female Athletics,” *Chicago Tribune*, January 29, 1975, 3, Women’s Athletic Program, Box 1, Accession 86/49, UW-A.

³⁴ Athletic Council, Ivan Rutledge, Chairman, “Report to the University Senate,” 1975-1976, 6-8, OSU-A, Women’s Athletics (9/e-5a), Box 20, “OSU: Correspondence and Reports, 1973-1976.”

went even further by arguing that the development of women's athletics presented a perfect opportunity to "re-evaluate athletics" in their entirety. Christine Grant at the University of Iowa understood the financial plight facing men's athletics and instead of suggesting financial cuts to the men's program to achieve equality, she proposed that institutions "correct the semi-exclusion of athletics from the educational framework" of the institution.³⁵ In other words, Grant wanted to use the development of women's sports as a means to correct problems in men's athletics as well.

Local media also revealed the campus and community climate regarding women's sports at each institution. Images in the Northwestern yearbook and football programs painted a very unflattering picture of women's athletics. In the 1975 yearbook, the title page of the section on women's sports included a picture of a feminine, made-up woman wearing a football helmet. Similarly, appearing in a 1977 football program was a picture of a woman wearing a football helmet and a variety of other male athletic gear.³⁶ In both pictures, the image presented of female athletes was one to be mocked rather than supported. On the other hand, several editorials in the Purdue University student newspaper displayed a more supportive stance on women's athletics. They urged the university to increase funding for women's sports and questioned the university's attempt to separate revenue and non-revenue sports. An even more intriguing story was the account of student reporter Linda Robb who chronicled her experience trying out for the men's basketball team in 1974. She questioned: "was I treated differently because I was a girl?" and responded, "[W]hen it came to rebounding and blocking out, they were all over

³⁵ Dr. Christine H.B. Grant, "The Uncertain Future of Intercollegiate Athletics, ca. 1975, Women's Intercollegiate Athletics, All-Athletes Meeting, Persons of Character through Sport, Christine Grant Papers, Box 27, IA-WA.

³⁶ "Women in Sports," *Northwestern University Syllabus*, 1975, 169, NU-A; "Lady Wildcats," *Northwestern University vs. Indiana University, Football Program*, October 8, 1977, NU-A.

me. I got elbowed, pushed and jabbed just like everyone else.”³⁷ This example shows both a progressive attitude from the men’s coaches who were willing to let her try out and the fact that, despite initial reluctance, the players eventually accepted her as an athlete.

Ultimately, campus-wide attitudes towards women’s sports during the early years of Title IX spanned the gamut from overtly sexist to welcoming of gender equality. Irrespective of the attitudes of administrators, coaches, or even students, efforts to develop gender equality in sports were almost always met with resistance based primarily on practical and financial limitations. While Title IX pushed male administrators to adopt a more progressive and supportive view of women’s athletics, by itself it was not enough to guarantee gender equality. The “guarantee” came in the form of the HEW regulations that defined the scope of Title IX. Big Ten administrators found these rules burdensome and, in some cases, impossible to achieve.

What Do They Expect? Reactions to the HEW Guidelines

When the Department of Health, Education, and Welfare (HEW) first issued tentative Title IX guidelines in June of 1974, administrators at American colleges and universities saw the government’s expectation for athletic equality—and did not like it.³⁸ But administrative rejection of the HEW guidelines did not necessarily mean opposition to equality for women. Michigan’s athletic director Don Canham summarized the perspective of many of his Big Ten colleagues when he asserted that “Title 9 is a good

³⁷ “Hansen’s Women’s Sports Plan Not Equitable,” *The Purdue Exponent*, May 2, 1975, 4; “Title IX’s Bad Effects Offset by Benefits,” *ibid.*, November 7, 1974, 4; Linda Robb, “Linda Robb Tries for Basketball Team,” *ibid.*, October 24, 1974, 8.

³⁸ Caspar W. Weinberger, Secretary of Health, Education, and Welfare, Press Release, June 18, 1974, Title IX, 1974-1976, 41/3/10, Box 7, IL-A.

bill as Congress passed it. The problem is the guidelines HEW passed. . . . Bureaucrats interpret the law as they see fit, and Caspar Weinberger has extended the law with Title 9.”³⁹ The greatest concern of educational administrators in this context was the growth of federal influence in higher education, as legal scholar Dave Frohnmayer noted: “this law demonstrates dramatically how much fundamental educational policy—until recently an exclusively local concern—is now made in Washington.” While Frohnmayer may have agreed with Title IX’s goal of equality, he questioned the fact that policies were “formulated increasingly in the administrative processes by which the Federal bureaucracy puts flesh on the bare bones of the law.”⁴⁰ Most administrators were not opposed to the spirit of equality inherent in Title IX, but rejected the letter of the law as created by HEW’s “federal bureaucracy.” Some administrators even went so far as to deny that Title IX should apply to athletics at all!

University officials saw the HEW regulations as yet another unnecessary extension of federal power, a problem that arose even before the height of Title IX controversy. In the spring of 1973, Congressman James O’Hara introduced House Resolutions 5623 and 7918, both designed to allow college athletes to compete in international competitions without impacting their NCAA amateur status. In September 1973, Senator John Tunney offered a resolution known as the “Amateur Athletic Act” that, among other things, proposed the creation of a federal board that would oversee all

³⁹ Beth Nissen, “Scene Interview: Don Canham,” *Ann Arbor Magazine*, 3 (no. 3), Fall 1975, Canham, Don, Articles, 1975, Box 1, Athletic Department Individual Files, UM-BHL.

⁴⁰ Frohnmayer was a professor of law and assistant to the President at the University of Oregon. Dave Frohnmayer, “Title IX Prohibitions on Sex Discrimination: Implications for Higher Education, Intercollegiate Athletics, and Equal Educational Opportunity,” Remarks before the National Association of College and University Attorneys, 1974 Annual Conference, Chicago, IL, June 28, 1974, Human Relations & Equal Opportunity (HREO), Title IX, 1974-1976 (folder 3), 24/1/1, Box 158, IL-A.

amateur athletics.⁴¹ These legislative resolutions were designed to enhance American performance at the Olympics; yet they were also often seen as an unwelcome intrusion of the federal government into athletics. Law professor and member of the athletic board at the University of Michigan Marcus Plant argued that conference and NCAA rules regulating competition “are created for legitimate academic reasons and other reasons looking toward protection of the welfare of the athlete” and that O’Hara’s bills “would open a door to a tremendous amount of abuse.” Robert Smith, vice president at Ohio State, echoed this sentiment noting that “the university must always be in the position to determine what it considers in the best interest of the individual;” furthermore, “we have serious concerns that well-intentioned efforts to alleviate a problem may have a negative effect on institutional autonomy.” The results of an NCAA survey revealed that “97% of the chief executives” opposed these pieces of legislation due to the fact that it created “a permanent Federal bureaucracy with broad authority to exercise direct and indirect controls over all amateur sports.” The NCAA believed that if Tunney’s bill was passed “the Federal government shall control and dictate to this volunteer, non-profit, privately subsidized effort while imposing added expenses.”⁴² Fundamentally, leaders of college athletics rejected these government proposals based on their desire to retain full

⁴¹ “Bill Summary and Status: 93rd Congress (1973-1974): H.R. 5623, CRS Summary,” The Library of Congress: THOMAS, accessed July 30, 2013, <http://thomas.loc.gov/cgi-bin/bdquery/D?d093:1:/temp/~bd511x:@@D&summ2=m&/home/LegislativeData.php?n=BSS;c=93>; “Bill Summary and Status: 93rd Congress (1973-1974): H.R. 7918, CRS Summary,” The Library of Congress: THOMAS, accessed July 30, 2013, <http://thomas.loc.gov/cgi-bin/bdquery/D?d093:7:/temp/~bdzLy6:@@D&summ2=m&/home/LegislativeData.php?n=BSS;c=93>; “Bill and Summary Status: 93rd Congress (1973-1974), S.2365, CRS Summary,” The Library of Congress: THOMAS, accessed July 30, 2013, <http://thomas.loc.gov/cgi-bin/bdquery/D?d093:13:/temp/~bd8x6q:@@D&summ2=m&/home/LegislativeData.php?n=BSS;c=93>.

⁴² Marcus Plant to The Honorable James G. O’Hara, March 22, 1973, OSU-A, Papers of Harold L. Enarson (3/j), Box 22, “Intercollegiate Conference: Conferences, 1973, 1975-1980;” Robert G. Smith to The Honorable James G. O’Hara, June 20, 1978, *ibid.*; Alan J. Chapman to The Honorable John V. Tunney, September 4, 1973, Athletic Council, 1973, Box 444, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

autonomy over their programs. This argument eventually became a major part of the reaction to HEW's Title IX regulations.

In May of 1974, Texas Senator John Tower proposed an amendment to exempt revenue-producing sports from Title IX legislation. Although eventually defeated, the debate over its goals revealed another aspect of administrative response to Title IX.⁴³ Women's sports advocates, like Jo Mancuso, President of the Illinois Association of Health, Physical Education, and Recreation, worked to defeat the bill, believing that it would "assure continued second class status for large numbers of women's programs other than major sports."⁴⁴ Students at the University of Minnesota echoed these concerns, noting in their testimony to Congress that "the Tower Bill attempts to protect . . . those who view collegiate athletics as a commercial rather than an educational venture."⁴⁵ Kit Saunders, women's athletic director at the University of Wisconsin, also opposed the bill, but for slightly different reasons. While she agreed that the amendment "would represent the first step backwards" in the efforts for equality, she also believed that it was unnecessary since HEW did actually not require schools to provide equal expenditures for men's and women's sports. She suggested that the Tower Amendment would require HEW to determine which funds were necessary to support an activity and which funds were in fact surplus and therefore should be designated for women's

⁴³ Ultimately, the Tower Amendment was proposed and defeated in Congressional committee in May of 1974. In its place, Congress passed the Javits Amendment which alluded to the revenue sports, but was much more vague, stating that school's could make "reasonable provisions considering the nature of particular sports." "The Living Law: Title IX History," Title IX Info, accessed July 30, 2013, <http://www.titleix.info/history/the-living-law.aspx>.

⁴⁴ Jo Mancuso to Honorable Casper W. Weinberger, Director, June 14, 1974, Title IX, 1973-1977, 16/4/22, Box 6, IL-A.

⁴⁵ Craig A. Nelson, "Notes on the Title IX Complaint, Twin Cities Student Assembly v. The University of Minnesota, May 11, 1976," MGN qT923n, Published Reports and Materials, MN-A.

sports.⁴⁶ In other words, Saunders rejected the Tower Amendment because she believed it would result in *more* government intrusion in college sports.

Of course, not all administrators opposed the Tower Amendment and some of the more avid supporters visited Washington DC to push for its passage. Those who testified on behalf of the Tower bill argued that exempting revenue sports from Title IX was the only way that universities could afford to add women's sports. Without this exemption, administrators would be forced to divert "already scarce funds to women's sports programs," leaving not enough for traditional men's sports.⁴⁷ While several male administrators and coaches spoke in favor of the bill, it is important to note that the women's athletic director at the University of Illinois, Karol Kahrs, also testified on behalf of the Tower Amendment. She argued that the action was necessary to protect the income generated by revenue-producing teams as those sports provided the bulk of the funding for the entire athletics program (including women) and failure to pass the amendment would "affect the quality of the programs."⁴⁸ Fundamentally, Kahrs contended that if revenue-producing sports were "not exempt they will then not be able to make money to assist in the support and enrichment of women's athletics and other male, nonrevenue producing sports."⁴⁹ Despite the failure of the Tower Amendment, administrators consistently fought HEW to exempt revenue-producing sports because they believed the income generated from these teams was vital to the survival of intercollegiate athletics on campus.

⁴⁶ "Why I Can't Support the Tower Amendment," Kit 'n Kaboodle, October 23, 1975, attached to Kit Saunders to All Big Ten Women Administrators, November 12, 1975, OSU-A, Women's Athletics (9/e-5a), Box 20, "Title IX: Big Ten Intercollegiate Conference and Universities, Correspondence, 1976."

⁴⁷ "Coaches Miss Point on Women's Sports," June 25, 1975, Title IX, 1973-1977, 16/4/22, Box 6, IL-A.

⁴⁸ Dave French, "Illinois' Karol Kahrs Testifies in Support of Tower Amendment to Title IX," *Champaign-Urbana Courier*, October 10, 1975, *ibid*.

⁴⁹ Walter L. Strong, Letter to the Editor, *Daily Illini*, June 20, 1975, Title IX, 1975, 24/9/2, Box 6, IL-A.

Debate over the Tower Amendment merely foreshadowed the criticism that would arise once HEW published its specific regulations. In 1973 and 1974, HEW solicited suggestions from athletics administrators that the government would consider prior to submitting the final regulations to Congress for approval.⁵⁰ College and university administrators were happy to oblige. Criticism from athletic administrators could be categorized in several different ways. Certain officials took HEW's request for comments as an opportunity to condemn the application of Title IX to sports at all and to denounce the over-extension of federal power. In addition to this broad critique, administrators also objected to what they saw as some of the most onerous clauses in the regulations. Finally, university leaders appealed to highly placed politicians such as their congressmen, senators, and particularly Vice President (eventually President) Gerald Ford to encourage changes to the HEW regulations. These responses revealed a clearly anti-government perspective. Yet administrators consistently remained careful to distinguish between opposition to HEW and opposition to women's athletics.

Some administrators saw HEW's request for comments as an opportunity to assert that Title IX should not apply to athletics at all. These leaders argued, first, that Congress never intended to include college sports in Title IX and, second, that most major college athletic programs were self-supporting and received no federal funds, meaning these programs should not be subject to Title IX. Administrators at the University of Illinois suggested that "there is no evidence . . . to indicate that Congress intended [Title IX] to apply to collegiate or intercollegiate athletics," but if athletics are to be included, it is

⁵⁰ While HEW had created tentative guidelines, the final version was not published until June of 1974, a month after the defeat of the Tower Amendment. Caspar W. Weinberger, Secretary of Health, Education, and Welfare, Press Release, June 18, 1974, Title IX, 1974-1976, 41/3/10, Box 7, IL-A.

vital that they “should be covered in a reasonable, practical manner.”⁵¹ Cliff Travis, the university legal counsel at Indiana, echoed this sentiment, noting that the athletics portion of the regulations was “an unwarranted administrative extension of the law.”⁵²

Administrators at the University of Minnesota further worried that “we are likely to have outside interests make important decisions for us.”⁵³ At Ohio State, Associate Vice President Madison Scott was concerned that the regulations would not simply impact athletics, but would ultimately affect how the university conducted its business. Scott believed that HEW should judge an institution based on its efforts at equality rather than “[imposing] unrealistic targets and goals, and without the creation of vast new demands for the generation of paperwork and data documentation.” Beyond the bureaucratic mess that Scott believed would ensue, he also argued that the regulations could potentially create “fresh injustices” that the government should not ignore in its quest for the “Holy Grail of perfect justice.”⁵⁴ These administrators believed that HEW had taken its role as arbiter of equality too far and had extended its regulations to an area of the university—athletics—that Congress never intended to include in Title IX. By doing so, university administrators believed the government was entering an arena of higher education with which they had no experience or understanding.

⁵¹ J.W. Peltason to Office of Civil Rights: Department of Health, Education, and Welfare, March 18, 1974, Human Relations & Equal Opportunity (HREO), Title IX, 1974-1976 (folder 3), 24/1/1, Box 158, IL-A.

⁵² Cliff K. Travis to Terry A.M. Mumford, March 8, 1974, Athletics: Intercollegiate Athletics for Women, 1973-1974, Box 33, University President’s Records (John W. Ryan), c459, INB-ARM.

⁵³ Stan Kegler to Interested Individuals, July 31, 1974, System Task Force on Intercollegiate Athletics, Box 9, Anne Truax Papers, Uarc 275, MN-A. Minnesota’s program developed a different trajectory than the other Big Ten institutions and Kegler’s statement could have also been referring to the Big Ten or NCAA in addition to the government.

⁵⁴ Madison H. Scott to Deans, Department Chairmen, and Administrative Officers, July 22, 1974, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “Title IX, 1974-1975;” Madison H. Scott to Peter E. Holmes, Director, October 8, 1974, *ibid.*

The most consistent argument against Title IX was based on the belief that since intercollegiate athletics programs were self-sustaining (i.e. did not receive federal funds), they should not be regulated under this federal law. When Purdue University suggested that since its alumni foundation did not “receive Federal monies from any source” and should therefore be exempt from any Title IX regulations, administrators at the University of Illinois applied this same argument to athletics.⁵⁵ With the benefit of hindsight, it would seem that these arguments were destined to fail, but after HEW first distributed its regulations, the notion of a self-supporting program being exempt was not so far-fetched. The University of Minnesota’s faculty representative, M.O. Schultze, interpreted the regulations to mean that an “athletic activity which does not receive benefits from Federal financial assistance would not be governed by the provisions of these proposed regulations.”⁵⁶ Michigan athletic director Don Canham also suggested that the only way to limit government power over athletics would be to claim that “athletic programs are not federally funded” and should therefore not be subjected to HEW’s guidelines.⁵⁷ This argument suggested that Title IX applied only to those *programs* that received federal monies, whereas HEW determined that the legislation applied to any *institution* that received federal funding.

Despite the 1974 defeat of the Tower Amendment, administrators continued to fight for the exemption of revenue sports, specifically football. University officials contended that football “requires a substantial expenditure to operate” and to offer an

⁵⁵ Jack A. Young to Ray Eddy, September 6, 1974, Human Relations & Equal Opportunity (HREO), Title IX, 1974-1976 (folder 2), 24/1/1, Box 158, IL-A; J.W. Briscoe to President J.W. Corbally and Chancellor J.W. Peltason, October 11, 1974, *ibid*.

⁵⁶ M.O. Schultze to Vice President Stanley J. Wenberg, April 3, 1974, Title IX and Big Ten, 1974, Equal Opportunity: Integration – Women’s Athletics, Box 4, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A.

⁵⁷ Don Canham to Joint Group, May 20, 1975, Women’s Athletic Programs, Title IX, 1974-1979, Box 3, Don Canham Papers, UM-BHL.

equivalent sport for women “would be impossible now and in the foreseeable future, and probably would not be wanted by most women.”⁵⁸ Most importantly, “women’s programs are financed out of gate receipts from men in most instances.”⁵⁹ By not excluding revenue sports, the Title IX regulations would “severely damage the revenue sports programs,” thus increasing the financial challenges facing athletic departments and ultimately hurting the entire sports program—for women as well as men.⁶⁰ Indiana’s Bill Orwig argued that “revenue productive sports [supported] all others, including women” and therefore needed to be protected. Without this safeguard, Orwig believed that “Title IX will bring about a real-watering-down of the non-revenue sports program at Indiana” which included women’s athletics.⁶¹ Michigan President Robben Fleming noted that while the Title IX regulations did not specifically mandate equal expenditures, if women asked for equal funding, the guidelines would require it.⁶² NCAA President John Fuzak (also Michigan State’s faculty representative) lamented that the HEW regulations “[bordered] on economic insanity born out of a total contempt for the practical problems of administration of a university athletic department.”⁶³ Fuzak suggested that not only would failure to exempt revenue sports make it impossible to support women’s athletics,

⁵⁸ J.W. Peltason to Office of Civil Rights: Department of Health, Education, and Welfare, March 18, 1974, Human Relations & Equal Opportunity (HREO), Title IX, 1974-1976 (folder 3), 24/1/1, Box 158, IL-A.

⁵⁹ Don Canham to Mr. Caspar W. Weinberger, April 4, 1974, Women’s Athletic Programs, Title IX, 1974-1979, Box 3, Don Canham Papers, UM-BHL.

⁶⁰ Bill Orwig to Dr. Ed Williams, February 14, 1974, Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President’s Records (John W. Ryan), c459, INB-ARM. John Fuzak from Michigan State also expressed concern over the impact of these regulations on revenue sports. John A. Fuzak to Clifton R. Wharton, February 20, 1974, Correspondence, 1974, Box 473, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

⁶¹ Bill Orwig to Dr. Ed Williams, February 14, 1974, Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

⁶² Bob [Robben Fleming] to Nellie [Varner], June 20, 1975, Athletics (women), 1974-1975, Box 47, President’s Records, UM-BHL.

⁶³ “HEW’s Title IX Borders on ‘Economic Insanity,’ Says Fuzak,” Title IX Newspaper Clippings, folder 1, Box 7, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

the government's refusal to provide this exception revealed that HEW officials did not understand the realities of running an intercollegiate athletics program.⁶⁴

These concerns about the HEW regulations led to more fundamental questions about the intrusion of the federal government into college athletics. University of Iowa President Sandy Boyd captured the perspective of most university administrators when he noted that the "over-legislation and over-regulation" of the federal government led to a "limitation on educators to make educational decisions." Ultimately, he argued that "accountability does not require control."⁶⁵ This represented a major critique of Title IX: the government did not need to and was actually incapable of properly administering intercollegiate athletics. In a letter to HEW, Michigan State Vice President of University Relations Robert Perrin expressed this sentiment:

Of particular concern in the proposed rules is that, in its zeal to implement Title IX, the Department may be intruding itself into educational and employment policies of an institution to a degree far beyond possible sex discrimination. This leads to fear that sound institutional practices which only incidentally or indirectly contain a sex discrimination potential may be jeopardized to achieve a narrow and perhaps isolated purpose.⁶⁶

In this one statement, Perrin summed up the major concerns regarding the HEW's intervention in Title IX: the over-extension of government bureaucracy, the potential for politicization of these issues, and the seeming loss of institutional autonomy. Beyond the specific details of the HEW regulations, the increased involvement of the government in university procedures and policies was one of the biggest concerns for university administrators. In his typically direct manner, Michigan State's faculty representative

⁶⁴ John A. Fuzak to President Wharton, March 20, 1974, Intercollegiate Athletics, Women, 1973-1974, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

⁶⁵ Willard L. Boyd, "Statement on American Education in 1976," *University Memo*, December 1, 1975, Memo & Statement on American Education in 1976, Indianapolis, IN November 25, 1976, Speeches, Willard "Sandy" Boyd Papers, IA-A.

⁶⁶ Robert Perrin to Mr. Peter Holmes, Director, October 11, 1974, Title IX Guidelines, 1974, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

John Fuzak stressed that “we keep H.E.W. out of the dictator’s role in deciding our entire approach to women’s athletics and the financing of our athletic programs.”⁶⁷ Simply put, administrators did not want the government telling them what to do and how to do it.

The significance of these general critiques should not be minimized, but it is also important to examine administrators’ concerns about some of the specific rules HEW planned to implement. On a national level, the NCAA was particularly worried about the requirement of affirmative action to expand women’s programs, the lack of recognition for the special status of revenue-sports, the use of an annual student poll to determine which sports to offer, and the fact that the regulations required “immediate compliance.” This final point was one of the most concerning for the NCAA and its member institutions as it implied a “swift implementation” without consideration of the administrative and financial problems that this might cause. NCAA leaders argued that the regulations would be “disruptive, often destructive and surely counter-productive to the very objectives which Title IX seeks to attain.”⁶⁸ The NCAA was also concerned about the political nature of the regulations, noting that women’s groups were “mounting a campaign to discredit the final regulations,” believing them to be too weak.⁶⁹ These concerns were so great that in 1976 the NCAA council filed a lawsuit against HEW in an effort to change the guidelines. In explaining its decision to sue the government, the NCAA noted that this action was designed to clarify HEW’s regulations and its

⁶⁷ John A. Fuzak to President Wharton, June 24, 1974, Intercollegiate Athletics, Women, 1973-1974, *ibid.*

⁶⁸ Robert C. James to Chief Executive Officers of NCAA Member Institutions, February 21, 1974, Title IX and Big Ten, 1974: Equal Opportunity: Integration - Women’s Athletics, Box 4, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A; Richie T. Thomas to Walter Byers, September 29, 1975, St. Louis Convention, 1975-1976, Box 477, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

⁶⁹ Walter Byers to Selected Representatives of NCAA Member Institutions, May 17, 1975, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “Title IX, 1974-1975;” Walter Byers to Selected Representatives of NCAA Member Institutions, May 30, 1975, *ibid.*

expectations of America's colleges and universities in regards to Title IX and was not an attack on women's sports.⁷⁰ That said, some administrators opposed the action as it was, in the words of Northwestern's faculty representative, Laurence Nobles, "ill-conceived, unfortunate, and exceedingly untimely" and that it would "be regarded as a negative step, both by women at Northwestern and elsewhere across the country" [emphasis in original].⁷¹ In other words, Nobles flatly rejected the NCAA's contention that the lawsuit was not to be seen as a rejection of women's athletics.

Ironically, whereas the NCAA was concerned about the politicization of Title IX, certain women's sports leaders were worried about the very same thing. AIAW lawyer, Margaret Polivy noted that the new regulations reflected "a political rather than knowledgeable approach to the athletics section" and furthermore that "the Department personnel drafting the regulations [had] no interest, experience or expertise with respect to the subject matter."⁷² While the NCAA worried that feminists were having too much of an impact on Title IX, women's leaders were equally concerned about the influence of male sports administrators on the legislation. Ultimately, both male and female athletics officials agreed that HEW officials were inexperienced and lacked sufficient knowledge about intercollegiate athletics to create realistic and fair guidelines.

In response to the HEW regulations, Big Ten leaders provided not only general commentary but also critiqued specific elements of the proposed rules. Title IX was designed to address all educational activities and thus HEW's guidelines dealt with a

⁷⁰ NCAA to Member Institutions, February 13, 1976, Athletic Association, NCAA, 24/1/1, Box 153, IL-A; Linda Robb, "NCAA Challenges Title IX," *The Purdue Exponent*, March 18, 1976; Pat Kuhnle, "NCAA Hopes to Clarify Title IX," *The Purdue Exponent*, March 25, 1976.

⁷¹ Laurence Nobles to Professor John A. Fuzak, Associate Dean, Draft, March 3, 1976, Correspondence, 1970-1981, Box 8, Faculty Committee on Athletics, NU-A.

⁷² Margaret Polivy to Executive Boards NAGWS and AIAW, April 7, 1975, OSU-A, Women's Athletics (9/e-5a), Box 20, "Title IX: AIAW Correspondence."

wide variety of issues including academics, student life, admissions, and financial aid as well as sports.⁷³ The athletics section clearly elicited the most concern from Big Ten administrators. The HEW regulations were published on June 20, 1974, but HEW solicited responses from “all interested citizens and organizations until October 15, 1974.”⁷⁴ While the general concerns noted above were important, several specific clauses caused the most consternation. First, the guidelines stated that institutions must “make affirmative efforts to determine in what sports members of such sex would desire to compete.” Administrators were concerned that this rule required a student survey to determine the sports they would offer. Second, the regulations required that schools show that the athletics programs did not discriminate “in selection or recruitment for participation in competitive athletics.” The third and related area of concern was the fact that the guidelines required that institutions not discriminate in the awarding “of athletic scholarships.” These latter two rules were problematic because the AIAW forbid the active recruitment of female athletes and providing athletic scholarships for women, practices that HEW apparently required. The final and perhaps most troubling issue was the requirement that institutions must provide women with “competitive athletic

⁷³ Some of the regulations included the prohibition of single-sex scholarships, a regulation against sexual discrimination in admissions policies, and the banning of sexual discrimination in determining student housing (i.e. rules that allowed men preferential housing selection or that had allowed upper-class men to live off campus, but not women). The regulations did allow for single sex organizations and classes, but required that men and women have equal opportunity to participate in these activities. In other words, fraternities did not have to go “co-ed,” but to comply with Title IX, the university would have to allow sororities as well. Interestingly, the regulations required departments of physical education to offer co-educational PE classes, but allowed them to separate the boys and the girls when the class was participating in a contact sport (e.g. football, boxing, wrestling, rugby, and even basketball). Title 34 Education, Subtitle B Regulations of the Offices of the Department of Education, Chapter I Office for Civil Rights, Department of Education, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, U.S. Department of Education, accessed December 22, 2013, <http://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html>.

⁷⁴ Caspar W. Weinberger, Secretary of Health, Education, and Welfare, Press Release, June 18, 1974, Title IX, 1974-1976, 41/3/10, Box 7, IL-A.

opportunities equal to those available for [men].”⁷⁵ The question of how to define “equality” hung over the discussions about the HEW regulations.

One of the most unrealistic expectations was the suggestion that schools conduct a student poll to determine which varsity sports should be offered. Indiana University athletic director Bill Orwig asserted that this rule “would produce chaos.” Student apathy combined with the regular change within “student generations” would “result in a lack of continuity in athletic programs.”⁷⁶ J.W. Peltason, University of Illinois Chancellor, complained that “the difficulty of employing properly trained coaches, providing required physical facilities, and scheduling contests with other collegiate institutions” would make it nearly impossible to organize sports on the basis of an annual poll.⁷⁷ John Fuzak, faculty representative at Michigan State, suggested that this rule revealed HEW’s lack of knowledge as “anyone with experience in higher education would immediately recognize the impossibility of such an approach” and that, considering how few students usually vote in campus polls, “a minority could swing the vote in such a fashion as to decide not to have football next year.” He even pointed out that “voting would probably prove a handicap to the development of women’s varsity sports” since, at least at the moment, men’s sports were more popular than women’s sports on campus.⁷⁸ Michigan’s Don Canham declared that using a poll to “determine sports that a school will sponsor means

⁷⁵ Department of Health, Education, and Welfare, Office of the Secretary, “Nondiscrimination on the Basis of Sex Under Education Programs and Activities Receiving Federal Financial Assistance: Title IX,” n.d., ca. 1974, Intercollegiate Athletics, Women, 1973-1974, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

⁷⁶ Bill Orwig to Dr. Ed Williams, February 28, 1974, Athletics: Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

⁷⁷ J.W. Peltason to Office of Civil Rights: Department of Health, Education, and Welfare, March 18, 1974, Human Relations & Equal Opportunity (HREO), Title IX, 1974-1976 (folder 3), 24/1/1, Box 158, IL-A.

⁷⁸ John A. Fuzak to President Wharton, March 20, 1974, Intercollegiate Athletics, Women, 1973-1974, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC. Michigan State’s official response to HEW contained similar concerns about this clause: Robert Perrin to Mr. Peter Holmes, Director, October 11, 1974, Title IX Guidelines, 1974, *ibid*.

that someone is simply out of touch with reality” since it was impossible to run an athletic program on a “year-to-year basis.”⁷⁹ Other Big Ten administrators agreed with these perspectives. They believed that using a student poll to determine what varsity sports would be offered was a completely uninformed and impossible expectation.⁸⁰

Big Ten administrators also questioned HEW’s expectation that they recruit female athletes and award athletic scholarships to women, particularly because the AIAW forbid these practices. Leaders of the AIAW believed that the recruitment of student-athletes and providing athletic scholarships meant that varsity athletes were being treated differently than the rest of the student body, which was contrary to the educational model of sports they espoused. The AIAW’s ban on athletic scholarships put institutions in a difficult position of having to either break the law or run the risk of losing athletic recognition from the AIAW which would “[put the institution] out of the athletics business.”⁸¹ Stan Kegler, Vice President for Institutional Planning and Relations at the University of Minnesota, suggested that administrators needed to determine whether the “objectives [of intercollegiate athletics] should be exactly the same for both men’s and women’s programs” [emphasis in original].⁸² Chairperson of the Athletics Task Force at the University of Illinois, Laura Huelster concurred, noting that “although [the AIAW]

⁷⁹ Don Canham to Mr. Caspar W. Weinberger, April 4, 1974, Women’s Athletic Programs, Title IX, 1974-1979, Box 3, Don Canham Papers, UM-BHL.

⁸⁰ Tim Oliver, “System Task Force on Intercollegiate Athletics in Response to Title IX Guidelines,” ca. July 1974, System Task Force on Intercollegiate Athletics, Box 9, Anne Truax Papers, Uarc 275, MN-A; Madison H. Scott to Peter E. Holmes, Director, October 8, 1974, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “Title IX, 1974-1975;” Jim G. Carleton to Staff, October 2, 1974, Athletic Department Correspondence, Box 6, Robert H. Strotz Papers, NU-A; Purdue athletic director George King expressed the same concerns in an article in the student paper. Karen Clem, “Skill Will Decide,” *The Purdue Exponent*, November 8, 1974.

⁸¹ GE [Gary Engstrand] to CPM [C. Peter Magrath] and WHB [Walter H. Bruning], October 18, 1976, U of M Athletics, Intercollegiate, Title IX, Discrimination on the Basis of Sex in Federally Assisted Educational Programs, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A

⁸² Stan Kegler to Interested Individuals, July 31, 1974, System Task Force on Intercollegiate Athletics, Box 9, Anne Truax Papers, Uarc 275, MN-A.

scholarship and recruitment regulations are not ‘equal’ to those for men that they are highly desirable in terms of educational value.”⁸³ AIAW leaders met with HEW officials in March of 1974 to express these concerns. However, the position of HEW was “inflexible in insisting that all financial resources in intercollegiate athletics be divided equally between men and women,” including recruiting and scholarship budgets.⁸⁴ The failure of the AIAW to effect this change in the HEW regulations was one of the first steps towards women’s sports programs being modeled after those of the men.

In addition to these philosophical issues, administrators also worried about the financial implications of offering athletic scholarships for women. Sally Combs, the director of public relations for women’s athletics at Purdue, believed that “the whole program would go down the drain . . . if they immediately tried to match the scholarships offered to men.”⁸⁵ Bill Orwig from the University of Indiana shared these concerns about the “practical financial implications of the immediate compliance phase.”⁸⁶ While the guidelines did not require “equal aggregate expenditures,” administrators believed that equality in athletic scholarships created a financially untenable system. Coaches at Ohio State believed that “requiring universities to provide grants-in-aid [scholarships] in exact proportion to the number of students of each sex participating in intercollegiate athletics would have an incalculably harmful effect on the total athletic program” and that this expectation would “add an unreasonable financial burden to already underfunded athletic

⁸³ Professor Emerita, Laura Huelster to Assistant Vice-Chancellor Walter L. Strong, May 1, 1974, Athletics, Women’s Intercollegiate, Task Force, Huelster, 24/1/1, Box 119, IL-A.

⁸⁴ John A. Fuzak to President Wharton, March 20, 1974, Intercollegiate Athletics, Women, 1973-1974, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

⁸⁵ Susie Cowen, “Workshop Sponsored by FACE Discussed Title IX and Athletics,” *The Purdue Exponent*, October 23, 1975.

⁸⁶ Bill Orwig to Dr. Ed Williams, February 14, 1974, Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

programs.”⁸⁷ As the previous examples indicated, opposition to HEW’s expectation of equal scholarship expenditures was based on both philosophical concerns over the development of women’s athletics and practical financial issues.

Ultimately, the biggest questions about the regulations related to the definition of equality. On one level, parsing this term was perhaps a stall tactic employed by male administrators to keep from having to expend money and energy on women’s athletics. However, even when criticizing the regulations, most Big Ten administrators made it very clear that they supported equality and highlighted their efforts on behalf of women’s sports. Administrators at Indiana, Illinois, Michigan State, Ohio State, Minnesota, and Michigan all emphasized not only their desire to support women’s athletics and uphold the spirit of the law, but also the fact that many of their institutions had already started developing women’s varsity sports programs. Bill Orwig at Indiana and J.W. Peltason at Illinois were both concerned that the regulations might actually disrupt the progress already being made. Peltason argued specifically that “if these regulations are adopted, their effect will be disruptive in some instances, often destructive, and surely *counter-productive* to the very objectives which Title IX seeks to obtain” [emphasis added].⁸⁸

While some administrators certainly used concerns over HEW’s regulations as an excuse to delay their support for women’s athletics, it is equally clear that certain leaders

⁸⁷ Coaches to Representative/Senator, Draft, attached to: Madison H. Scott to Peter E. Holmes, Director, October 8, 1974, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “Title IX, 1974-1975.”

⁸⁸ Bill Orwig to Dr. Ed Williams, February 14, 1974, Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President’s Records (John W. Ryan), c459, INB-ARM; J.W. Peltason to Office of Civil Rights: Department of Health, Education, and Welfare, March 18, 1974, Human Relations & Equal Opportunity (HREO), Title IX, 1974-1976 (folder 3), 24/1/1, Box 158, IL-A; Jack Breslin to Clifton R. Wharton, May 15, 1974, Intercollegiate Athletics, Women, 1973-1974, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC; Madison H. Scott to Deans, Department Chairmen, and Administrative Officers, July 22, 1974, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “Title IX, 1974-1975;” Stan Kegler to Interested Individuals, July 31, 1974, System Task Force on Intercollegiate Athletics, Box 9, Anne Truax Papers, Uarc 275, MN-A; Don Canham to Mr. Caspar W. Weinberger, April 4, 1974, Women’s Athletic Programs, Title IX, 1974-1979, Box 3, Don Canham Papers, UM-BHL.

genuinely supported women's athletics and their criticism of Title IX was not intended to limit the growth of women's sports.

Most university officials claimed to support the idea of equality, but they also questioned what exactly HEW expected of them. Margaret Robb, the assistant equal opportunity officer at Purdue University, insisted that "the guidelines are so vague that everyone is having trouble interpreting them."⁸⁹ Illinois President John Corbally echoed that statement, observing that the athletics section was "very ambiguous" and that "institutions cannot clearly tell what will or will not be acceptable to HEW."⁹⁰ Even after meeting with HEW officials to get clarification, Vice President for University Relations at Michigan State Robert Perrin still struggled to understand the regulations since "oral interpretations have gone through a number of permutations . . . with the result that today they are of little value in helping to arrive at conclusions as to the real intent or effect of a given rule."⁹¹ Eric Gilbertson from Ohio State had a more cynical perspective on HEW's motive, suggesting that the confusion "[results] from what I suspect is a purposeful vagueness designed to maximize bureaucratic prerogatives."⁹² Clearly, the question of equality was not simple. University administrators were often left with an unclear understanding of how HEW interpreted equality and, ultimately, how they intended to enforce Title IX.

In addition to a perceived lack of clarity, institutions also struggled with the speed in which HEW demanded equality for women. Indiana University's athletic director Bill

⁸⁹ Linda Deacon, "Universities Oppose HEW," *The Purdue Exponent*, November 1, 1974.

⁹⁰ John E. Corbally to Honorable Caspar Weinberger, October 14, 1974, Human Relations & Equal Opportunity (HREO), Title IX, 1974-1976 (folder 1), 24/1/1, Box 157, IL-A.

⁹¹ Robert Perrin to Mr. Peter Holmes, Director, Title IX Guidelines, 1974, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

⁹² Eric Gilbertson to Madison Scott, July 2, 1974, OSU-A Papers of Harold L. Enarson (3/j), Box 41, "Title IX, 1974-1975."

Orwig pointed out that while men's athletics had developed over the course of seventy-five years Title IX "would force universities to develop full-blown athletic programs for women practically overnight," a prospect that he considered potentially destructive to the athletic department.⁹³ Beyond the harm that Title IX might cause to the men's athletics program, Big Ten administrators questioned the possibility that they could "bring women's programs to the same level [as the men's] in one or two years."⁹⁴ More significantly, Michigan athletic director Don Canham speculated whether "there is enough interest on the part of the women to even approach equality in funding."⁹⁵ Cecil Coleman, athletic director at the University of Illinois, also stipulated that equal did not necessarily mean identical. He encouraged HEW to develop regulations that allowed "athletic programs [to] have differences that are not sex oriented, but which are desirable (sic) and appropriate for individual program development."⁹⁶ Coleman believed that women's athletics needed to be allowed to develop at its own pace and in its own way, and that HEW needed to allow a more deliberate process so women's athletics programs could establish their own systems and philosophies.

In response to criticisms from administrators, HEW made multiple changes to the regulations, but they often did not go far enough for university leaders. HEW eliminated some of the more problematic parts of the regulations including the annual poll requirement and also stipulated that schools could offer sex segregated (separate but equal) teams, actually mandating sex-separate teams in contact sports. They also

⁹³ Bill Orwig to Dr. Ed Williams, February 14, 1974, Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

⁹⁴ Tim Oliver, "System Task Force on Intercollegiate Athletics in Response to Title IX Guidelines," ca. July 1974, System Task Force on Intercollegiate Athletics, Box 9, Anne Truax Papers, Uarc 275, MN-A.

⁹⁵ Don Canham to Mr. Caspar W. Weinberger, April 4, 1974, Women's Athletic Programs, Title IX, 1974-1979, Box 3, Don Canham Papers, UM-BHL.

⁹⁶ Cecil Coleman to Vice Chancellor, J.W. Briscoe, August 26, 1974, Human Relations & Equal Opportunity (HREO), Title IX, 1974-1976 (folder 2), 24/1/1, Box 158, IL-A.

recognized the difficulty of immediate compliance and instituted a three-year development period, giving institutions of higher education until June 1, 1978 to comply with the regulations. They also tried to make the regulations more direct, for example, clearly articulating that equality did not mean “dollar-for-dollar matching expenditures for each sex.”⁹⁷ Despite these adjustments, university administrators worried that institutions would face heavy financial burdens and without an exemption for revenue sports would have trouble funding intercollegiate athletics. Some officials still believed the guidelines lacked clarity, as Indiana’s athletic director Bill Orwig facetiously commented to a reporter: “if you can understand it, you’re a better man than I.”⁹⁸ Ultimately, university leaders believed that the regulations “wrongly interpret the law.”⁹⁹

Since the changes HEW made did not go far enough for many university leaders, some of them appealed to their government contacts for help in further amending the regulations. In March of 1974, Indiana athletic director Bill Orwig wrote a letter to Vice President Gerald Ford urging him to put pressure on HEW to modify their regulations “to avoid the damage to intercollegiate athletics which the present draft threatens.”¹⁰⁰ In a letter to Senator Hubert Humphrey, University of Minnesota athletic director Paul Giel expressed the fear that Title IX “will put us all out of business or at the very least relegate college athletics to a high level of intramurals.” He supported the expansion of women’s

⁹⁷ “Major Provisions of the February 28 Draft Title IX Regulation,” ca. March 1975, Conference Meetings, 1975, Box 473, *ibid*; “Final Title IX Regulation Implementing Education Amendments of 1972 Prohibiting Sex Discrimination in Education, Effective Date: July 21, 1975, U.S. Department of Health, Education and Welfare/Office for Civil Rights: Issue VI – Athletics,” Title IX – Education Amendments, 1975-1976, Box 158, 24/1/1, IL-A.

⁹⁸ Mark Montieth, “Equal Opportunity Ruling: A Matter of Interpretation,” *Indiana Daily Student*, June 5, 1975, 19.

⁹⁹ “Title IX Regulations Troublesome: Canham, Smith Reluctant to Obey,” AP, July 15, 1975, Title IX, 1973-1977, Box 6, 16/4/22, IL-A; “Title IX: A New Look at Women’s Athletics,” *Indiana University Arbutus*, 1975.

¹⁰⁰ Bill Orwig to The Honorable Gerald R. Ford, March 11, 1974, Athletics: Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

athletics, but that “it shouldn’t necessarily come at the expense of the already burdened men’s program.”¹⁰¹ In the spring of 1975, administrators at Michigan State and Ohio State communicated with now President Ford about the HEW regulations. Both John Fuzak (on behalf of the NCAA) and Michigan State president Clifton Wharton were concerned with the scope of the specific regulations and the potentially negative impact they would have on college athletics, for women as well as men. President Wharton expressed support for gender equality stating: “there never has been any conflict with the moral rightness of the prohibition against sex discrimination in education.” But he appealed to Ford to come up with a more reasonable set of guidelines to establish equality in athletics.¹⁰²

Despite these pleas, President Ford signed the regulations into law in May of 1975, and stipulated that they would go into full effect on July 21 of that year.¹⁰³ But, university officials were not ready to quit yet. In the approximately two months between the signing and the July implementation date, coaches and administrators tried to encourage President Ford (a former athlete who they believed would be sympathetic to their concerns) to force HEW to make further changes to the regulations.¹⁰⁴ In early July, Michigan football coach Bo Schembechler joined by football coaches from the University of Texas (Darrell Royal) and the University of Oklahoma (Barry Switzer) met with President Ford to impress their concerns on him. They continued to fight to exempt

¹⁰¹ Paul Giel to Senator Hubert H. Humphrey, May 28, 1975, Women’s Athletics, Title IX: 1975, Box 8, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A.

¹⁰² John A. Fuzak to President Gerald R. Ford, March 20, 1975, Correspondence, 1975, Box 477, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC; Clifton R. Wharton, Jr. to The Honorable Gerald R. Ford, March 24, 1975, Title IX Guidelines, 1975-1976, Box 425, *ibid*.

¹⁰³ “The Living Law,” Title IX Info, accessed December 3, 2013, <http://www.titleix.info/History/The-Living-Law.aspx>.

¹⁰⁴ “Equal Opportunity,” *Detroit Free Press*, July 6, 1975, Women’s Athletic Programs, Title IX, 1974-1979, Box 3, Don Canham Papers, UM-BHL.

football from the regulations, arguing again that not doing so would “weaken revenue-producing sports and endanger both men’s and women’s programs” and that these changes were necessary to ensure the “[survival] and [prosperity]” of both men’s and women’s athletics.¹⁰⁵ In some ways, these coaches were playing a political game. While their main goal was to protect football (and men’s sports in general), they suggested that their motive was actually to save women’s sports as well. This argument might seem disingenuous, but they correctly asserted that the financial health of the entire athletic program, for men and women, depended on the revenue generated from football. In response to this meeting, Ford suggested that Congress conduct further hearings on these issues.¹⁰⁶ These concerns formed the basis for the on-going criticism of the HEW regulations in the coming years.

Despite the perceived deficiencies in the regulations, when they went into effect on July 21, 1975, educational institutions were forced to deal with these rules whether they liked them or not.¹⁰⁷ In some ways, administrative reaction again the HEW regulations was paradoxical. On the one hand, university leaders hated the notion of *any* government interference in athletics and believed that HEW’s guidelines were overly proscriptive, uninformed, and illogical. Yet at the same time, administrators complained that the regulations were not clear enough. In this sense, these leaders took a very

¹⁰⁵ Nancy Dunn, “Easing of Sex Discrimination Guidelines Urged,” *Ann Arbor News*, July 8, 1975, Title IX Newspaper Clippings (folder 1), Box 7, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL; Glenn E. Schembechler to The President, July 14, 1975, Women’s Athletic Programs, Title IX, 1974-1979, Box 3, Don Canham Papers, UM-BHL.

¹⁰⁶ Ford specifically noted that when Title IX was passed in 1972, there was very little discussion regarding the implications for intercollegiate athletics. Diane Stock, “Ford Signs Final HEW Rulings on Controversial Title IX Issues,” *The Purdue Exponent*, June 17, 1975; Gerald R. Ford to The Honorable Harrison A. Williams, July 21, 1975, Women’s Athletic Programs, Title IX, 1974-1979, Box 3, Don Canham Papers, UM-BHL.

¹⁰⁷ Diane Stock, “Ford Signs Final HEW Rulings on Controversial Title IX Issues,” *The Purdue Exponent*, June 17, 1975

pragmatic approach to this issue. While they may have disagreed with the notion of government oversight, if they were going to be forced to accept it, they wanted the expectations as clear as possible so they would know exactly what they had to do to proverbially “pass inspection.” Ultimately, despite the fact that most administrators stated their support for gender equality, many of them did not fully implement their women’s sports programs until after HEW published its guidelines. Even though administrators disagreed with many parts of the regulations, it was this set of rules that provided universities a blueprint for gender equality in athletics.

Program Development

While most institutions offered varsity sports for women prior to 1974, the challenge of Title IX came with its mandate to dramatically and rapidly increase institutional support for these programs. Despite vehement opposition to the HEW regulations, it seems that most Big Ten institutions took the spirit of Title IX to heart. Administrators at these schools complained about government intrusion and struggled with financial and administrative concerns. However, between 1975, when the HEW regulations went into effect, and 1978, when institutions were supposed to be fully compliant, most institutions made significant progress in creating strong women’s athletics programs. The process of developing women’s intercollegiate athletics was complex and not without its share of controversy. While each school was unique, in general the process of growth proceeded along a similar path at each Big Ten institution. This development included creating a plan for improvement, establishing a new

administrative structure that included women, providing more consistent funding for women's sports, grappling with the question of athletic scholarships, and finally dealing with the challenge of complying with Title IX by July of 1978, the date mandated by HEW. While the process was challenging and some schools were still not in compliance by 1978, there is no doubt that women's programs grew significantly during this three-year period.

The first step in developing women's intercollegiate athletics in response to Title IX was the process of assessing the status of women's sports. There were three separate models employed by the various Big Ten schools: evaluation conducted by standing committees or administrators, the creation of a special sub-committee of the athletic board, or the establishment of a separate task force. At Michigan State, Ohio State, and Purdue, individual administrators led the process of evaluation and improvement. Purdue President Arthur Hansen took the leadership role in developing women's athletics. Appointed president in 1972, Hansen quickly recognized the need for additional support for women's sports and by 1975 had developed a plan to increase university backing for this program.¹⁰⁸ At Michigan State and Ohio State, the women's athletic directors led the charge for evaluation and improvement of the programs. Nell Jackson was hired as the Assistant Director of Athletics at Michigan State in 1973 and quickly took control of the women's program leading many of the efforts to increase support for women's athletics.¹⁰⁹ At Ohio State, Phyllis Bailey began working with the women's athletic

¹⁰⁸ 1972 *Purdue Debris* (Yearbook); "Campus Women Hear President Discuss Their Purdue Roles," Monday Memo, Vol. 6, No. 10, October 23, 1972, Folder: Monday Memo, Vol. 5, No. 31, Vol. 6, Nos. 5-10, 1972, MSA 78, Arthur G. Hansen Papers, Box 4, PU-KA.

¹⁰⁹ "Dr. Nell C. Jackson," *Lansing State Journal*, March 20, 1992, Jackson, Nell Cecelia, Assistant Director, Women's Athletics, Faculty and Staff Biographical Files, MSU-AHC; Dick Lovell, "Women's Athletic Budgets Balloon: Nell C. Jackson Directs Vigorous Program at Michigan State," *Battle Creek Enquirer and News*, April 14, 1974, *ibid*.

program in 1965 as the Associate Director of Recreation, Intramurals and Intercollegiate Sports for Women before being appointed the Assistant Director of Athletics in 1975 and Associate Director in 1977. Between 1973 and 1974, Bailey actively engaged in evaluation of women's athletics and pressured the university to increase support for the program.¹¹⁰ At each of these institutions, a dedicated and influential individual drove the assessment and early growth of women's sports.

Some institutions developed subcommittees on women's sports as part of their standing athletic boards. These groups were responsible for assessing the program, recommending improvements and, in most cases, engaging in on-going evaluation that extended beyond the initial development of the new women's athletic program. Two Big Ten schools followed this model: Indiana and Iowa, both of which created these subcommittees in 1972.¹¹¹ The creation of these committees at Iowa and Indiana helped diffuse both the work and responsibility for developing the program. Additionally, the fact that these groups were part of the athletic board suggested that the university planned to include women's athletics in the overall athletic administration. In the case of these institutions, the timing was also important. The fact that both institutions created these committees prior to the Title IX Era indicates a greater level of support for women's athletics. Chairman of the Indiana Athletic Board, Edwin Cady put it best when he argued in April 1972 that "nothing could be more obvious (and welcome, as I shall later suggest)

¹¹⁰ Phyllis Bailey, Associate Athletic Director, Press Release, June 1988, OSU-A, Biographical Files, "Bailey, Phyllis J.;" Phyllis J. Bailey, "Five Year Plan for Relocation and Development of the Women's Intercollegiate Program," May 2, 1973, OSU-A, Women's Athletics (9/e-5a), Box 9, "Intercollegiate, Policies, Plans, 1974-1981." Bailey also served as a member of the campus-wide advisory committee on Title IX, formed in the fall of 1976. Harold L. Enarson to Ms. Phyllis J. Bailey, October 5, 1976, OSU-A, Women's Athletics (9/e-5a), Box 2, "OSU: Correspondence, August-December 1976."

¹¹¹ Edwin Cady, Report of the Athletics Committee, April 4, 1972, Circulars, 44-72, Box 9, Indiana University Faculty Council Records, c180, INB-ARM; Minutes, Board in Control of Athletics, May 19, 1972, 1972 Minutes, Board in Control of Athletics, Box 5, Board in Control of Athletics Records, IA-A.

than the fact that [the student-athlete] is also female.”¹¹² This suggests that Indiana and Iowa did not need Title IX to force them into developing women’s athletics.

Finally, the most common system for the evaluation of women’s varsity sports programs was the task force model employed by Illinois, Michigan, Minnesota, Northwestern, and Wisconsin. These institutions formed temporary committees to investigate the status of women’s athletics and as Chancellor Peltason’s charge to Laura Huelster’s committee at Illinois stated: “to consult with interested and knowledgeable groups on this campus and propose feasible ways to administer and fund women’s intercollegiate athletic programs.”¹¹³ The task forces at Michigan, Minnesota, Northwestern, and Wisconsin shared a similar goal, but there were significant differences that indicated the level of support for women’s athletics at each institution. For example, in three cases (Illinois, Michigan, and Minnesota), the chairperson of the committee was a woman. Additionally, the committees at Illinois, Michigan, and Wisconsin all formed in 1973, before HEW even issued its regulations.¹¹⁴ Furthermore, while Title IX was certainly a motivating factor for increased interest in women’s athletics, *all five*

¹¹² Edwin Cady, Report of the Athletics Committee, April 4, 1972, Circulars, 44-72, Box 9, Indiana University Faculty Council Records, c180, INB-ARM.

¹¹³ J.W. Peltason to Professor Laura Huelster, July 9, 1973, Task Force on Women’s Intercollegiate Athletics, 1973-1974, 16/4/22, Box 3, IL-A.

¹¹⁴ Laura Huelster was a emerita professor of Physical Education at Illinois, Eunice Burns was assistant to the Dean of Education at Michigan, and Anne Truax was the director of the Minnesota women’s center (perhaps suggesting a more progressive stance by Minnesota’s upper administration). J.W. Peltason to Professor Laura Huelster, July 9, 1973, Task Force on Women’s Intercollegiate Athletics, 1973-1974, 16/4/22, Box 3, IL-A; “New Athletics Program for Women,” University Record: University of Michigan, October 1, 1973, Title IX Newspaper Clippings, Box 7, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL; R.W. Fleming to Mrs. Eunice L. Burns, June 13, 1973, UM Committee to Study Intercollegiate Sports for Women, Memos and Correspondence, 1973-1974, Box 2, Eunice Burns Papers, UM-BHL; Anne Truax, Women’s Center Director, name Chair of University Task Force on Women’s Athletics, October 2, 1974, Briefs, Intercollegiate Athletics, Information Files, Uarc 1158, MN-A. Both Wisconsin and Northwestern’s committees were led by men. Report of the Ad Hoc Advisory Committee on Women’s Sports, January 22, 1975, Advisory Committee on Women’s Sports, Box 1, Records of the Vice President for Student Affairs, Accession 96-226, NU-A; Edwin Young to Prof. Murray Fowler, April 19, 1973, Committees – Women’s Athletic Facilities and Programs, Box 131, 4/21/1, UW-A.

committees were formed prior to the implementation of the HEW regulations in July of 1975. The fact that many of these administrators actively fought against the HEW regulations did not stop them from developing plans to improve women's varsity sports.

Initially, the development of women's athletics rested on the specific recommendations from these committees and administrators. That said, it is important to emphasize that the assessment reports provided guidance only. In most cases, any changes to intercollegiate athletics would have to be approved either by the athletic board or by the university president or chancellor. The suggestions from these committees and campus administrators highlighted the deficiencies in women's sports and the challenges of developing women's athletics, but also revealed a general willingness to address the problems in order to build a successful women's intercollegiate athletics program. The focus of the following discussion will be on the reports generated by Phyllis Bailey at Ohio State and the task force reports from Illinois, Michigan, Minnesota, Northwestern, and Wisconsin. The initial recommendations from these six institutions represent a diverse set of perspectives on women's athletics and provide a basis for understanding the decisions that Big Ten institutions made in regards to developing these programs. Early discussions regarding women's sports at Indiana, Iowa, Michigan State, and Purdue were substantively similar to those at these other six institutions.¹¹⁵

At Ohio State, Phyllis Bailey provided the leadership for women's athletics. Her reports in 1973 and 1974 revealed the status of women's sports at Ohio State and the direction she saw the program moving. She suggested that due to an increase of interest

¹¹⁵ The researcher was unable to locate specific reports from Indiana, Iowa, Michigan State, and Purdue. However, other documents including letters, memos, and newspaper articles suggested that the early plans at these other four schools progressed along a similar pattern. Thus, an examination of the reports from the task forces at Illinois, Michigan, Minnesota, Northwestern, and Wisconsin and Bailey's report from Ohio State were sufficient to understand the development of women's athletics in the Big Ten.

in women's sports "it seems advisable to request that the women's program be transferred to the Athletic Department." She believed that the established structure and institutional recognition of the athletic department would provide women's sports the support it needed. She developed a five-year plan for the incorporation of the women's program into the athletic department that included hiring qualified coaches and administrators and creating the position of women's athletic director. She believed that the program needed to move away from part-time and graduate assistant coaches in order to provide more stability for the women's teams. Bailey also discussed the improvement of facilities and equipment for women's athletics including a refurbished locker room and additional athletic trainers for the women's teams. A significant part of her plan included her contention that women's sports would eventually include recruiting and athletic scholarships (which were against AIAW rules) and that it might eventually be possible to charge admission for some women's sports.¹¹⁶ In some ways, Bailey's recommendations suggested that she accepted and perhaps even welcomed the opportunity for women's sports to develop along the same lines as the men's. This was a unique position at the time because many women's sports leaders worried that adopting the male model would rob them of authority over the women's program and would spell the demise of their preferred educational model of athletics.¹¹⁷

Under the direction of Eunice Burns, the task force at the University of Michigan developed a similar plan to that at Ohio State. The Burns Committee recommended hiring

¹¹⁶ Phyllis J. Bailey, "Five Year Plan for Relocation and Development of the Women's Intercollegiate Program," May 2, 1973, OSU-A, Women's Athletics (9/e-5a), Box 9, "Intercollegiate, Policies, Plans, 1974-1981;" Phyllis Bailey, "The Status of Women's Intercollegiate Sports Program at the Ohio State University," July 10, 1974, *ibid*.

¹¹⁷ Ying Wushanley, *Playing Nice and Losing: The Struggle for Control of Women's Intercollegiate Athletics, 1960-2000* (Syracuse: Syracuse University Press, 2004).

an “Associate Director of Athletics” for women who would report to the men’s director of athletics, thus placing administration of women’s athletics under control of the men’s athletic department. Significantly, the Burns Committee recognized the challenges of developing women’s sports and suggested that the Board of Regents “appoint a committee for a three year period to advise and assist the Associate Director in determining the appropriate procedures and directions for sound program development.” Most importantly, the Burns Committee report also discussed funding options for the women’s program. The committee acknowledged that the costs could not be handled exclusively by the athletic department, so it proposed a model in which the departments of athletics and physical education would share the costs of operating women’s varsity sports.¹¹⁸ Thus, Michigan’s model was one that encouraged collaboration between men and women and between different departments to achieve equality.

Laura Huelster’s task force at the University of Illinois shared a similar perspective as that of Ohio State and Michigan: women’s and men’s athletics should be combined into a single athletic department. Huelster’s committee also strenuously insisted that a female athletic director be in charge of the program and that the by-laws of the Athletic Association be amended to add female leaders to this organization. These examples clearly indicated that Illinois intended to ensure that women retained control over the program. The Huelster committee also discussed finances, but instead of proposing a model in which women’s athletics was funded by university departments (i.e. athletics and physical education), the committee requested that women’s sports be funded through the university’s “general funds.” Specifically, the committee recommended that

¹¹⁸ “Report of the Committee to Student Intercollegiate Athletics for Women,” November 1, 1973, Burns Committee Report, 1973, Box 1, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

the university pay the salaries for all women's coaches and, most importantly, grant tuition waivers to the Athletic Association. Having the university pay for athletic scholarships (one of the largest expenses for the athletic department) would ensure that the athletic department had enough funds to support the new women's program.¹¹⁹ Thus, the models proposed by Ohio State, Michigan, and Illinois shared a similar administrative structure, but differed on the question of funding.

The committee recommendations from Northwestern University and the University of Minnesota provided a clear administrative counter-point to those at Ohio State, Michigan, and Illinois. The task forces at Northwestern and Minnesota each proposed an organizational structure in which a separate women's athletic department was established on equal footing with that of the men. At Minnesota, the committee suggested a plan in which women's athletics would be moved from "the School of Physical Education" and put "in an analogous reporting position to a Vice President." In this model, the women's program would not be subsumed under the already established men's athletic department. Task force chairperson Anne Truax saw this move as not only a benefit to gender equality, but also an opportunity to bring men's athletics "under stronger educational control."¹²⁰ Similarly, the task force at Northwestern recommended a structure in which the women's athletics program would have its own department reporting to the Vice President of Student Affairs. The task force argued that this model gave the women's sports program "the freedom to establish its own philosophy, create its

¹¹⁹ Women's Intercollegiate Athletics, University of Illinois at Urbana-Champaign, Recommendations on Administration and Funding, February 28, 1974, Athletic Association, WISA, 1973-1974, 24/1/1, Box 119, IL-A; Cecil N. Coleman to Chancellor J.W. Briscoe, February 28, 1974, Task Force on Women's Intercollegiate Athletics, 1973-1974, 16/4/22, Box 3, IL-A.

¹²⁰ Stan Kegler to Holger Christiansen, et al, May 28, 1975, Correspondence, 1974-1980, Box 8, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A; Anne Truax to Vice President Stanley Kegler, May 16, 1975, System Task Force on Intercollegiate Athletics, Box 9, Anne Truax Papers, Uarc 275, MN-A.

own identity, and design its own program.” They also noted that this structure would give women’s athletics “the same privilege that the Men’s Athletic Department has.”¹²¹ The most important goal of these models was that women’s athletics not be taken over by the more powerful and established men’s athletic department.

While the administrative structure was a central consideration of these committees, they also discussed a wide variety of other logistical concerns. The task force at Wisconsin was charged with two separate tasks. Their first job was to examine issues “concerning remodeling, rescheduling or other changes which will enable us to achieve a greater degree of equity for women staff and students in athletic programs and facilities.” In this responsibility, the committee was instructed to develop plans that could help women’s sports immediately. Thus, the committee’s initial recommendations included remodeling and renovating athletics facilities (e.g. locker rooms, gyms, athletic fields, etc.) and making scheduling changes to allow more equitable use of athletic facilities. The second task for the committee was to provide recommendations regarding the larger structural and financial issues with women’s sports. The Wisconsin committee recommended the combination of varsity sports into a single department to be known as the “Division of Intercollegiate Athletics for Men and Women”¹²² The title clearly identified the athletic department as including both men and women, in contrast to Ohio State and Michigan where women were simply folded into the existing men’s athletic

¹²¹ Report of the Ad Hoc Advisory Committee on Women’s Sports, January 22, 1975, Advisory Committee on Women’s Sports, Box 1, Records of the Vice President for Student Affairs, Accession 96-226, NU-A.

¹²² Chancellor’s Committee on Women’s Athletic Programs and Facilities to Professor H. Edwin Young, Chancellor, July 5, 1973, Committees – Women’s Athletic Facilities and Programs, Box 131, 4/21/1, UW-A; Proposal for the Administration and Conduct of Women’s Intercollegiate Athletics, December 4, 1973, Subject Files: Title IX, UW-A.

department. This wording suggested that Wisconsin officials were attempting to ensure that female administrators did not lose their voice in this merged athletic structure.

While the various committee recommendations were an important part of the development of women's sports at the Big Ten institutions, the most vital part of the story is the manner in which these schools actually implemented these suggestions (if they did at all) and what steps they took, administratively and financially, to achieve athletic equality for women. While there were certainly many factors that went into the development of women's athletics, Table 2 shows the status of these programs as of June 1974. The information in this table was based on some of the key elements of the Title IX guidelines including budget, number of sports, and staff support.¹²³

¹²³ Meeting of the Big Ten Women Directors of Intercollegiate Athletics, June 15, 1974, OSU-A, Women's Athletics (9/e-5a), Box 16, "Big Ten: Women's Athletics Administrators Memos, Minutes, Reports 1973-1976."

Table 2: Support for Women's Sports at Big Ten Institutions, June 1974

School	Budget (1974-1975)	# of Sports	Trainers for women's sports	Coaches coaching more than 1 sport
Illinois	\$82,535	7	Full-time	None
Indiana	\$118,000	8	Full-time	None
Iowa	\$71,000	10	Half-time	None
Michigan	\$86,000	6	Work with men's trainer	None
Michigan State	\$90,000	9	Graduate Assistants	One (Basketball and Field Hockey)
Minnesota	\$98,231	9	Full-time	2 for 3 sports (basketball, volleyball, softball)
Northwestern	\$7,952 + \$2,500 coaching	9	None (maybe part-time)	3 for 7 sports: Field Hockey, basketball, track; Gymnastics, golf; Volleyball, softball)
Purdue	\$46,800	9	None	None
Ohio State	\$85,024	11	Full-time	3 for 6 sports (Field Hockey & Softball; Volleyball & Golf; Track & Fencing)
Wisconsin	\$118,000	11	None	1 head coach & assistant coach in another sport (basketball, volleyball)

Several interesting items stand out from the information contained in this Table.

The data was collected on June 15, 1974. The fact that many of these institutions had already allocated budgets approaching (or even over) \$100,000 prior to the passage of the HEW regulations suggested that they were attempting to make good-faith efforts on behalf of women's sports. Additionally, the fact that seven of the ten schools offered at least eight or more sports for women suggested at least an attempt to provide equal opportunity. Also, many of the institutions improved support for women's athletics by hiring full-time trainers and coaches for women's teams. That said, there were some

obvious discrepancies among the various schools. For example, the University of Michigan only offered six sports for women, a shockingly low number considering the size of the institution. Additionally, Northwestern's athletic budget for women was just over \$10,000, making it approximately \$35,000 less than the next closest Big Ten school: Purdue at \$46,000.¹²⁴ Even with these exceptions it is clear that by June of 1974, women's programs were making progress. Moreover, by 1977, each institution had dramatically increased support for women's athletics, a fact highlighted by the information contained in Table 3.¹²⁵

¹²⁴ The reason for this small number at UM was the Michigan Athletic Board's insistence in maintaining its specific policy for the addition of new varsity sports that required a waiting period in which the sport would build up support as a club activity before being granted varsity status. This policy was based on both cost factors and the concern that a varsity sport would have the support and student interest to be a viable varsity activity. In other words, again, the small number of sports offered was not necessarily due to a bias against women, but was based on organizational structures and policies that the board believed reflected important standards. Board in Control of Athletics: Long Range Planning Committee, Board Policy Regarding the Creation of New 'Varsity' Teams, November 23, 1976, Athletic Department, Athletic Director, Board in Control of Intercollegiate Athletics, Long Range Planning Committee, 1976-1989, Box 92, Athletic Department (University of Michigan), Records, 1860-2009, UM-BHL.

¹²⁵ The table includes a column for scholarships. This issue was a major ideological hurdle during this era and will be explored more fully later in the chapter, but it is helpful to see this information here as well. Budget Information, Women's Intercollegiate Programs, n.d. ca. spring 1976, OSU-A, Women's Athletics (9/e-5a), Box 18, "NCAA: Articles, Correspondence, Reports, and Restructuring to include Women's Athletics, 1973-1976."

Table 3: Women's Sports Budgets, Big Ten, 1975-1977

School	1975-1976	1976-1977	\$ Increase	% Increase	Scholarships
Illinois	\$133,441	\$187,104	\$53,663	40.2%	32 – tuition
Indiana	\$185,000	\$213,000	\$28,000	15.0%	20 full
Iowa	\$143,000	\$200,000	\$57,000	39.9%	60
Michigan	\$120,000	\$180,000	\$60,000	50%	\$10,000
Michigan State	\$165,000	\$270,000	\$105,000	63.6%	\$30,000
Minnesota	\$250,000	\$313,822	\$63,822	25.5%	\$20,000
Northwestern	\$95,000	\$200,000	\$105,000	110.53%	Same
Ohio State	\$200,000	\$300,000	\$100,000	50%	30 full
Purdue	\$120,000	\$135,000	\$15,000	11.1%	\$14,000
Wisconsin	\$159,300	\$250,000	\$90,700	56.9%	40

As these two tables show, Big Ten institutions steadily increased support for women's athletics during this period. Yet the fundamental question about this process was how it happened and what challenges remained to achieve gender equality in athletics. Despite the improvements indicated above, the process of enhancing women's sports was often slow. By 1977, men's and women's athletics were still not equal. However, the deliberate pace of improvement was not primarily based on a chauvinistic resistance to women as athletes, but on the philosophical, administrative, and financial challenges that needed to be addressed.

In making improvements to women's sports, administrators grappled with the best way to incorporate these new teams into the administrative structure of athletics while at the same time respecting the different philosophies of men's and women's sports. The first step at most institutions was to revise the policies of the athletic boards. Until the 1970s, the campus athletic committees charged with governing intercollegiate sports

were solely responsible for men's athletics. When women's sports entered the picture in the 1970s, faculty members on the athletic committees pushed to have these programs included under the purview of these boards. Robert Kadlec, a member of the Board in Control of Athletics at the University of Michigan suggested that the establishment of a separate governance structure for women "would not be able to function efficiently" and thus women needed to be included in the overall athletics administration.¹²⁶ Several institutions revised athletic board by-laws to include, for example, an AIAW representative and the women's athletic director as an ex officio member, thus providing flexibility to follow different national rules for men's and women's sports.¹²⁷ By adding representatives from women's athletics these athletic boards indicated their acknowledgement of the necessity for a female voice in athletics administrations.

The inclusion of female administrators onto the athletic boards was in part a sign of acceptance, but was also based on the fact that women's and men's athletics operated under very different sets of rules and philosophies. This distinction made genuine equality a difficult proposition. Ginny Hunt, women's athletic director at the University of Michigan, put it best when she noted that "many of the men's programs are based on the idea that the purpose of the athletic program is to benefit the institution. . . .

Conversely, the women's programs have exemplified the concept that the athletic program is run for the benefit of the student participants." Athletes at Michigan shared

¹²⁶ Athletic Department Title IX Committee Minutes, July 12, 1978, Athletic Department, Title IX Committee, Appendices E-J, Box 935, Harden, Edgar L. Papers, UA 2.1.15, MSU-AHC; Robert H. Kadlec to Robben W. Fleming, September 12, 1975, Athletics (Affirmative Action, Title IX, Women), 1975-1976, Box 53, President's Records, UM-BHL.

¹²⁷ Proposed By-Laws of Athletic Council Michigan State University, January 14, 1977, attachment to L.W. Dean to President Clifton Wharton, January 17, 1977, Recommendations for the Program 1972, 1976-1977, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC; Policy Statement Criteria for Intercollegiate Sports within the Division of Intercollegiate Athletics, March 15, 1974, Athletic Board Meeting, March 15, 1974, Box 3, 5/21/1, UW-A.

this perspective as evidenced by the 1975 document “Philosophy of Women’s Intercollegiate Athletics” which stated that each individual team as well as the program had “a responsibility to the individual and her needs” first and foremost.¹²⁸ The University of Iowa shared a similar philosophy noting the need for varsity athletics to “to remain *a part* of education rather than *apart* from education” [emphasis added].¹²⁹ Differences between men’s and women’s athletics did not simply rest on disparate budgets or coaching or facilities. Certain administrators were clearly committed to maintaining a different model of women’s athletics, one that was educational in nature rather than commercial.

A challenge lay in the efforts to come to terms with these differences. At the University of Minnesota, the man tasked with exploring the philosophical issues was Gary Engstrand, Assistant to the President. His memos, written in December of 1976 to the campus Title IX subcommittee, were instructive in understanding the impact that the differing philosophies could have on the development of women’s athletics. Engstrand first addressed the fact that men’s athletics was a business that in recent years was struggling: “our athletic income has dropped, expenditures have increased, and the surpluses have occasionally turned into deficits.” The business model of athletics was based on a “free market” ideology in which institutions competed with each other for the best athletes in order to have the best teams. This meant that if a school wanted to be successful it needed to provide incentives (i.e. scholarships) to attract the best players to

¹²⁸ Ginny Hunt to Carolyn K. Davis, Associate Vice-President for Academic Affairs, March 17, 1977, American Council on Education – Committee on Collegiate Athletics, Box 1, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL; Sheryl Szady, Debbie Lewis, and Deborah Vander, “Philosophy of Women’s Intercollegiate Athletics,” April, 1975, Topical Files, Miscellaneous, 1972-1977, *ibid*.

¹²⁹ “Five Year Plan for Women’s Intercollegiate Athletics,” August 1975, p. 3-5, Women’s Intercollegiate Athletics Five Year Plan, 1975-1976, Christine Grant Papers, Box 35, IA-WA.

ensure a thriving “business.” All of this led Engstrand to the conclusion that if they wanted men’s sports to “keep afloat,” it would be harmful to fund women’s athletics from profits from the men’s program.¹³⁰

Engstrand also acknowledged that “some accommodations” were needed to develop women’s athletics. Partially due to the difference between the business model of men’s athletics and the educational philosophy of the women, it would be difficult for the athletic department to create women’s athletics. Its goal rather should be to “avoid impeding this program growth.” Engstrand believed that the best way to support women’s sports would be for the men’s program to let female leaders develop their own model and not force them into adopting a commercial system like the men. Ultimately, he believed there were two possible routes the university could take in complying with Title IX—“the ‘expansionist’ route” and “the ‘recasting athletics’ route.” Either the university would decide to bring women’s athletics up to the level of men’s sports (thereby adopting the competitive, commercial model), or it could reevaluate and decrease the scope of men’s athletics, essentially “a general backing away from ‘big-time’ major league collegiate athletics.” Ultimately Engstrand believed that the latter option was nearly impossible since the revenue-producing sports “are the life-blood of the department. Without them there are no intercollegiate athletics.”¹³¹ Engstrand’s arguments highlighted the inherent difficulty in complying with Title IX. In his view, Title IX compelled institutions to make one of three choices: 1) make women adopt the business-like male model, thereby abandoning their educational philosophy; 2) re-structure men’s athletics

¹³⁰ Gary Engstrand to Title IX Athletics Subcommittee, December 6, 1976, U of M Athletics – Intercollegiate Title IX, 1976, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

¹³¹ Gary Engstrand to Title IX Athletics Subcommittee, December 30, 1976, *ibid.*; Gary Engstrand to Title IX Athletics Subcommittee, December 28, 1976, *ibid.*

to make it more educational and less commercial (an option that Engstrand believed to be impossible); or 3) allow women's sports to develop on its own, a proposition that would take time. Ultimately, Engstrand believed that HEW's demand for rapid development would require institutions to make their women's program just like the men's.

To avoid copying men's athletics, Engstrand, along with other Big Ten administrators advocated a "separate but equal" plan for women's athletics.¹³² Engstrand believed that this policy was perhaps applicable for women's athletics because in many cases "women in 1976, especially the ones most closely involved with athletics apparently wish to be separate." Engstrand believed that leaders of women's sports thought joining the men's program was a mistake. Doing so would result in the loss of their unique identity and forever relegate women's sports to the "weak sister" in comparison with men's athletics.¹³³ Administrators at Iowa agreed, suggesting that women were "determined to resist the direction taken by men's athletics, insisting that their intercollegiate athletic program must remain primarily an educational activity." Officials at the University of Wisconsin and Ohio State University seemed more willing to merge the two programs. Yet they found the process of doing so quite difficult due to the rigid division between the policies of the NCAA and the AIAW.¹³⁴ Ultimately, one of

¹³² "Separate but equal" was obviously a loaded phrase due to its association with historical patterns of racial discrimination. But both male and female athletics administrators genuinely believed that they could create a system in which men's and women's varsity sports could be equal *and* retain their separate and unique philosophies and structures. In fact, some women's sports advocates (like many AIAW leaders) actually preferred a separate model and felt that their rights were more in danger with a merged athletic department than they were with a separate structure. The key aspect of the debate at this point in time was the fact that administrators did not believe that "equality" meant everything had to be exactly the same. Both male and female officials believed in equality of opportunity, but this type of equality did not demand identical programs or funding for men's and women's athletics.

¹³³ Gary Engstrand to Title IX Athletics Subcommittee, December 28, 1976, U of M Athletics – Intercollegiate Title IX, 1976, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

¹³⁴ C.E. Elliott, et. al. to George Chambers, ca. 1975, Christine Grant, University of Iowa, Women's Intercollegiate Athletics Correspondence, 1974-1996, Christine Grant Papers, Box 35, IA-WA; Update on Rules and Regulations for Men's and Women's Athletics at the University of Wisconsin-Madison, July 23,

the biggest hurdles in the development of women's athletics on campus was the process of reconciling the differing philosophies of men's and women's sports.

Beyond this philosophical debate, administrators also dealt with the logistical processes of developing the women's sports programs. A key issue in this context related to increasing support for the basic needs of women's athletics. This included improving facilities and equipment, equalizing support for female athletes (e.g. travel, per diem for away contests, etc.), adding teams to the program, and hiring coaches and staff. Each Big Ten institution conducted a self-evaluation by the summer of 1976 to determine the deficiencies and develop plans to bring women's sports into equality. While there were certainly differences among the schools and some institutions were closer to compliance than others, in general, most women's sports program lagged behind the men in areas of practice and game facilities, locker room space, academic counseling, medical services, laundry, facilities usage, publicity, staff and support services, office space, number of participants and teams, travel and per diem allowances, coaching, recruitment, and event scheduling as well as budgets and scholarships. This list of items that the institutions needed to address came directly from the HEW regulations thus providing a blueprint for schools to follow in the effort to establish gender equality.¹³⁵ In general, Big Ten

1976, Athletic Board Meeting, July 23, 1976, Box 3, 5/21/1, UW-A; Policies for Women's Athletics, The Ohio State University (1976 Revision), OSU-A, Women's Athletics (9/e-5a), Box 9, "Intercollegiate, Policies, Plans, 1974-1981."

¹³⁵ University of Minnesota Twin Cities Campus Compliance – Title IX Regulations, ca. 1975, System Task Force on Intercollegiate Athletics, Box 9, Anne Truax Papers, Uarc 275, MN-A; University of Michigan Department of Athletics: Title IX Evaluation and Recommendations, October 5, 1976, Title IX Correspondence, Reports, etc., 1976, Box 6, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL; Women's Intercollegiate Athletics at the University of Wisconsin, Madison, July 1, 1976, Athletics, Division of Intercollegiate 1976-1977, Box 201, 4/21/1, UW-A; Self –Evaluation as Required by Title IX of the Education Amendments of 1972, Michigan State University, July 21, 1976, Title IX, 1975-1976, Box 1402 Associate Provost Records, UA 3.4, MSU-AHC; "Five Year Plan for Women's Intercollegiate Athletics," August 1975, p. 3-5, Women's Intercollegiate Athletics Five Year Plan, 1975-1976, Christine Grant Papers, Box 35, IA-WA; Title IX Self Evaluation, Athletic Department, The Ohio State University, July 2, 1976, OSU-A, Women's Athletics (9/e-5a), Box 20, "Title IX: OSU-Institutional

administrators took a practical approach to solving these issues. They may not have been able to achieve full equality in these areas, but, in most cases, Big Ten leaders at least made an attempt to deal with the challenges they faced in developing women's sports.

As discussed previously, one of the main challenges was determining a structure for the athletic department. Eight of the ten schools added women to the men's athletic department, based primarily on recommendations from administrators, committees, and task forces.¹³⁶ While female leaders may have worried that a merged structure would result in their loss of control, some institutions frankly attempted to minimize this risk. For example, the University of Michigan established an advisory committee for women's sports to ensure that women's voices were being heard in the development of the program.¹³⁷ Administrators at Michigan State believed that a separate women's athletics program would be inefficient and concluded that equality could best be "accomplished under an integrated program." However, these officials also acknowledged that, to achieve equality, they would need to overcome the "reluctance on the part of male administrative personnel and coaches to accept this reality of an intercollegiate women's program."¹³⁸ The fact that they recognized the potential harm that male chauvinistic

Self Evaluation, Drafts and Final Report, 1976-1977;" Problem Areas of Noncompliance, Athletic Association, June 10, 1976, Title IX Self Evaluation, 1975-1976 (folder 1), 24/9/1, Box 2, IL-A; Laurence H. Nobles to Ms. Valjeanne Jones, July 21, 1976, Title IX (beginning 9/75), Box 42, Robert H. Strotz Papers, NU-A; Laurence Nobles, Position Paper, Development of Intercollegiate Sports at Northwestern, October 18, 1976, Athletics Correspondence, 9/1/76-79, Box 6, Robert H. Strotz Papers, NU-A.

¹³⁶ While this topic was covered previously in the discussion of the task force and committee recommendation process, it is important to remember that the committees merely "recommended" changes to the athletic boards, regents, or presidents. In most cases, institutions did not officially create the new merged programs immediately after receiving the recommendations and in some cases even went against the task force suggestion.

¹³⁷ R.W. Fleming to Donald Canham, et al, January 31, 1974, Advisory Committee on Women's Intercollegiate Athletics, 1974, Box 1, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

¹³⁸ An Organizational Review of the Michigan State University Department of Intercollegiate Athletics, A Faculty Ad Hoc Consultation Group, December 1, 1976, Reorganization, 1976, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

attitudes could cause suggested that they realized the potential problems of a merged department and were prepared to directly address this issue.

Another important method for ensuring female autonomy in the new programs was to hire long-time female sports administrators as the directors of the women's athletics program. When Ohio State incorporated women's sports into the athletic department in 1975, one of their opening decisions was to make Phyllis Bailey its first women's athletic director.¹³⁹ Bailey had a long history at Ohio State and was responsible for the women's varsity program when it was part of the department of physical education. Having Bailey take this new post ensured that the administration of women's sports would experience a minimum amount of disruption. More importantly, Bailey was a tireless advocate for women's athletics and was prepared to fight for women's rights in the male dominated athletic department. At Purdue, merging the programs relieved pressure on the department of recreation and intramurals which had previously coordinated women's varsity sports. This was a significant step forward for Purdue's female athletes since it gave the intercollegiate program greater prestige by clearly distinguishing between recreational athletics and competitive sports.¹⁴⁰ In most cases, Big Ten institutions adopted a single administrative structure, but administrators usually tried to ensure that female leaders did not lose their voice in these new, merged departments.¹⁴¹

¹³⁹ Self Evaluation of Title IX – Athletic Department, attached to Phyllis J. Bailey to Norma Bugoci, July 2, 1976, OSU-A, Women's Athletics (9/e-5a), Box 20, "Title IX: OSU Institutional Self Evaluation, Drafts and Final Report, 1976-1977."

¹⁴⁰ "Women's Sports Now Intercollegiate Athletics," *The Purdue Exponent*, December 12, 1975, p. 9.

¹⁴¹ Illinois, Northwestern, and Indiana also added women's sports to the athletic department in 1974 and 1975 due largely to the need for better administrative control. C.E. Flynn, "A Report on the University of Illinois Athletic Association," attached J.W. Briscoe to Board of Directors Athletic Association, April 1, 1975, Athletic Association Board of Directors, 1973-1974, 24/1/1, Box 119, IL-A; "A New Look for Northwestern Athletic Department," Northwestern University Football Program, September 13, 1975, NU-A; Dan W. Miller to President John W. Ryan, March 14, 1977, Athletics Committee, '77 Appointments, Box 72, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

While the majority of Big Ten institutions followed this integrated model, Minnesota and Iowa created separate men's and women's athletic departments. At Iowa, the basis for this model was the ideological differences between the two programs. Christine Grant, director of women's athletics, argued that the fundamental purpose of women's athletics was "the enrichment of the life of the participant." If the program were dependent on funding generated by "spectator support," Grant believed that "adherence to this crucial guideline would be difficult, if not impossible, to maintain." She demanded that women's athletics be "funded, administered, staffed, evaluated and organized in a manner similar to other educational programs on campus."¹⁴²

Administrators from Minnesota used a slightly different argument, suggesting that the newness of the women's program meant that "a merger of administration and coaches might disadvantage women." In other words, they worried that in a single athletic department "women administrators would be given subordinate positions," thereby depriving "women of role models of females in senior positions." Most importantly, they believed that "program separation makes it possible to upgrade the program for women immediately and directly." Administrators acknowledged that some support services (i.e. clerical work, record keeping, etc.) might be shared by both the men and the women, but ultimately having two separate administrative structures "promote equality of opportunity for students and for coaches and staff."¹⁴³ As Big Ten officials created the

¹⁴² "Five Year Plan for Women's Intercollegiate Athletics," August 1975, p. 3-5, Women's Intercollegiate Athletics Five Year Plan, 1975-1976, Christine Grant Papers, Box 35, IA-WA; Christine H.B. Grant to Robert C. Oberbillig, January 22, 1974, Christine Grant, University of Iowa, Women's Intercollegiate Athletics Correspondence, 1974-1996, *ibid*.

¹⁴³ Ann Pflaum to Title IX Athletic Subcommittee, February 24, 1977, Title IX, Memos, Articles, ca. 1975-1979, Box 4, Athletics, Women, Uarc 2003-0011, MN-A; Cindy Dickison, "New U Women's Athletic Director Wants Fair Access to Sports Cooffers," *Minnesota Daily*, July 30, 1976, Biographical File: Barfield, Vivian, Information Files, Uarc 1158, MN-A.

structure for men's and women's athletics, they attempted to develop systems that would be logistically feasible, while at the same time ensuring that female voices were heard.

In addition to these structural questions, Big Ten leaders dealt with the financial implications of adding women's sports. As discussed previously, Big Ten institutions already faced budgetary problems prior to Title IX. Administrators attempted to solve these issues through various plans including the reduction of scholarships for revenue as well as non-revenue sports and the equalization of gate receipt payments for visiting football teams.¹⁴⁴ As Tables 2 and 3 showed, all ten institutions dramatically increased the funding for women's athletics between 1974 and 1977.¹⁴⁵ Yet the question remains: how did this happen and how close did these increases get these institutions to gender equality? The financial decisions at each Big Ten institution varied more widely than any other aspect of the programs. Yet each plan was committed to the same goal: increasing funding for women's athletics while at the same time ensuring that the revenue sports program was not harmed.

Most of the initial financial improvements for women's athletics came from female administrators fighting for every dollar they could get. Michigan State's women's athletic director Nell Jackson argued that adequate funding was necessary "to establish a degree of stability in our program." When the money allocated for women's sports seemed to be in jeopardy, Jackson actively negotiated with athletic director Burt Smith to

¹⁴⁴ The system of pay-outs for visiting teams was based on a percentage of the revenue raised at a particular game. This meant that less popular teams such as Northwestern earned significantly less money for away games than the more well-known schools like Ohio State. For example, when Ohio State played at Michigan, they earned a healthy pay-out because Michigan brought in additional revenue for this rivalry game. But Northwestern earned less when they played Michigan because there was minimal fan interest in this NU vs. UM contest. Hirsch's proposal would have equalized these pay-outs, thereby ensuring greater financial health for every Big Ten program. Elroy Hirsch to Mr. Cecil Coleman, et al, February 12, 1975, Athletics, Big Ten, and National Association, Box 154, 4/21/1, UW-A.

¹⁴⁵ See pages 156 and 158.

ensure sufficient funds were made available.¹⁴⁶ While appreciating the increased budget for women's sports in 1975-1976, Leanne Grotke, women's athletic director at Indiana, responded to the administration with requests for basic items such as increased salaries for the sports publicist and the graduate assistant swimming coach as well as money for laundry services.¹⁴⁷ Vivian Barfield at the University of Minnesota sought additional commitments from the university regarding funding for trips to regional and national tournaments for the women's teams.¹⁴⁸ Finally, Kit Saunders from the University of Wisconsin advocated for improved salaries for her coaching staff.¹⁴⁹ These specific budgetary requests indicated the deficiencies that still existed in women's sports and helped establish the priorities for the women's programs. They also clearly showed that women's administrators were not going to be placated with a minimum allocation.

Male administrators agreed that these requests were reasonable and justified. However, they also raised the question of where they were going to get the money. In most cases, institutions relied primarily on the department of athletics and the income generated by men's football and basketball. However, some departments sought other sources of funding to help defray the costs of women's athletics. In the early years of Title IX women's coaches often held joint faculty appointments in departments of physical education and health. This meant that a portion of their salary was funded

¹⁴⁶ Nell C. Jackson to Burt Smith, March 28, 1974, Budget Correspondence, 1974-1977, Box 2001, Department of Intercollegiate Athletics Records, UA 4.3, MSU-AHC; Nell C. Jackson to Burt Smith, June 7, 1974, *ibid*.

¹⁴⁷ Leanne Grotke to Dr. Edgar Williams, July 25, 1975, Women's Intercollegiate Athletics, Box 28, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

¹⁴⁸ Vivian M. Barfield to Walter H. Bruning, August 23, 1977, Athletics - Intercollegiate Athletics for Women, 1975-78, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

¹⁴⁹ Kit Saunders to Elroy Hirsch, March 23, 1978, Coaches Salaries – Women, Box 1, Accession 86/49, UW-A.

through their academic departments.¹⁵⁰ Interestingly, some schools devoted additional money to facility improvements for revenue sports (e.g. stadium renovations) in order to maintain the income that ultimately funded all men's and women's teams. For example, in 1977 Indiana University athletic director Paul Dietzel identified the department's goals for facility improvements including both the installation of Astro-Turf in the football stadium and the construction of a practice field for women's field hockey and soccer.¹⁵¹ While Dietzel recognized the necessity of improving the women's program, he was determined that the football program not lag behind in comparison to other institutions. He believed, like other male administrators, that without a strong revenue-sports program it would be difficult to pay for the any of the other men's or women's teams.

While some institutions relied on the revenue generated by football and basketball, others adamantly opposed using this particular source of income to pay for women's sports, thus requiring an alternate fiscal model. Administrators at the University of Minnesota were the most outspoken critics of using money from revenue sports to fund women's athletics because they believed that women's sports needed to remain separate and distinct from the men's department.¹⁵² Similarly, administrators at the University of Michigan insisted that the lower budget for women's athletics was based on

¹⁵⁰ Nell C. Jackson to Burt Smith, March 28, 1974, Budget Correspondence, 1974-1977, Box 2001, Department of Intercollegiate Athletics Records, UA 4.3, MSU-AHC; Cost to the Athletic Department for Women's Athletic Team Coaches and Athletic Trainers, Three-Year Plan, ca. 1974, Women's Athletics, 6/73-4/74, Box 17, Indiana University, Bloomington, Vice President, Records of Byrum E. Carter, 1969-1975, c132, INB-ARM.

¹⁵¹ Pat Kuhnle, "Money Sports Pay for Others," *The Purdue Exponent*, March 26, 1976, p. 20; Clifton R. Wharton, Jr., President to Board of Trustees, September 17, 1976, Intercollegiate Athletics, General, July-Dec 1976, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC; Stu Courtney, "Talkative A.D. Dietzel Explains Dollar Dilemma, Facility Improvements," *Indiana Daily Student*, July 25, 1977, Dietzel, Paul, Clippings Files, INB-ARM; Marty Duda, "Women's Sports Budget to Increase by \$200,000 under Title IX Plan; Men's Athletics not Affected," *Minnesota Daily*, May 18, 1976, Intercollegiate Athletics, Information Files, Uarc 1158, MN-A.

¹⁵² Gary Engstrand to Title IX Athletics Subcommittee, December 7, 1976, U of M Athletics – Intercollegiate Title IX, 1976, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

their conviction that women's athletics should not follow the commercial model of men's sports, meaning they refused to spend money on scholarships or recruiting for female athletes.¹⁵³ At Ohio State and Illinois, administrators discussed plans to reduce costs for athletics overall, thus diverting funds to the women's programs. Some of these ideas included eliminating "athletic recruitment brochures," "pre-game hotel expenses for home football games," "off campus recruiting," limiting "grants-in-aid to tuition and fees only in nonrevenue sports," and even going so far as to develop a "needs test" for providing scholarships to athletes in football and basketball.¹⁵⁴ Northwestern and Purdue addressed their financial struggles through the creation of non-profit organizations designed to promote the program and solicit donations for women's athletics.¹⁵⁵

Administrators at the University of Wisconsin turned to the government for help, soliciting funds from the state to help pay for women's athletics. In support of the university's request, athletic director Elroy Hirsch contended that the state allocation would allow women's sports to "have some autonomy outside the men's program and remove the constant fight for funds from within the athletic department." Women's athletic director Kit Saunders concurred with this perspective and even absolved the athletic department of the financial burden, arguing that the "onus to equality is on the University . . . not the athletic department. . . . The University is making it appear as if we must take from the men and give to the women."¹⁵⁶ At Wisconsin, the effort to secure

¹⁵³ Robert P. Sauve to Dr. Stephen H. Spurr, President, January 4, 1974, Topical Files, 1973-1974: Athletics (Women), Box 40, President's Records, UM-BHL.

¹⁵⁴ Eric Gilbertson to Harold Enarson, May 14, 1976, OSU-A, Papers of Harold L. Enarson (3/j), Box 6, "Athletics: Correspondence, 1972-1975.

¹⁵⁵ "Women's Athletics at Northwestern: Center Court Brochure, ca. 1977, Folder 4, Box 12, Athletic Media Services, NU-A; Sally Combs Elliott interviewed by Katherine Markee, December 4, 2006, Electronic Archives, PU-A.

¹⁵⁶ In addition to soliciting state funding, Wisconsin administrators also looked into renting out their athletic facilities for other events (e.g. music concerts, etc.) to raise revenue for the department. Frederick

outside funding was not completely due to a reluctance to provide money from revenue sports, but the desire to ensure that the women's program would be properly funded without having to fight with the men's teams for every penny.

The most difficult financial challenge that these institutions faced was the question of awarding athletic scholarships to women. The HEW regulations did not mandate completely identical expenditures, but they did require equality in the awarding of athletic scholarships.¹⁵⁷ This issue was particularly troubling for many women's sports advocates who hoped to avoid the ills of men's athletics and believed offering scholarships would lead women's sports down a dangerous road. Sheryl Szady and Debbie Vander from the Michigan women's athletics committee put it most clearly:

The giving of scholarships is, in essence, payment for expected services. This is not consistent with the spirit of amateurism. . . . [S]cholarships will close the doors of intercollegiate athletics to the average interested student . . . [and] athletic scholarships put a tremendous strain on the strict upholding of [academic] standards. . . . Beyond the philosophical problems, there lies practical considerations. The University of Michigan is a state supported school and . . . the people of Michigan should not have to finance the education of people from outside the state.¹⁵⁸

This statement addressed the philosophical opposition to athletic scholarships. Some male administrators concurred with this perspective including Minnesota's Gary

W. Haberman to The Honorable Ed Jackamonis, May 9, 1978, Finances: State Request/Athletics Women, Box 1, Accession 86/49, UW-A; Neil Shivley, "UW Athletic Department Asks for More Tax Money," *Madison Sentinel*, May 27, 1978, Athletics, Intercollegiate (Possible State Support for Athletics) 1977-1978, Box 6, 4/22/1, UW-A; Ed Joras, "Athletic Board Hears of Crisis," *Daily Cardinal*, April 11, 1978, *ibid*.

¹⁵⁷ Department of Health, Education, and Welfare, Office of the Secretary, "Nondiscrimination on the Basis of Sex Under Education Programs and Activities Receiving Federal Financial Assistance: Title IX," n.d., ca. 1974, Intercollegiate Athletics, Women, 1973-1974, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

¹⁵⁸ Debbie Vander and Sheryl Szady to Ms. Hartwig, November 13, 1974, Topical Files, Advisory Committee on Women's Intercollegiate Athletics, 1974, Box 1, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

Engstrand who encouraged a more thoughtful approach to the issue and insisted that his school refrain from awarding scholarships “simply because the men have them.”¹⁵⁹

Male as well as female administrators saw scholarships as a step towards the women’s programs adopting the male model of sports. Ohio State’s faculty representative Ivan Rutledge suggested that the government regulations “are not well informed by what you and I know about moral corruption so thoroughly demonstrated in the history of intercollegiate competition in men’s sports.” Rutledge believed in “equality of opportunity,” but that offering athletic scholarships to women would lead to the moral corruption of that program.¹⁶⁰ These philosophical arguments against athletic scholarships for women certainly could have been a tactic employed by male administrators to avoid spending more money on women’s sports. However, in these instances, many female administrators agreed with this concern, implying that denying women athletic scholarships did not necessarily come from a place of male chauvinism or even fiscal conservatism.

While philosophical issues formed the basis of one argument against scholarships, the monetary realities of this program were also problematic. Michigan athletic director Don Canham argued that offering even the same sixty scholarships for women that were available for non-revenue men’s sports would be expensive. He insisted that “there is no institution in the United States that can duplicate the present men’s and women’s scholarships. Everyone is doing the best they can with the funds involved.” He further questioned why women should have the same number of scholarships when men’s sports

¹⁵⁹ Gary Engstrand to Title IX Athletics Subcommittee, November 29, 1976, U of M Athletics – Intercollegiate Title IX, 1976, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

¹⁶⁰ Ivan C. Rutledge to Professor Bruce L. Bennett, April 28, 1976, OSU-A, Papers of Harold L. Enarson (3/j), Box 5, “Athletic Council: Correspondence: 1972-1976.”

were “raising \$500,000 to cover their scholarships and the women [were] raising very little.”¹⁶¹ The Big Ten faculty representatives echoed this financial argument suggesting that a completely equal scholarships program “may be too great for some of us to bear.” The situation was so dire that the Big Ten faculty representatives discussed the possibility that the conference impose limits on scholarships in order to provide more equality within their financial means. This idea was rejected because it would mean that Big Ten teams would struggle to stay competitive with other schools around the nation. The faculty representatives believed the only solution was for the NCAA to limit the number of scholarships that each program was allowed, thus ensuring that all institutions remained on an equal footing when it came to recruitment.¹⁶²

Wisconsin administrators attempted to reconcile both the philosophical and financial challenges of this issue. Kit Saunders, women’s athletic director at the University of Wisconsin, had long been opposed to scholarships for women, but by 1977 her philosophy had changed, as she explained:

I believe now that a limitation to tuition and fees is sound—but for all athletes. There was assurance that in the very near future, men’s programs of athletic financial aid would be changing, and I have justified my support for limiting women’s grants on this basis each year. However, each year it becomes more difficult to do this. . . . [T]o continue to advocate limitation of aid for women athletes is to condone discrimination against women athletes.

Saunders thought that limiting scholarships to tuition and fees only was the most practical and cost effective method, but insisted that this system be implemented for male athletes as well. However when it became clear that men’s teams would not adopt this structure, she began to push for equal scholarships for women. In her view, strict adherence to the

¹⁶¹ Don Canham to Tom Anton, et al, March 2, 1978, Women’s Athletic Programs, 1971-1979, Box 3, Don Canham Papers, UM-BHL.

¹⁶² Report of the Faculty Representatives to the Council of Ten, April, 1978, Big Ten Meeting, Committee on Institutional Cooperation, May 8, 1978, Box 935, Harden, Edgar L. Papers, UA 2.1.15, MSU-AHC.

educational philosophy of women's athletics could not justify the unequal distribution of athletic scholarships. Her new opinion reflected "a realization of what it takes to survive and make changes in the tradition bound area of athletics."¹⁶³ This change highlighted the fact that, as the date of Title IX compliance neared, equality was more and more being defined in comparison with the male model of athletics.

One reason for this development was the fact that HEW clearly articulated that athletic scholarships for men and women must be equal. Based on this mandate, by 1976 the AIAW had lifted its ban on scholarships and all the Big Ten institutions had instituted grant-in-aid programs for women.¹⁶⁴ The structure varied significantly among the Big Ten institutions. Some schools offered as few as fifteen scholarships (Northwestern) while others provided up to eighty (Iowa and Wisconsin), and some programs gave full funding whereas others simply provided tuition and fees. The criteria for receiving a scholarship usually excluded first-year students and based the award on need rather than just athletic ability.¹⁶⁵ These initial scholarship programs, while an improvement for female athletes, were still clearly unequal. Northwestern administrators proudly contended that they awarded an equal number of scholarships to their female athletes as to the men. However, they purposefully excluded men's basketball and football from this comparison.¹⁶⁶ Some programs tried to provide assistance to as many student-athletes as possible, but this meant awarding partial rather than full scholarships for women, while

¹⁶³ Kit Saunders to Chancellor Edwin Young, March 30, 1977, Athletics, Division of Intercollegiate, 1976-1977, Box 201, 4/21/1, UW-A.

¹⁶⁴ Budget Information, Women's Intercollegiate Programs, n.d. ca. spring 1976, OSU-A, Women's Athletics (9/e-5a), Box 18, "NCAA: Articles, Correspondence, Reports, and Restructuring to include Women's Athletics, 1973-1976."

¹⁶⁵ Nell Jackson to Joe Kearney, April 27, 1976, Michigan State Intercollegiate Athletics Records – Women: Folder 28, Box 2001, Department of Intercollegiate Athletics Records, UA 4.3, MSU-AHC.

¹⁶⁶ William Ihlanfeldt to Joanne Fortunato, September 16, 1976, Need Based Scholarships, Faculty Committee on Athletics, NU-A.

most male scholarship athletes enjoyed full funding. Often, administrators justified these inequalities by referring to their limited financial resources. Sally Combs, the sports information director for the women's program at Purdue claimed that "you can't have equal facilities, equal funding, etc. just like that. This would destroy the total program. . . . [T]he public has to realize that building a sound program will take time."¹⁶⁷ This perspective typified the response of many administrators in the early years of the Title IX era: equality would come, but it would take time.

While some administrators urged patience, HEW's deadline for compliance was steadily approaching. Despite this time pressure, throughout 1977 and 1978, Big Ten administrators continued to negotiate the level of equality they would or believed they could attain. A popular tactic of university officials was to highlight the positive steps they had made for women's athletics while at the same time establishing goals which often came short of full equality. For example, Michigan State proposed "the development of a positive program of women's athletics:" positive, but not equal. Leaders at the University of Michigan set conditions on the "degree of compliance" they were prepared to meet, yet realized that this was at best a stall tactic. They recognized that government expectations might force them to make cuts in their athletic program in the future in order to fund women's athletics.¹⁶⁸ In addition to these attempts to redefine compliance, administrators also revived some traditional arguments against Title IX and the HEW regulations. Between the 1976-1977 and 1977-1978 school years, university

¹⁶⁷Grant-in-Aid Report for Women Student-Athletes, September 1976, OSU-A, Women's Athletics (9/e-5a), Box 1, "OSU: Athletic Council Reports, 1973-1979;" Karen Croake, "Scholarships, Funds Facilities at Purdue," *The Purdue Exponent*, January 13, 1976, p. 16.

¹⁶⁸ An Organizational Review of the Michigan State University Department of Intercollegiate Athletics, A Faculty Ad Hoc Consultation Group, December 1, 1976, Reorganization, 1976, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC; Charles Harris to Ms. Virginia Nordby, June 9, 1976, Title IX Correspondence, Reports, etc., 1976, Box 6, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

administrators fought to exempt revenue sports from Title IX comparisons, used differences between NCAA and AIAW rules to justify non-compliance, and objected to the speed with which HEW demanded equality. Ultimately, these arguments in opposition to the HEW regulations were used in an attempt to define gender equality and develop the women's sports programs.

Even as Big Ten institutions increased support for women's athletics during this period, university officials doggedly pursued a system in which revenue sports were exempt from the regulations. Even in their self-assessment reports, administrators continued to exclude these sports when evaluating the level of equality for women. Essentially, school leaders believed that HEW's demand for complete equality (specifically in scholarships) was impossible if women's sports were compared to the entire men's program, including football (with rosters usually exceeding 100). Officials at the University of Minnesota emphasized that these sports needed to be treated differently because they "are of a different order and magnitude than are the remaining men's sports." More importantly, Minnesota officials contended that "without the competitive teams, and the income they provide, the University would largely be unable to run an intercollegiate athletics program for men or women." Ultimately, this issue was a "Catch-22" as they explained:

We must provide equal opportunities to women. We must also have money to provide opportunities to anyone, male or female. If, in providing resources to women, we must so deplete the resources of the revenue-producing sports as to eliminate the production of that revenue, then Title IX will have been a Pyrrhic victory for women. We will have no resources to provide a men's program, and therefore, no reason or funds to provide a women's [emphasis in original].¹⁶⁹

¹⁶⁹ "Title IX Compliance Plan for Intercollegiate Athletics, University of Minnesota, Twin Cities," June 10, 1976, MGN T535v, Published Reports and Materials, MN-A.

While Minnesota officials excluded football from their Title IX comparisons, they also established the goal “to seek sufficient funding and support and interest to provide women with a well balanced program.” Significantly, Minnesota officials worried that other institutions would use the ambiguity of the HEW regulations to justify purposeful limitations on women’s sports.¹⁷⁰

Other Big Ten universities also worked to protect their revenue sports programs. One of the goals at Michigan State was to “develop a women’s program of comparable excellence within the concept of first priority for revenue sports.” Michigan State administrators suggested that “common sense dictates that they [revenue sports] cannot be included when attempting to measure comparability of athletic opportunity.” However, in the eyes of MSU officials, “this has nothing to do with the fact that these are ‘men’s’ teams; rather, it deals with the reality of popular interest that provides the revenues that support these sports as well as the non-revenue-producing sports.”¹⁷¹ Administrators contended that the extra benefits provided to the football team were necessary to ensure the steady stream of income that came with a winning football program.¹⁷² Without this revenue, university officials believed that athletic departments would no longer be self-sufficient. While this position seemed to go against the spirit of Title IX, some female administrators echoed this plea for common sense regarding the

¹⁷⁰ University of Minnesota Twin Cities Campus Compliance – Title IX Regulations, ca. 1975, System Task Force on Intercollegiate Athletics, Box 9, Anne Truax Papers, Uarc 275, MN-A.

¹⁷¹ Elliott G. Ballard to Joseph L. Kearney, July 20, 1976, Intercollegiate Athletics, General, July-December 1976, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC; Self-Evaluation as Required by Title IX of the Education Amendments of 1972, Michigan State University, July 21, 1976, Title IX, 1975-1976, Box 1402 Associate Provost Records, UA 3.4, MSU-AHC.

¹⁷² Some benefits included additional funds for stadium renovation (i.e. Illinois installing Astroturf) and the fact that football teams usually flew to away games, while the non-revenue and women’s sports drove. C.E. Flynn, “A Report on the University of Illinois Athletic Association,” attached J.W. Briscoe to Board of Directors Athletic Association, April 1, 1975, Athletic Association Board of Directors, 1973-1974, 24/1/1, Box 119, IL-A; Cecil N. Coleman to Vice-Chancellor Briscoe, September 5, 1974, Athletic Association, Women’s Athletics, 7/1/74-6/30/75, 24/1/1, Box 137, IL-A.

role of revenue sports. Marie Hartwig, director of women's athletics at Michigan, suggested that there was "more of a parallel between women's athletics and some of the non-revenue sport as opposed to some of the sports like basketball and football."¹⁷³ This position implied that universities should be allowed to provide more resources for football and basketball since these extra benefits were not based on gender discrimination, but rather the justifiably different needs of these sports.

While not universally supported, most Big Ten institutions developed plans that distinguished between revenue and non-revenue sports and used this as justification for different levels of support for each program.¹⁷⁴ The clearest example of this tactic was at the University of Wisconsin where the athletic department "[looked] forward to handling 'income producing' sports . . . whether men's or women's and to handling 'non-income' producing sports, whether men's or women's in precisely the same ways."¹⁷⁵ In this statement, the Wisconsin athletic board implied that when a woman's team became revenue producing it would be supported at the same level as the men's revenue-producing sports. Thus, in order to comply with Title IX while at the same time maintaining a financially healthy athletic program, Wisconsin chose to divide its department not based on gender, but based on revenue production.

Another challenge these institutions faced in negotiating compliance with the HEW regulations was the existence of different national rules for men and women's

¹⁷³ Bill Anderson, "'Education' Key to M Women's Athletics," *Ann Arbor News*, July 18, 1976, Athletics (women, Title IX), 1976-1977, Box 61, President's Records, UM-BHL.

¹⁷⁴ Most notable in her opposition to this model was University of Iowa women's athletic director, Christine Grant. She believed that treating revenue and non-revenue sports differently would damage the educational model of women's athletics. She believed that all sports were "equally important" and worried that if a women's team rose to the level of revenue producing, it would cease to be a truly educational activity. "Five Year Plan for Women's Intercollegiate Athletics," August 1975, p. 3-5, Women's Intercollegiate Athletics Five Year Plan, 1975-1976, Christine Grant Papers, Box 35, IA-WA

¹⁷⁵ Women's Intercollegiate Athletics at the University of Wisconsin, Madison, July 1, 1976, Athletics, Division of Intercollegiate 1976-1977, Box 201, 4/21/1, UW-A.

sports. Illinois athletic director Cecil Coleman insisted that “the problems with rules and regulations of the two existing national regulatory bodies (NCAA and AIAW) are obstacles that we may not be able to hurdle at the institutional level.” While HEW demanded complete equality of opportunity, the AIAW banned certain practices that the NCAA allowed, including coaches conducting off-campus recruiting and providing academic tutors for student-athletes. The existence of these disparate rules made it, in Coleman’s estimation, “extremely difficult, perhaps impossible to be in complete compliance by July 21, 1978.”¹⁷⁶ Administrators at Ohio State shared similar concerns noting that restrictions by the “AIAW hampers somewhat the services we can currently give our women athletes.”¹⁷⁷ Big Ten leaders suggested that the AIAW’s strict adherence to its educational philosophy in some ways limited the extent to which they could develop true equality of opportunity within their athletics programs.

The debate between the NCAA and AIAW was a very real roadblock to equality at the individual universities, but administrators also rejected the notion that equality could be achieved immediately.¹⁷⁸ Diane Heintzelman, a member of the sub-committee on women’s athletics at Ohio State, believed that it “[was] ridiculous to expect a young program to be administered in the same manner as a program that has functioned for decades.”¹⁷⁹ While she was specifically referring to the AIAW and the NCAA, this argument could easily be applied to women’s athletics on individual campuses. When

¹⁷⁶ Cecil N. Coleman to Mr. Joe Smith, July 19, 1976, Title IX Self Evaluation, 1975-1976, 24/9/1, Box 2, IL-A; Cecil N. Coleman to Walter Strong, February 27, 1976, *ibid*.

¹⁷⁷ Title IX Self Evaluation, Athletic Department, The Ohio State University, July 2, 1976, OSU-A, Women’s Athletics (9/e-5a), Box 20, “Title IX: OSU-Institutional Self Evaluation, Drafts and Final Report, 1976-1977.”

¹⁷⁸ The debate between the NCAA and AIAW and the Big Ten’s role in this national controversy will be addressed more fully in Chapter 4.

¹⁷⁹ Diane Heintzelman, Sub Task Force Report, August 13, 1976, OSU-A, Women’s Athletics (9/e-5a), Box 20, “Title IX, OSU: Correspondence and Reports, 1973-1976.”

stadiums, gymnasiums, and arenas were first built, they were intended only for male use so the process of remodeling was “time-consuming and expensive.” Additionally, administrators argued that over time, “men’s teams have been able to accumulate more supplies and equipment” and women were “starting from scratch.” The relative youth of women’s varsity sports at most institutions meant the lack of a developed culture or even student interest, as Charles Harris, assistant director of athletics at the University of Michigan, noted:

One must bear in mind that the women’s program is in its third year in contrast to over 50 years for a comparable men’s program. Our interpretation of this means as the women’s programs continue to develop on a secondary level, there will be more female student-athletes participating on the varsity level which will undoubtedly lead to more expenditures for the individual programs.¹⁸⁰

Thus, athletics leaders suggested that non-compliance was not based on sexist opposition to women’s athletics, but was due to the fact that men’s sports had enjoyed full university support for decades longer than the women.¹⁸¹

Finally, in their efforts to prepare for compliance, university officials debated the meanings of equality. In most cases, the institutions relied on the HEW guidelines. In particular, officials focused on clauses in the regulations that adhered to “the concept of reasonableness” rather than forcing direct “proportionality.” Administrators also emphasized HEW’s contention that “the point of the regulation is not to be so inflexible

¹⁸⁰ Title IX Self Evaluation, Athletic Department, The Ohio State University, July 2, 1976, OSU-A, Women’s Athletics (9/e-5a), Box 20, “Title IX: OSU-Institutional Self Evaluation, Drafts and Final Report, 1976-1977;” Self –Evaluation as Required by Title IX of the Education Amendments of 1972, Michigan State University, July 21, 1976, Title IX, 1975-1976, Box 1402 Associate Provost Records, UA 3.4, MSU-AHC; Cecil N. Coleman to Vice-Chancellor Briscoe, September 5, 1974, Athletic Association, Women’s Athletics, 7/1/74-6/30/75, 24/1/1, Box 137, IL-A; Charles Harris to Ms. Virginia Nordby, June 9, 1976, Title IX Correspondence, Reports, etc., 1976, Box 6, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

¹⁸¹ This was a sentiment shared by administrators at Michigan State who argued that compliance in athletics was a question of “timing, rather than [an] objective.” In other words the goal of equality was good, but that it might take longer to achieve in athletics. Self –Evaluation as Required by Title IX of the Education Amendments of 1972, Michigan State University, July 21, 1976, Title IX, 1975-1976, Box 1402 Associate Provost Records, UA 3.4, MSU-AHC.

as to require identical treatment . . . [or that] educational institutions are not required to duplicate their men's program for women." Ultimately, the "goal of equal opportunity" became the basis for the further development of women's sports.¹⁸² Purdue's athletic director George King put it best when he bragged that "female participation has been opened up, and that's the most important thing."¹⁸³ While most administrators contended that equality of opportunity was more feasible than creating identical programs, this argument was not a strategic move to avoid their responsibilities for improving women's sports. At Michigan State, this notion was very clear as MSU administrators stipulated: "Unless full credibility is realized in the [T]itle IX area, overall departmental goals could be jeopardized. The program must reflect positive advancement toward attainment of [T]itle IX. Tokenism or paper compliance is not adequate in this critical area of social concern."¹⁸⁴ On the eve of the mandated compliance date for Title IX, Big Ten administrators remained determined to express their objections to HEW and its regulations. But, this did not stop them from committing themselves and their institutions to providing women with equal opportunities to compete in intercollegiate athletics.

¹⁸² Problem Areas of Noncompliance, Athletic Association, June 10, 1976, Title IX Self Evaluation, 1975-1976 (folder 1), 24/9/1, Box 2, IL-A; Self-Evaluation as Required by Title IX of the Education Amendments of 1972, Michigan State University, July 21, 1976, Title IX, 1975-1976, Box 1402 Associate Provost Records, UA 3.4, MSU-AHC.

¹⁸³ Title IX Self Evaluation, Athletic Department, The Ohio State University, July 2, 1976, OSU-A, Women's Athletics (9/e-5a), Box 20, "Title IX: OSU-Institutional Self Evaluation, Drafts and Final Report, 1976-1977;" Paula Dwyer, "King Says women's Sports Will Improve," *The Purdue Exponent*, June 17, 1975, p. 17.

¹⁸⁴ An Organizational Review of the Michigan State University Department of Intercollegiate Athletics, A Faculty Ad Hoc Consultation Group, December 1, 1976, Reorganization, 1976, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

Chapter 3:

The Debate Dragged On:

What Happened After July 1978

“American women will look upon July 21, 1978, as an historical landmark in the more than two centuries of feminism in the United States. Today marks the official implementation of Title IX.”¹ This statement provided a succinct and seemingly clear picture of what college administrators and athletics leaders faced as the 1977-1978 school year wound to a close. The development of women’s athletics programs at Big Ten institutions was anything but easy. The federal regulations from the Department Health, Education, and Welfare (HEW) were not always clear and, as campus administrators often argued, were based on an uninformed understanding of the realities of running a big-time college athletics program. “Where we got into trouble was where HEW said what equal treatment is,” noted Michigan Athletic Director Don Canham.² While there appeared to be ideological support for women’s sports from Big Ten administrators, many officials fought over the mechanics of achieving gender equality in athletics, thus coming into direct conflict with the government’s interpretation of Title IX.

While July 21, 1978 was the date by which each school was expected to be in compliance with the HEW regulations, many institutions were still behind in developing their women’s sports programs and battles with the federal government continued throughout the end of the 1970s and into the early-1980s. During the latter years of the

¹ Dave French, “Title IX: Landmark for Women Athletes,” July 21, 1978, *Champaign-Urbana Courier*, Women’s Athletic Task Force, 1973-1978, 84, 16/4/22, Box 6, IL-A.

² Jeff Mortimer, “Inside Dope: HEW Drift Grieves Canham,” *Ann Arbor News*, n.d., ca. 1978, Title IX Newspaper Clippings (folder 1 of 3), Box 7, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

Title IX Era, administrators attempted to walk a proverbial tightrope between philosophical and material support for women's athletics and opposition to the government regulations. By 1978, most Big Ten leaders emphasized the progress they had made for women's sports and also acknowledged the work that still needed to be done. However, despite the many positive steps that these institutions had made, most administrators remained steadfastly opposed to the federal guidelines and fought at every step to limit or overturn them. This was an unintentionally ironic position. While fighting against government intrusion, university officials usually forgot or ignored the fact that the very same guidelines they hated were what forced them to improve their women's athletics programs and even gave them the blueprint to do so.

Between 1978 and 1982, Big Ten administrators continued their efforts to improve women's sports while simultaneously trying to limit government involvement.³ While HEW mandated compliance with Title IX by July 21, 1978, the status of women's sports at Big Ten institutions varied widely. The 1978 university self-assessments illuminated these differences as some institutions focused exclusively on the positive growth and minimized the problems whereas other schools made genuine efforts to acknowledge the weaknesses and develop plans to correct the problems. Regardless of how honest these evaluations were, in some sense they were all still relatively self-serving and complaints from female athletes, administrators, and feminist groups on campus highlighted the lack of equality for women's sports throughout the Big Ten.

³ Perhaps one of the most important developments during this period was the addition of women to the Big Ten conference structure and the national battle between the NCAA and the Association for Intercollegiate Athletics for Women (AIAW) as well as the eventual demise of the AIAW. These topics are vital to the story and will be discussed in detail in Chapter 4. As such these issues will receive very cursory mention in this chapter.

At the same time that Big Ten administrators attempted to reform and improve their women's athletics programs, they continued to fight with HEW and the Office of Civil Rights (OCR) regarding the government regulations.⁴ In December of 1978, HEW issued a new "Policy Interpretation" that attempted to clarify the government expectations for compliance. As with the original 1975 regulations, university leaders often reacted negatively to this new interpretation.⁵ In response to the "Policy Interpretation," Duke University President Terry Sanford developed a "Counter Proposal for Compliance with Title IX" in the spring of 1979.⁶ Big Ten university officials also provided commentary and suggestions related to this plan. When taken in combination, the reaction to both HEW's "Policy Interpretation" and the "Sanford Plan" revealed the consistent efforts to limit government oversight of college sports while at the same time increasing support for women's athletics. Despite claims of improving women's programs, several Big Ten institutions found themselves the subject of OCR investigations in the late 1970s and early 1980s. These inquiries highlighted the amount of work still required for equality. Most Big Ten administrators remained wary of government oversight and struggled with the logistical burdens of improving women's sports. Yet, the events of this period also led to a much clearer stratification between those Big Ten institutions that supported Title IX and those that did not.

⁴ Prior to 1980, the Department of Health, Education, and Welfare administered Title IX. However, after that date Title IX enforcement transferred to the Office of Civil Rights (OCR) in the newly created Department of Education. Even with this change in responsibility, the OCR followed HEW's guidelines for compliance. In the context of this argument, and in the eyes of most Big Ten administrators, the change from HEW to OCR just meant a different address to send complaints to. There did not appear to be any marked change in attitude towards government enforcement of Title IX. "ERA's Title IX Timeline," Equal Rights Advocates, accessed December 10, 2013, <http://www.equalrights.org/title-ix-timeline/>.

⁵ Ironically, in some cases, the "Policy Interpretation" of 1978 seemed to make administrators long for the "good old days" when the 1975 regulations, which they had so vigorously opposed, were in effect.

⁶ Willard L. Boyd to Mr. David S. Tatel, March 2, 1979, Board in Control of Athletics Minutes, 1979, Box 6, Board in Control of Athletics Records, IA-A; "The Sanford Plan: A Counter Proposal for Compliance with Title IX," May 22, 1979, Christine Grant: Gender Equity in Athletics; Sanford Plan 1979, Box 17, Christine Grant Papers, IA-WA.

Internal Progress

There is no question that by July 21, 1978, tremendous progress had taken place in the level of support provided for women's athletics in the Big Ten institutions. In the months leading up to HEW mandated compliance, Big Ten administrators attempted to evaluate the status of their women's programs. Most university officials voiced clear support for women's athletics and highlighted the growth that had occurred in women's varsity sports since the publication of the HEW guidelines in 1975. At the same time, some leaders also provided candid assessments of the program deficiencies that remained. Regardless of the progress or honest evaluations, administrators were inundated with complaints about the treatment of women's sports and cries that these programs were still being treated like "second-class citizens" by the school and the athletic department. Concerns brought up by campus and community constituents highlighted the many problems that existed and provided a guide for administrators regarding the steps they needed to take to achieve equality. Thus, by July 21, 1978, Big Ten institutions had drastically expanded women's sports programs, yet full gender equality remained out of reach.

Despite many improvements in women's athletics and administrators' insistence that they supported equality in athletics, as of 1978 women's sports still clearly faced discrimination. Facilities remained a particularly difficult problem to solve. Illinois' Women's Athletic Director Karol Kahrs waged a nearly two year battle with the director of campus athletic facilities, Bill Stallman, in regards to the use of fields and courts and the timing of practices for women's teams. Women's teams at Illinois dealt with

inadequate and poorly maintained facilities and inconvenient practice times. This led to concerns over athlete safety because most women's teams were forced to practice late at night.⁷ In a letter to Vice President Morton Weir, Stallman emphasized the challenges of space management, arguing that "some of the AA [Athletic Association] staff can't understand why their requests are not fully honored. The reason is simple. We are manipulators of existing space, not magicians capable of creating space."⁸ Stallman reasoned that women had limited access to athletic facilities solely due to logistical concerns. However, it did not seem that the men's teams faced these same problems. Issues with practice time and facilities also plagued the University of Wisconsin. Women's basketball coach Edwina Qualls publically criticized the department for favoring the "income-producing sports" and forcing women's basketball to "give up the Fieldhouse" when the men's team needed it. Athletic director Elroy Hirsch emphasized that income sports needed special consideration when he asserted: "certain sports are going to have priorities over others as long as our present financial setup exists. I fully realize that Title IX does not specifically say that revenue sports can take any priority over non-revenue sports; however, it still is a fact of life."⁹ Thus administrators at both Illinois and Wisconsin used practical arguments to justify the lack of equality for women's sports. While they did not necessarily reject women's sports on a sexist basis, these leaders justified the lack of equality for women's athletics based on what they considered to be legitimate logistical issues.

⁷ Karol Kahrs to Bill Stallman, November 9, 1976, Athletic Association, 1976-1977, 24/1/1, Box 177, IL-A; Karol Kahrs to Bill Stallman, September 16, 1977, Athletic Association, Board of Directors, 3/1/78-6/30/78, 24/1/1, Box 198, IL-A; Karol Kahrs to William E. Stallman, March 15, 1978, *ibid*.

⁸ Bill Stallman to Morton Weir, September 9, 1977, *ibid*.

⁹ "Women Cagers Optimistic," *Press Connection*, n.d., ca. October 1977, Personnel/Women's Athletics, Box 1, Accession 86/49, UW-A; Elroy Hirsch to Kit Saunders, November 10, 1977, *ibid*.

These examples highlighted the specific arguments against full equality, but institutions also developed strategies to comply with Title IX. These plans were articulated in the self-assessment reports that several Big Ten institutions completed in the spring of 1978. Schools conducted these assessments both to address campus complaints about the lack of equality and to show the government that they were complying with Title IX. Evaluations generally emphasized the growth of women's sports and articulated the university's plans for continued improvement. The reviews from Michigan, Ohio State, Michigan State, Illinois, Indiana, Northwestern, Minnesota, and Iowa revealed a clear difference in the way different Big Ten institutions dealt with women's sports and Title IX. In general, Illinois, Michigan, Michigan State, and Ohio State (Group One) were most opposed to Title IX during this period. On the other hand, Indiana, Iowa, Minnesota, and Northwestern (Group Two) seemed more supportive of women's sports and the least opposed to Title IX. The institutional self-evaluations showed the overall growth of women's sports in the Big Ten, but also highlighted the diverse levels of support for women's athletics at these different institutions. Despite the different approaches at these schools, administrators at each institution dealt with similar problems in increasing support for women's athletics. Ultimately, variation in the development of women's sports at each university was often based on the level of support that administrators showed for women's athletics and Title IX.¹⁰

Ohio State and Michigan (from Group One) were the most adamantly opposed to Title IX. Between 1976 and 1978, the University of Michigan received numerous

¹⁰ While Purdue University and the University of Wisconsin also conducted self-assessments, the researcher was unable to locate these reports. However, lacking evidence from these two institutions does not substantively change the argument because these schools would likely have fit into one of the two groups noted above.

complaints from parents and women's rights advocates. Their concerns included the lack of an adequate budget, a non-existent scholarship program for women, minimal publicity for women's sports, and an inexperienced and underfunded coaching staff. Michigan also faced criticism for a specific incident in which the women's basketball game was sped up (using a running clock for the last three minutes of the game) so the men's game could start on time.¹¹ Ohio State dealt with criticism primarily from its women's coaches and administrators. In a survey of female coaches conducted in the spring of 1976, Ohio State Vice President Madison Scott discovered that the biggest issues related to limited and inconvenient practice times and the fact that coaches of women's teams were often forced to coach multiple teams as well as teach physical education classes.¹² Ohio State's women's athletic director Phyllis Bailey noted several deficient areas including a lack of office space for women's coaches, poor field maintenance for women's sports, and inadequate locker room spaces.¹³ These concerns emphasized the amount of work needed to achieve compliance by July of 1978.

The self-assessments at Ohio State and Michigan were both geared towards addressing some of these specific complaints. At the University of Michigan, administrators simply updated the October 1976 self-assessment, focusing specifically on improvements made since that first report and addressing the complaints they had

¹¹ Beverly Harris to Bernard Rogers, Department of Health, Education, and Welfare, July 30, 1976, Title IX Correspondence, Reports, etc. 1976, Box 6, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL; Maureen O'Rourke to the Michigan Daily, December 8, 1977, Athletics (Title IX, Women), 1977-1978, Box 67, President's Records, UM-BHL.

¹² Kit Boesch to Madison Scott, March 4, 1976, OSU-A, Women's Athletics (9/e-5a), Box 20, "Title IX: OSU Correspondence, 1973-1976;" Nancy Krattiger to Madison Scott, March 4, 1976, *ibid*; Mary Jo Ruggieri to Madison Scott, March 4, 1976, *ibid*; Harriet Reynolds to Madison Scott, March 4, 1976, *ibid*; Mary Raysa to Madison Scott, March 4, 1976, *ibid*; Linda K. Hall to Madison Scott, March 4, 1976, *ibid*.

¹³ Phyllis Bailey to Hugh Hindman, July 15, 1976, OSU-A, Women's Athletics (9/e-5a), Box 2, "OSU Correspondence, April-July 1976;" Phyllis Bailey to Hugh Hindman, July 26, 1976, *ibid*; Phyllis Bailey to Fred Beekman, August 25, 1976, *ibid*, "OSU: Correspondence, August-December 1976."

received since then. This evaluation discussed issues including the number of sports provided for women, equipment, game and practice scheduling, travel, coaching, medical services, publicity, and scholarships. In almost every area, Michigan reported improvements for women's sports since 1976. The most interesting element in this report related to travel. Administrators noted that their "zealousness to increase contests/games/matches played" led to some of their teams "[travelling] more extensively than was wise." Essentially, Michigan administrators stated that not only had they expanded women's sports since 1976, but also implied that they had *over* supported the program in a way that impacted the financial health of the department. The report also praised the development of a women's scholarship program, but like at many other institutions, Michigan continued to exclude the revenue sports from any comparison between women and men's athletics.¹⁴ Michigan's 1978 self-assessment emphasized a marked improvement in the women's program, yet administrators maintained a policy essentially denying that full equality was possible or, for that matter, even the goal.

In a similar manner, Ohio State's 1978 report was an update on the progress the institution had made since its original assessment of 1976. Ohio State also emphasized advances in the areas of greatest concern, including "facilities, financial aid for female athletes, and the understaffing of coaches in women's athletics." In one important respect, Ohio State differed from Michigan in that comparisons between men and women's athletics included information about the entire men's program—including football and basketball. Administrators noted the lack of full equality for women's sports in terms of scheduling and facility use was partially based on "conference scheduling and

¹⁴ University of Michigan, Department of Athletics, "Update on Title IX Report of October 5, 1976: prepared by Don Canham, Phyllis Ocker, and Charles Harris," June 6, 1978, Title IX Compliance Reports, 1976, 1978, Box 6, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

the long tradition of revenue sports having priority on practice times.”¹⁵ This statement was an attempt to justify the lack of improvement for women’s sports on campus. Rather than taking ownership for developing women’s athletics at Ohio State, administrators claimed that the deficiencies were beyond their control. This point was more directly articulated in the Athletic Council’s assessment of budget issues when they noted that “justifiable budget differences are caused by structural differences in the national governing organizations and the stage of growth in men’s and women’s programs.”¹⁶ Thus, while Ohio State was more willing than Michigan to admit that problems remained, administrators contended that they were incapable for solving those problems at the local level, essentially denying responsibility for the lack of equality in women’s sports.

While Ohio State clearly used inequality at the national level as a rationale for limited support of women’s sports, some of the language of their evaluation reports seemed to indicate more openness to correcting the problems. In their 1978 assessment, Ohio State administrators recognized that “there still remains some attitudinal discrimination on the part of some of the support service personnel within the Department” and that “every effort must be made to encourage [all personnel] to alter their thoughts and actions.” They further stated that “we can only renew our pledge that we consider it a moral obligation to see that all of the student-athletes within our program are treated equally in every way and we will constantly strive to erase all subtle

¹⁵ “Athletic Department Title IX Self-Evaluation: Supplemental Report,” n.d., ca. 1978, OSU-A, Women’s Athletics (9/e-5a), Box 20, “Title IX: OSU: Special Report on Athletic Department Compliance and 1976 Supplemental Report, ca. 1977-1978.”

¹⁶ “Profile of the Ohio State University Athletic Program: Budget Considerations,” n.d., ca. 1978, OSU-A, Women’s Athletics (9/e-5a), Box 1, “OSU: Athletic Council Reports, 1973-1979.”

differences that stand in the way of totally achieving that goal.”¹⁷ Ohio State, like most other institutions, seemed to use the logistical challenges as a justification for the lack of equality in athletics. But university leaders also acknowledged the attitudinal problems and pledged to address them. Of course, since this was a public report one could argue that Ohio State officials were using a falsely positive tone to emphasize the progress of the program.¹⁸ However it is significant that they even mentioned the attitude problems at all. If Ohio State’s administrators wanted to hide behind logistical issues to explain the lack of equality for women, they could have done so without bringing up these sexist perspectives. The very fact that they addressed it suggested a level of openness to dealing with gender discrimination and working to uphold the spirit of Title IX.

Ohio State and Michigan were not alone in their opposition to Title IX. Michigan State and Illinois also struggled to meet the Title IX deadline. In 1978, Michigan State faced a formal Title IX complaint from the women’s basketball team. Led by Title IX coordinator Mary Pollock, the women’s team charged the university with discrimination in its treatment of student-athletes and coaches.¹⁹ Pollock and the team contended that the facilities were inadequate, the team forced to practice at inconvenient times, there was no scholarship program for women’s sports, and the women’s coaches were not paid as much as the men’s. Assistant athletic director Clarence Underwood dismissed the threat

¹⁷ “Athletic Department Title IX Self-Evaluation: Supplemental Report,” n.d., ca. 1978, OSU-A, Women’s Athletics (9/e-5a), Box 20, “Title IX: OSU: Special Report on Athletic Department Compliance and 1976 Supplemental Report, ca. 1977-1978.”

¹⁸ For example, the report noted that the attitude problem primarily came from the “support staff” rather than the male coaches or administrators.

¹⁹ Mary Pollock was a graduate student at the University of Illinois in 1973 and 1974 and at that time also made Title IX complaints against Illinois: Mary Pollock, “Funding – Men vs. Women,” n.d., ca. Fall 1973, Women’s Sports, 1974, 41/20/47, Box 1, IL-A; Mary Pollock to Tim Madigan, November 14, 1973, Athletics, Women’s Intercollegiate, Task Force, Huelster, 24/1/1, Box 119, IL-A. See the following article about the 1978 Michigan State complaint: “Women’s Basketball Team Files Title IX Complaint,” *State News*, April 20, 1978, Scrapbook of Newsclippings – Athletics, Women’s, Box 937, Harden, Edgar L. Papers, UA 2.1.15, MSU-AHC.

of formal action believing that Pollock was simply “trying to make a professional name for herself by using athletics as her culprit.”²⁰ Athletic director Joe Kearney took the complaints a bit more seriously and requested that President Harden establish two separate athletic programs and allocate \$428,000 to women’s athletics from the general fund.²¹ The women’s basketball team was not placated and sent a formal complaint to HEW in June 1978, alleging discrimination in regards to facilities, scholarships, travel, equipment, training and medical services, and coaching among other things. They further claimed that MSU administrators refused to adequately address these problems, thus “[indicating] the pattern and practice of gender-based discrimination routinely exercised by the University.” Ultimately, in the words of another female student-athlete, women’s athletics at Michigan State “are second rate on the University’s athletic priority list.”²² The fact that this complaint came in the spring and summer of 1978 meant that Michigan State’s self-evaluation process was conducted under the shadow of this action.

Furthermore, it indicated that MSU was clearly not going to meet the compliance deadline, no matter how much administrators emphasized the positive gains for women.

In response to the complaint, MSU President Edgar Harden promised a “‘legal audit’ to interpret the regulations of Title IX” and promised “answers” to the women’s basketball team and their representatives. The women’s team requested that the board of trustees “urge a full and hasty compliance with the law and authorize a full and open investigation of the athletic department.”²³ In the summer of 1978, Harden established a

²⁰ Clarence Underwood, Jr. to Joe Kearney, April 6, 1978, Women’s Basketball Suit, 1978-1979, *ibid.*

²¹ Dr. Joe Kearney to Dr. Ed Harden, May 31, 1978, Athletic Department, 1978-1979, Box 931, *ibid.*

²² Kathleen J. DeBoer and Mariann R. Mankowski to Dr. Kenneth A. Mines, Director, June 13, 1978, *ibid.*; Linda R. Ascuitto, Letter to the Editor, “It’s Cheaper,” *State News*, April 20, 1978, Scrapbook of Newsclippings, Athletics, Women’s, *ibid.*

²³ Anne Marie Biondo, “MSU Interpreting Title IX,” *State News*, May 20, 1978, *ibid.*

Title IX committee in the athletic department that was charged with conducting an assessment of the department and proposing measures that would help Michigan State achieve compliance. The committee looked specifically at the budget for scholarships, supplies, and services. While this group acknowledged an extreme disparity between the number of scholarships provided to male athletes and those given to female athletes, it contended that this difference was due to the disparate rules of the NCAA and AIAW.²⁴ While acknowledging that Title IX required a comparison between women's sports and the entire men's program, the committee suggested that they compare "the percent of maximum allowable [scholarships for women] with the entire men's program." Using this method meant that compliance would be based not on the total number of scholarships, but on the number allowed by the AIAW and NCAA respectively, thus effectively capping the number of scholarships Michigan State would have to provide for women.²⁵ The assessment of supplies and services budget revealed additional funding disparities. Men's teams (excluding football) received an average that exceeded \$25,000 while the women's teams got less than \$8,500. It is important to note that even with football excluded from the comparison, Michigan State still came up woefully short in providing equal funding for men's and women's sports.²⁶ It was clear that Michigan State

²⁴ The suggestion that institutional non-compliance in this area was based on differences in national rules was quite similar to the method used by Ohio State in limiting its support for women's athletics.

²⁵ Using this formula, Michigan State would provide an equal percentage of scholarships (rather than equal number) for men and women based on the maximum allowed by the NCAA and AIAW. For the sake of argument, let us suppose that the NCAA allowed each school to offer 200 scholarships for men and the AIAW allowed each school to offer 100 for women. In this scenario, if Michigan State provided 150 scholarships for men (75% of the total allowed by the NCAA), administrators argued that they should only have to offer 75 scholarships for women (75% of the total allowed by the AIAW) rather than 100 (AIAW limit) or even 150 (full equality as defined by HEW). The fact that MSU made this argument once again showed that administrators were attempting to negotiate the terms of compliance rather than working to actually improve women's sports. Clarence Underwood, Jr. to Dr. Joseph Kearney, June 19, 1978, Title IX President's Statement 1978, Box 914, Harden, Edgar L. Papers, UA 2.1.15, MSU-AHC.

²⁶ Ibid.

was struggling to meet the compliance deadline and their continued lack of support for women's athletics had become a major problem.

Unlike Michigan State, Illinois was not facing an immediate threat of formal Title IX action, but it did have a variety of internal pressures pushing it towards compliance. As at Ohio State, Michigan, and Michigan State, Illinois's efforts to comply with Title IX were also slow. Indicative of this was the fact that its committee report was drafted in the spring of 1978, but was not presented to the Athletic Association for another year. The arguments of Illinois administrators against compliance were based largely on monetary and administrative issues. University officials feared that "unless we have extremely successful football and basketball programs in the very near future the Athletic Association will be unable to meet the financial requirements." One technique used at Illinois was to collect suggestions (through surveys) from other institutions on how to deal with the logistical problems they faced. One consistent piece of advice that Illinois received was to more closely align intercollegiate athletics with the "overall campus administration." Ironically, while Illinois officials generally argued that the Athletic Association's status as "separate from the university" meant that it was not beholden to the Title IX regulations, administrators now believed that the survival of athletics required closer cooperation between the Athletic Association and the university administration. This implied that perhaps intercollegiate athletics did not "really control their own destiny." Ultimately, pressure from the government made the Illinois athletic department less autonomous and less independent.²⁷ The proposed solution to escalating costs and administrative problems—a closer relationship between the athletic department

²⁷ "Report of the ad hoc Committee," Professor John R. Dahl, Chairperson, May 30, 1978, presented on April 27, 1979, Athletic Association, 7/1/80-10/30/80, Box 258, Chancellor's Office Subject File, 1980-1981, 24/1/1, IL-A.

and the university—was unique as it diverged from the traditional argument that athletic departments should remain separate.

The second group of schools (Indiana, Iowa, Minnesota, and Northwestern) represented a more open and progressive approach to Title IX and women's sports. However, institutional support for women's athletics did not necessarily mean that all campus administrators shared this perspective. At Indiana, director of athletics Paul Dietzel clearly opposed the AIAW and the politicized nature of Title IX as indicated by a March 1978 letter to Indiana President John Ryan in which he contended that

The Association for Intercollegiate Athletics for Women has no reluctance whatsoever in whether [the development of] women's athletics must be completely at the expense of men's present athletics; i.e. "if we must do away with all but four sports for men in order to have four sports for women, that is perfectly alright."

Dietzel suggested that while he and other male athletics administrators were "anxious to help the women in their conquest for a 'place in the sun,'" they were becoming "'turned off' by the belligerent attitude of a great number of people in high places involved in AIAW."²⁸ His frustration with some leaders of the women's sports movement and his contention that feminist political pressure would eventually ruin men's sports certainly suggested a more chauvinistic attitude. President Ryan apparently did not share this view. On July 13, 1978 he named Anita Aldrich as "the Chairperson of the University Athletics Committee," the first woman appointed to such a position in the Big Ten.²⁹ In some

²⁸ In this same letter, Dietzel also noted that he was hopeful that revenue sports might eventually be exempted from Title IX calculations. He argued that women's sports at Indiana were only a few years away from full equality with men's non-revenue sports, but suggested they would never be equal if revenue sports were included in the comparison. Director of Athletics, Paul Dietzel to President John Ryan, March 8, 1978, Athletics: Intercollegiate Athletics for Women, 1978, Box 33, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

²⁹ John W. Ryan to Dr. Anita Aldrich, July 25, 1978, Athletics Committee, Box 73, *ibid.* Ironically, Dietzel officially resigned from his post at Indiana in July 1978 to take the athletic director position at Louisiana State. This occurred a few weeks before Aldrich's appointment as chair of the athletic committee. This

sense, this could be seen as simply a public relations ploy to show Indiana's support for women's athletics, despite Dietzel's sexist perspective. However Dietzel sent his letter directly to President Ryan and it did not appear to be made public. Thus, from an ideological perspective, the upper administration of Indiana seemed committed to equality for women—both for student-athletes and for administrators.

Indiana's dedication to women's sports was also clear in its compliance report issued on July 21, 1978. Even the creation of this report suggested Indiana's genuine willingness to comply with Title IX. Unlike the reports generated at the Group One schools (Ohio State, et al), Indiana appointed a female administrator who held a position outside the athletic department (affirmative action officer Frances Dodson Rhome) to compile the information. This implies that Indiana was unwilling to allow the athletic department to influence the tone or content of the self-evaluation. Rhome did not ignore the logistical challenges facing Indiana in its efforts to comply with Title IX. She discussed the fact that Indiana faced similar budgetary issues as other institutions and also struggled to balance support for women's athletics with the needs of the revenue sports. Rhome also acknowledged the limited history of women's sports in Indiana because many of the state high schools were just starting athletics programs and "the number of experienced female coaches . . . are limited also, making it necessary to engage male coaches for women's varsity teams in some areas." Despite these problems, Indiana's self-assessment revealed a steady improvement in administrative and financial

researcher could not find evidence to suggest that Aldrich's impending appointment contributed to Dietzel's departure, but it is interesting that after his resignation, Aldrich was tapped to chair the hiring committee to find his replacement. "Dietzel Goes to Baton Rouge," *Indiana Daily Student*, July 10, 1978, Folder: Dietzel, Paul, Clippings Files, INB-ARM; Curt Smith, "Dietzel's Decision Regrettable," *Indiana Daily Student*, July 14, 1978, *ibid*; Bob Hamel, "Aldrich to Head Athletics Committee," *Bloomington Herald-Times*, July 13, 1978, Folder: Aldrich, Anita, *ibid*.

support for women's athletics. Indiana proposed increasing the number of athletic scholarships for women from twenty (1976-1977) to eighty (1979-1980) and the budget for women's athletics in 1979-1980 was over \$450,000, compared with under \$300,000 for 1977-1978. The facilities for women were also improved and, unlike at Illinois for example, the scheduling of practice times was more equitable as well.³⁰ As this report indicated, while some administrators (like Dietzel) may have opposed Title IX, it appeared that Indiana fully supported the development of women's sports.

Like Indiana, Northwestern was also ideologically supportive of women's athletics.³¹ The clearest expression of Northwestern's perspective came from its faculty representative, Laurence Nobles, in his response to Michigan athletic director Don Canham's contention that Title IX created a "financial plight" in Big Ten athletic departments. Instead, Nobles argued that "Northwestern does not see women's athletics as 'threatening' men's athletics in any sense. We are deeply committed to a broadly-based intercollegiate athletic program, club sports program, and recreational program for both men and women." Interestingly, this philosophical support for women's athletics was combined with a more pragmatic approach as well. While Nobles acknowledged that universities faced numerous financial and administrative challenges in developing women's sports, he also suggested that Canham's rejection of Title IX ultimately would "only exacerbate the problems instead of moving toward their solution."³²

³⁰ Frances Dodson Rhome, "Title IX Compliance Report," July 21, 1978, Title IX Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

³¹ Northwestern will be discussed in more specific detail in Chapter 5, but a few words about its perspective and its level of compliance at this point will be helpful.

³² Laurence H. Nobles to Mr. Fred Soldwedel, June 21, 1978, Correspondence, 1970-1981, Box 1, Faculty Committee on Athletics, NU-A.

Northwestern supported women's athletics at least partially because, like many leaders of women's sports, it maintained a commitment to the educational rather than commercial purpose of intercollegiate athletics. In a January 1979 report, Northwestern administrators maintained that "the overall athletic program must be considered as a spectrum of physical activities [including varsity as well as club and intramural sports] . . . [and] the total program must be operated in such a fashion as to provide equal access and opportunity for men and women." The report also noted that the University should not dedicate its athletic facilities solely for intercollegiate athletics because this might "result in substantial loss of opportunity for intramural participation." Northwestern held that intercollegiate sports were simply part of athletics on campus and thus a commitment to equality should permeate the entire program. However the 1979 report also proposed dividing women's sports into three categories that would determine the level of support provided by the university. These groupings included those sports that would be competitive on a regional and national level and thus get the most funding (e.g. basketball, volleyball), those that would be treated as intercollegiate sports but not receive the same level of support (e.g. track and field), and those sports that would remain at the club level (e.g. fencing). Additionally, Northwestern administrators suggested that the university's stringent academic requirements might cause unequal expenditures for men and women, but that the university would "[provide] whatever funds are necessary to be sure that the minimal standards for grants-in-aid [scholarships] for men and women are equivalent in terms of their high school athletic accomplishments, and abilities."³³ Thus, while Northwestern philosophically supported equality, it also faced challenges in building its program.

³³ "Statement on Women's Intercollegiate Athletics," January 24, 1979, Title IX (beginning 9/75), Box 42,

Like Indiana and Northwestern, Iowa and Minnesota also supported women's sports, but added a unique element: the creation of separate athletic departments for women. As discussed previously, after Title IX, the other eight universities added women's intercollegiate athletics to the existing men's athletic department. In contrast, Minnesota and Iowa created autonomous women's athletic departments that, at least on a structural level, operated from a position of equality with the men's departments. The organizational structure at Iowa and Minnesota gave women's athletics a more prestigious place at the university and undoubtedly provided female administrators with a greater level of power and authority over the burgeoning women's sports programs. This level of influence also meant that the leaders of the programs at Minnesota and Iowa had the freedom to develop women's sports according to the educational model favored by the AIAW. Ironically, this model actually limited full equality for female athletes. In its effort to develop a different model of intercollegiate athletics, the AIAW created policies that, in the words of the Northwestern administration, "[encouraged] a less favorable treatment in regard to recruiting [and] financing than for men."³⁴ Officials at Iowa and Minnesota consistently maintained allegiance to the educational precepts of the AIAW even when doing so kept women's sports from gaining full equality.

This was most clearly the case at the University of Iowa. Women's Athletic Director Christine Grant was an avid supporter of the AIAW, and her perspective on women's athletics and Title IX was based primarily on adherence to the AIAW's

Robert H. Strotz Papers, NU-A.

³⁴ The AIAW's commitment to an educational model meant that its rules essentially forbid institutions to treat student-athletes as different than the rest of the student body. This meant that, per AIAW rules, female athletes were not allowed special tutors, training tables (i.e. special meal times), or specific housing. Furthermore, women's coaches were not allowed to travel off campus for the purpose of recruiting. Also, student-athletes had to be admissible by normal university standards and freshmen women were not allowed to receive athletic scholarships. These AIAW rules established a system in which female athletes were clearly treated differently than the men. Ibid.

educational model.³⁵ In the preface to Iowa's 1978 self-assessment report, she clearly articulated her belief that women should have the right and the power to lead the development of women's sports:

We are not in compliance in many areas, but it is important that you note that this situation is not a reflection of our institution's lack of commitment to equal opportunity for women. In fact, if it is really understood, it is a reflection of the institution's strong commitment to an important aspect of equal opportunity, i.e., the opportunity for women to determine their own direction.

She noted that this opportunity "has been afforded to few women's athletic programs in the nation" and that she appreciated the willingness of the institution to allow the program that level of autonomy. She further contended that "*if* compliance with Title IX is the goal, then philosophical differences may have to be set aside" [emphasis added]. For example, she explained that coaches of women's sports often held part-time positions as faculty members in the department of physical education, meaning that these coaches did not have as much time to devote to recruiting or off-season activities like the coaches of the men's teams did. Grant argued that "this area requires immediate attention if equality is the goal."³⁶ Her repeated use of the word "if," indicated that, perhaps, equality with the commercialized men's program should not be the goal. In Grant's view, maintaining female leadership was just as important as tangible equality for female student-athletes.³⁷

³⁵ Grant would eventually serve as one of the last presidents of this organization, leading the AIAW in 1980-1981. "Guide to the Christine Grant Papers, Biographical Note," University of Iowa Women's Archive, accessed October 3, 2013, <http://collguides.lib.uiowa.edu/?IWA0329>.

³⁶ Christine H.B. Grant to Phillip E. Jones, March 31, 1978, Title IX Compliance Review, 1978, Box 37, Christine Grant Papers, IA-WA.

³⁷ This point of view was a consistent element of Grant's leadership. For example, in June of 1978, the university proposed a system in which comparable men's and women's sports (e.g. golf, swimming, track & field, etc.) would be coached by a single head coach with assistant's for the men's and women's teams. In response, Grant again articulated the perspective that this kind of structure would cause the women's team to "suffer from a second class citizen complex" as she assumed, probably correctly, that the head coach would usually be male and would almost always favor the men's team. She worried that this plan

Grant's perspective filtered down to Iowa's student-athletes, many of who shared her belief in an educational model of women's athletics. At a May 1978 meeting of the Women's Intercollegiate Sports Committee (WISC), several first year female athletes proposed bringing a Title IX suit against Iowa. They argued that it was unfair that the men received letter jackets while the women only earned certificates and that the men had full time coaches and were often able to fly to their games while the women had part time coaching staffs and drove to their competitions. In response, the upper-class student-athletes argued that they wanted the program to stay the way it was. While acknowledging the discrepancies between men's and women's sports, they also adamantly opposed developing a program like the men that included full time coaches, recruiting, and all the pressures that came with it. They also argued against a Title IX suit as that might possibly cause them to "lose the aid we get from the men now . . . and all the progress we have made."³⁸ This statement perhaps implied that these student-athletes feared, if they pushed the university for too much more, they would risk alienating male administrators, thus resulting in even less support. However, it also indicated the fact that Iowa was determined to maintain a policy of self-governance for women's sports, even if it meant they would not be completely equal with the men's program.

While the University of Minnesota also created a separate women's athletic department, the manner in which their programs developed was somewhat distinct from

would further erode coaching opportunities for women when those roles were already so limited. Once again, this showed Grant's concern for female leadership just as much as for the student-athletes. Christine Grant to Edward H. Jennings, June 26, 1978, Correspondence, 1974-1996, Box 35, Christine Grant Papers, IA-WA.

³⁸ Karen to Dr. Grant, May 3, 1978, Christine Grant: Biographical Information, Correspondence 1972-1980, Box 2, Christine Grant Papers, IA-WA.

that of Iowa.³⁹ In 1976, the university established a self-assessment committee to evaluate and make recommendations on Title IX compliance. This report was in some ways a blend of the Iowa plan and that of the other Big Ten universities. Administrators emphasized the dramatic budgetary increase for women's athletics from an allocation of \$7,366 in 1971-1972 to over \$250,000 in 1975-1976. But they also asserted that compliance by July 21, 1978 was going to be "impossible given the practical constraints" of financing. Also like other institutions, Minnesota separated men's revenue-sports from many of the comparisons with women's athletics, suggesting that "the men's non-revenue sports and the entire women's program are more closely comparable in educational mission." Excluding revenue sports from Title IX comparisons was necessary to protect the income that they believed was vital in funding the overall athletics program. Ultimately, the committee developed a plan "in an attempt to reconcile the conflicting fiscal and ethical demands of equal opportunity."⁴⁰ Thus, like many of the other institutions grappling with Title IX, Minnesota faced the fundamental issue that, despite ideological support for women's athletics, there were legitimate administrative and financial challenges that needed to be addressed to achieve equality for women's sports.

While Minnesota administrators dealt with the same problems as the other Big Ten schools, they, like Iowa, proposed solving them through the creation of separate men's and women's athletics programs. In Minnesota's model, both departments reported to the Vice President for Administrative Operations, and the athletic directors for men

³⁹ Almost from the beginning, Minnesota's plan for equality included a separate women's athletic department that would report to a university Vice President. Stan Kegler to Holger Christiansen, et al, May 28, 1975, Correspondence, 1974-1980, Box 8, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A; Anne Truax to Vice President Stanley Kegler, May 16, 1975, System Task Force on Intercollegiate Athletics, Box 9, Anne Truax Papers, Uarc 275, MN-A.

⁴⁰ University of Minnesota, "Report and Recommendations on Title IX, Intercollegiate Athletics, Recreational Sports, Physical Education," n.d. ca. 1976, Title IX Report and Recommendations – 1977, Box 8, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A.

and women were “co-equal administrative officials charged with the responsibility of operating their respective departments in all their facets.” In explaining their proposal of separate departments, members of the Minnesota committee contended that they “[did] not believe that the male model for intercollegiate athletics should necessarily be duplicated in total in the women’s program.”⁴¹ In other words, the path that Minnesota charted towards compliance was one that attempted to maintain a separate, educational model for women’s sports based on the notion that ensuring female leadership was just as important as providing complete equality for female student-athletes.

However, the Twin Cities Student Assembly (TCSA) took issue with the university’s approach, specifically on the issue of scholarships.⁴² The TCSA demanded equal athletic scholarships for men and women, including allowing first-year female athletes to receive athletic grants. This was a clear deviation from the AIAW’s educational model that Minnesota had adopted. President of the TCSA Lawrence Friedman “[disagreed] with the kind of educational policy that would deny potential women athletes the initial opportunity into this prestigious institution in the first place” believing this policy “will serve as a detriment to the development of our women’s athletic program.” In presenting the position of the TCSA, Friedman also took issue with the inadequate facilities for women’s sports and the fact that the report “conveniently” excluded football, basketball, and hockey (revenue-producing sports) from the

⁴¹ On the recruitment issue, Minnesota had an additional incentive to ensure that women’s sports avoided the potential pitfalls of off-campus recruiting since the NCAA had recently sanctioned the university for multiple counts of recruitment violations. Administrators at Minnesota were thus additionally reluctant to allow women’s athletics to travel down this same path and potentially develop a “win-at-all-costs” mentality that would lead to corruption. Ibid.

⁴² The TCSA was a student-led board that exerted tremendous influence on all areas of student life, including athletics. They had spearheaded a Title IX complaint against the university in 1974. This action was discussed in Chapter 2 and while this issue was largely addressed by 1976, the TCSA was still actively involved in the development of women’s athletics at Minnesota.

comparisons figures for Title IX compliance. Ultimately, this body disputed the notion that “the only way to bring the University into full compliance . . . would lead to the disillusion of both athletic programs.”⁴³ This group of students clearly opposed the notion of a separate, educationally based model of women’s athletics, particularly if that meant the perpetuation of inequality for female student-athletes.

In response to the TCSA’s concerns, Minnesota president Peter Magrath reiterated the reasons behind the university’s educational policy. First, he argued that Friedman refused “to grapple with the pragmatic side of our funding problem for intercollegiate athletics for both men and women.” Additionally, he steadfastly held to the educational model, noting that “this institution is not going to start practices that unwittingly lead to competitive and ‘cutthroat’ recruiting.” In justifying this perspective, Magrath pointed out that the scholarship policy was “recommended unanimously by the coaching staff of the Women’s Intercollegiate Athletic Department” and that “this is also the preponderant position of professionals in women’s athletics across the country.” Magrath further emphasized the fact that Minnesota’s plan would align men’s non-revenue sports with the educational model by establishing a need-based and partial scholarship program for those teams. Magrath affirmed that Minnesota had “worked hard to effect tangible physical, fiscal, and programmatic improvements in Women’s Intercollegiate Athletics” over the previous two years.⁴⁴ In this response, Magrath vowed that Minnesota was attempting to comply with Title IX, but the financial challenges made

⁴³ Lawrence J. Friedman to C. Peter Magrath, President, August 25, 1976, U of M Athletics, Intercollegiate, Title IX, Discrimination on the Basis of Sex in Federally Assisted Educational Programs, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

⁴⁴ Significantly, while Magrath suggested that the non-revenue sports adopt a more educational model, he did not make a similar proposal for revenue sports. This division is again attributed to the fact that he, like other administrators throughout the Big Ten, believed that full support for revenue sports was necessary to maintain income for the entire athletic department. C. Peter Magrath to Lawrence J. Friedman, September 1, 1976, *ibid.*

this difficult. Minnesota, along with Iowa, was determined to ensure women's athletics developed a different model than that of the men and this program would remain under the control of independent female leadership.

Despite the different approaches, the efforts of Big Ten institutions to meet HEW's mandated compliance date shared several similarities. First, while tremendous progress had been made in women's sports by 1978, most programs were still not fully equal. Common problem areas included facilities, practice and game scheduling, budgets, coaching, and, most importantly, scholarships. Lack of compliance was the result of continued resistance to Title IX, but was also based on different definitions of equality (as in the examples of Iowa and Minnesota). Second, each institution faced practical questions of financing and administration. Despite improvements for women's sports, the fiscal question remained a very real barrier to Title IX compliance. Third, administrators also faced continued chauvinistic attitudes from members of the male athletic department and some, like Ohio State, attempted to deal with this issue.⁴⁵ Regardless of any material improvements, the way women's athletics was viewed had a major impact on the development of gender equality in sports. Criticisms from staff, coaches, athletes, and the community at large, combined with the HEW expectations forced institutions to confront the lack of equality that still existed. Even though self-evaluations revealed progress towards compliance, there was still much work to be done. More importantly, after July 21, 1978, administrators had to confront direct government involvement in athletics, a prospect they still found objectionable.

⁴⁵ A good example noted previously was that of Indiana Athletic Director Paul Dietzel whose oppositional comments about the AIAW suggested a chauvinistic perspective on women's sports. See page 196.

How to Enforce Title IX:

HEW's Policy Interpretation and the Sanford Plan

Even by July 21, 1978 universities continued to negotiate the terms of compliance with the government. The most concerning element remained the overly proscriptive regulations that HEW had developed in 1975. In 1977, Michigan president Robben Fleming lamented that “the resulting detail is stifling and often irrelevant, even though the underlying public policy may be sound.”⁴⁶ Michigan’s affirmative action officer Virginia Nordby elaborated, noting that proving compliance “tends to produce a flurry of paperwork not contributing to anything other than increased staffing costs.” She believed that the specific, detailed regulations could “cause trouble because of the great variety of internal governance structures found in various universities around the country.” Additionally, Nordby asserted that the speed with which HEW required compliance remained problematic because it was “literally impossible to comply or plan to comply without evaluating the situation and understanding the dimensions of the problem . . . an expensive and complex project.” Specifically, Nordby disagreed with HEW dictating administrative policy noting that certain parts of the regulations “have nothing to do with sex discrimination but only to do with the method an institution will use to seek to comply with the basic social policy.”⁴⁷ Ohio State president Harold Enarson bluntly

⁴⁶ R.W. Fleming to The Honorable Joseph A. Califano, Jr., October 27, 1977, US Department of Health, Education, and Welfare (HEW), 1978-1979 (folder 1), Box 86, President’s Records, UM-BHL.

⁴⁷ Virginia Nordby, “Report on Operation Common Sense,” October 27, 1977, *ibid.*

expressed his fear that the proverbial “noose is tightening inexorably” and that “we really do confront a mode of bureaucratic thought reminiscent of the worst of Kafka.”⁴⁸

By the end of 1977, the bitterness and antipathy towards government involvement was in full force. Beyond the perceived over-reaching of the federal government, administrators continued to worry that HEW did not fully appreciate the financial realities of major college athletics—namely the need to exempt the revenue sports from any Title IX comparison measures. Administrators at Ohio State asserted that since “no federal assistance is used to support the athletic program,” it was unrealistic “to require that the same amount be spent to cover the costs of sports programs that generate no income as on sports programs which generate the income needed to support themselves and these other programs” [emphasis in original].⁴⁹ Athletics administrators at Indiana, Purdue, and Notre Dame agreed with this point as evidenced in their 1978 joint statement: “adequate provision [must] be made to protect proven spectator demand type sports, especially where revenues exceed expenditures . . . unless this recognition is given to the role played by these [revenue] sports in financing the overall athletic program, the continuing development of women’s and men’s sports will be jeopardized.”⁵⁰ While administrators continued to push for this interpretation, by the end of 1978 it was clear to many of them that obtaining an exemption for revenue sports was unlikely. At Indiana,

⁴⁸ Harold L. Enarson to President Robben W. Fleming, December 23, 1977, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “US Department of Health, Education, and Welfare, Correspondence, 1977.”

⁴⁹ Staff Analysis, “H.E.W. Interpretation of Title IX of the Education Amendments of 1972 and Its Impact on the Ohio State University,” October 25, 1978, *ibid*, “Title IX, 1977-1979.”

⁵⁰ The following statement was drafted in November of 1977 after a meeting of administrators from Illinois, Ohio State, the Big Ten, Memphis State, Rutgers, Texas A&M, Kentucky, USC, Princeton, and Arizona State. “Statement to Council of Ten Regarding Support of Women’s Intercollegiate Athletics,” attached to R.W. Fleming to The Honorable Joseph A. Califano, Jr., December 16, 1977, Athletics (Title IX, Women), 1977-1978, Box 67, President’s Records, UM-BHL; “Proposed Joint Statement for Indiana, Purdue, and Notre Dame Universities,” n.d. ca. 1978, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1975-1990, c47d, INB-ARM.

administrators reluctantly accepted the fact that despite reports to the contrary, the “HEW Office of Civil Rights staff is not confused” about the regulations and that there would be “no ‘exemption’ for football or other revenue-producing sports.”⁵¹ Michigan President Robben Fleming also believed that attempts to circumvent the HEW rules by classifying football and basketball as “Independent Intercollegiate Sports” were likely to be thwarted.⁵² Despite administrators’ efforts, by 1978 HEW had firmly established that revenue sports were not going to be exempt from Title IX.

Throughout the process of negotiations over government regulations, HEW made repeated attempts to clarify its guidelines to ensure that its expectations were clear and realistic. Unfortunately, these efforts often led to additional confusion and misinterpretation. In May of 1978 Secretary of HEW Joseph Califano issued a letter to colleges and universities that seemed to firmly establish HEW’s position regarding federal oversight of intercollegiate athletics. The letter and accompanying opinion from the HEW lawyers stated, in part, “that institutions of higher education receiving Federal financial assistance must comply with Title IX in the administration of their revenue-producing athletic activities.” Therefore, since revenue-producing sports were “an education program or activity within the meaning of Title IX” and part of an institution that was “receiving Federal financial assistance,” they would not be exempt from any measurement of Title IX compliance.⁵³ This statement unmistakably set a standard that

⁵¹ “We Believe there are Some Things that Are Clear Now,” n.d., ca. 1978, Athletic Department, General 1974-1980, Box 1, Indiana University, Vice-President for University Relations, Records of Thaddeus M. Bonus, c16, INB-ARM.

⁵² R.W. Fleming to Mr. Donald B. Canham, June 14, 1978, Athletics (Title IX, Women), 1977-1978, Box 67, President’s Records, UM-BHL.

⁵³ In addition to these clear statements that rejected the argument for the exemption of revenue-producing sports, the communication from Califano also included a list of the many previous attempts to do just that (i.e. the Tower Amendment) and the fact that each and every one had been defeated. Joseph A. Califano, Jr, to Dr. Robben W. Fleming, May 1, 1978, Athletic Association, Big Ten Directors, 1977-1978, 24/1/1, Box

no men's sports—revenue or otherwise—would be treated differently in ascertaining whether an institution had established gender equality in athletics.

Despite this attempt at clarification, in the same communication Califano opened the door to confusion, promising that “the current Title IX regulations and Department policies allow flexibility in their application . . . [and] the review [will] preserve the flexibility that now exists under the regulations.” Ultimately, he wanted to avoid “detailed guidelines that are counterproductive to the objectives of non-discrimination.”⁵⁴ This statement seemed to be an attempt to prove to universities that Califano was willing to compromise. However, it provided hope to administrators that they might still get HEW to soften its position on athletics. Rather than focusing on the clear rejection of an exemption for revenue-sports, Wisconsin officials, for example, fixated on the word “flexibility” and emphasized their belief that “the federal government will then be reasonable about this if a good faith effort is made.”⁵⁵ In other words, despite Califano's attempt at clarity, HEW's position was interpreted as being flexible, leading college administrators to believe that compliance could be achieved merely through “a good faith effort.” In reality, the HEW rules remained as strict as ever.

HEW's 1975 regulations remained in place through 1978, but constant pressure from university administrators prompted the department to create a new “Policy Interpretation” in an attempt to clarify its expectations. First published in December of

198, IL-A; F. Peter Libassi to The Secretary, April 18, 1978 attached to Joseph A. Califano, Jr, to Dr. Robben W. Fleming, May 1, 1978, *ibid*.

⁵⁴ Califano to Fleming, May 1, 1978, *ibid*.

⁵⁵ Frank Remington to Fred Haberman and Elroy Hirsch, May 9, 1978, Athletics, Intercollegiate, 1977-1978, Box 6, 4/22/1, UW-A. Some administrators did not so willingly buy HEW's “flexibility.” For example, the University of Michigan continued to argue against both HEW's jurisdiction and the specific elements of athletics they were attempting to regulate, such as employment of coaches. Interview with interim President Allan Smith, n.d., ca. 1979, Affirmative Action, Title IX (folder 1), Box 88, President's Records, UM-BHL.

1978, HEW again solicited guidance from universities in developing the final version of this document. Rather than asking for a general reaction to the interpretation, HEW requested commentary addressing eight specific questions ““on the approach as well as on all other aspects of the Preamble and Policy Interpretation.””⁵⁶ Responses from Big Ten administrators were instructive in two ways. First, they clearly showed the level of support or opposition to the government’s enforcement of Title IX. Second, the reactions to the “Policy Interpretation” also revealed each institution’s confidence in the development of women’s athletics. Ultimately, the manner in which administrators criticized HEW showed how strong they believed their women’s program truly was and indicated how close they were to compliance with HEW’s new “Policy Interpretation.”

Initial reaction to HEW’s plan was predictably hostile. John Hicks, assistant to the president of Purdue, lamented that the interpretations were “in fact, disastrous” because “they end up demanding equality in just about all areas,” including financial aid. Similar to most universities, Purdue counted on revenue sports funding all other sports (including

⁵⁶ Martha P. Mandel to R.H. Strotz, December 21, 1978, Title IX (beginning 9/75), Box 42, Robert H. Strotz Papers, NU-A. The eight questions were as follows: 1. Is the description of the current status and development of intercollegiate athletics for men and women accurate? What other factors should be considered. 2. Is the proposed two stage approach to compliance practical? Should it be modified? Are there other approaches that should be considered? 3. Is the equal average per capita standard based on participation rates practical? Are there alternatives or modifications that should be considered? 4. Is there a basis for treating part of the expenses of a particular revenue-producing sport differently because the sport produces income used by the University for non-athletic operating expenses on a non-discriminatory basis? If so, how should such funds be identified and treated? 5. Is the grouping of financially measurable benefits into three categories practical? Are there alternatives that should be considered? Specifically, should recruiting expenses be considered together with all other financially measurable benefits? 6. Are the factors used to justify differences in equal average per capita expenditures for financially measurable benefits and opportunities fair? Are there other factors that should be considered? 7. Is the comparability standard for benefits and opportunities that are not financially measurable fair and realistic? Should other factors controlling comparability be included? Should the comparability standard be revised? Is there a different standard that should be considered? 8. Is the proposal for increasing the opportunity for women to participate in competitive athletics appropriate and effective? Are there other procedures that should be considered? Is there a more effective way to ensure that the interests and abilities of both men and women are equally accommodated? John W. Ryan to Director David S. Tatel, February 20, 1979, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

women). But, for the plan to work, HEW could not demand equivalent financial aid for female student-athletes as for men. While Hicks declared his support for “equal opportunity for men and women in intercollegiate athletics,” he urged HEW to avoid implementing a plan that “goes beyond the law, and the intent of Congress.” Hicks and others contended that the HEW “Policy Interpretation” was “so subjective that it will be interpreted in varying ways, . . . [and] fails to recognize some basic economic facts about colleges and universities,” and ultimately “may not help advance the objectives of Title IX.”⁵⁷ Ohio State vice president Edwin Crawford echoed these concerns noting that the proposed regulations “would have a serious effect on our programs at OSU. Both our men’s and women’s athletic programs would suffer.” Administrators at Ohio State and Purdue desperately wanted HEW officials to “understand the implications of some of the proposals” and to recognize that these plans could potentially “work against the very objective they are trying to serve.”⁵⁸ These initial reactions seemed to be concerned with the preservation of the overall athletic department—for both men and women.

According to Big Ten administrators, one of the most glaring problems with HEW’s proposal was its demand for equal per capita spending for men and women. Officials at the University of Iowa actually appreciated some elements of the plan including the fact that the university could spend more on certain revenue-producing sports “without having a discriminatory effect.” However, they worried that the new policy would require universities to immediately eliminate “discrepancies in average per capita expenditures for financially measurable benefits and opportunities,” an expectation

⁵⁷ John W. Hicks to President John W. Ryan, including “Policy Statement,” November 20, 1978, Athletics, 1978-1979, Box 26, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

⁵⁸ Edwin W. Crawford to The Honorable Chalmers P. Wylie, November 20, 1978, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “Title IX, 1977-1979.”

that seemed nearly impossible to achieve.⁵⁹ Administrators at Michigan were even more concerned, believing that the conciliatory allowance of “proportional expenditures for women,” would ultimately lead to “equal expenditures of dollars.” Michigan athletic director Don Canham refused to give up the fight for different treatment for revenue sports and non-revenue sports. He vehemently disagreed with the belief that HEW would be “flexible,” insisting that, according to HEW, “intent does not accomplish anything, and everyone now knows that revenue sports are going to be treated [just like any other sport].”⁶⁰ While administrators at Iowa believed that HEW’s “Policy Interpretation” could lead to greater flexibility in the enforcement of Title IX, those at Michigan still prepared for a contentious relationship between universities and HEW officials.

In addition to these initial reactions, university leaders also provided specific critiques of the “Policy Interpretation.” Not surprisingly, those institutions that were the most critical of the interpretation were the same ones that were generally slow to develop women’s sports. The schools in this new cluster included Illinois, Michigan, Ohio State, and Wisconsin (Group One). And, those institutions that were historically more supportive of Title IX and women’s sports provided comments to HEW in an attempt to help develop better guidelines. Indiana, Iowa, Minnesota, and Northwestern (Group Two) comprised this set of schools.⁶¹ The different responses from administrators at these two

⁵⁹ Minutes, Board in Control of Athletics, December 19, 1978, Board in Control of Athletics, Minutes, 1978, Box 5, Board in Control of Athletics Records, IA-A.

⁶⁰ Don Canham to Professor Wilbur Cohen, December 19, 1978, Women’s Athletic Programs, Title IX, 1974-1979, Box 3, Don Canham Papers, UM-BHL.

⁶¹ These two groups of schools are very much the same as the ones discussed previously in this chapter. The only alteration is that, in this case, the new Group One includes Wisconsin instead of Michigan State. This alteration was due to the availability of sources. Wisconsin was absent from the Group One analysis of the university self-evaluation reports because the researcher was unable to find that particular report from UW. In this case, Wisconsin administrators were quite active in their condemnation of the “Policy Interpretation,” while there was much less evidence of Michigan State’s specific reaction. That said,

sets of institutions were based partially on a historical level of antagonism against HEW. It is not inconsequential, for example, that Michigan, one of the most vocal critics of HEW's 1975 regulations continued to oppose the "Policy Interpretation," while Northwestern, generally either silent or even supportive of the 1975 guidelines, had the same type of response in 1978. Most importantly, the schools represented in Group One were most fearful of being out of compliance if the new guidelines were implemented while those in Group Two were confident that their women's programs met the government's standards.

Once again, while the revised Group One institutions were extremely critical of the "Policy Interpretation," university officials were quick to assert that their critiques did not mean a rejection of gender equality in sports. The Ohio State athletic board claimed that the university "believes in and supports equal opportunity and participation for both women and men in its athletic programs." Ohio State president Harold Enarson concurred, pointing to Ohio State's "support" for the "objective of equal opportunity."⁶² Chancellor William Gerberding at Illinois stated that "we are enthusiastic about women's intercollegiate sports."⁶³ Administrators at Wisconsin went even further, referring not only to their ideological support, but contending that "the University believes it is in compliance with the statute and the regulations approved by Congress and the

Michigan State's perspective on government intervention became quite clear when they dealt with the on-site OCR investigation, an event discussed later in the chapter.

⁶² W.M. Protheroe to Mr. David Tatel, Director, February 26, 1979, OSU-A, Women's Athletics (9/e-5a), Box 20, "Title IX: OSU: Correspondence and Reports, 1977-1979;" Harold L. Enarson to Mr. David Tatel, Director, February 21, 1979, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, "Title IX, 1977-1979."

⁶³ William P. Gerberding to Honorable Joseph A. Califano, Jr., April 6, 1979, Council of Ten, 4/29, Box 38, 4/22/1, UW-A.

President.”⁶⁴ Michigan administrators similarly bragged that they were “upgrading and expanding athletic opportunities for women” and that they would “continue to do so.”⁶⁵ Athletic director Don Canham claimed that “we have no intention of defying the HEW guidelines, nor have we done so in the past. For the last five years we have probably spent more money and more effort attempting to bring our women’s athletic program from a zero base to the point it is than almost anyone.”⁶⁶ Despite these claims to support the idea of women’s sports, it is certainly clear that these institutions defined gender equality quite differently than HEW did.

The divide between the government’s standards of equality and those at the Group One institutions emerged in the criticisms against HEW’s “Policy Interpretation.” These critiques revealed an underlying concern that the institution might be in danger of a HEW investigation and possibly even losing its federal funding by failing to comply with Title IX. Criticism from Ohio State and Michigan was not well organized and rather than developing a cohesive, institutional response, multiple campus constituents provided commentary to HEW and the OCR. At Ohio State, both President Enarson and the faculty athletic council sent letters to David Tatel, the director of the Office of Civil Rights (OCR). Criticism from the University of Michigan came from athletic director Don Canham as well as the faculty board.⁶⁷ In addition to coming from multiple sources,

⁶⁴ “Comments on a Proposed DHEW Policy Interpretation of Title IX of the Education Amendments of 1972, Submitted by the University of Wisconsin-Madison,” March 9, 1979, Athletic Board Meeting, March 9, 1979, Box 4, 5/21/1, UW-A.

⁶⁵ Don Canham to Mr. Allan Smith, March 5, 1979, Athletic Department, Athletic Director, Board in Control of Intercollegiate Athletics, Correspondence, 1979, Box 92, Athletic Department (University of Michigan) Records, 1860-2009, UM-BHL.

⁶⁶ Don Canham to Ms. Bernadette Malinoski, February 1, 1979, Affirmative Action – Title IX, 1979-1980 (folder 2), Box 88, President’s Records, UM-BHL.

⁶⁷ Harold L. Enarson to Mr. David Tatel, Director, February 21, 1979, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “Title IX, 1977-1979;” W.M. Protheroe to Mr. David Tatel, Director, February 26, 1979, OSU-A, Women’s Athletics (9/e-5a), Box 20, “Title IX: OSU: Correspondence and Reports, 1977-

commentary was not consistent within the institutions. Michigan athletic board member W.C. Parkinson was much less critical of HEW than other Michigan administrators, believing “that it was not the intention of Congress in passing the Title IX legislation to kill intercollegiate athletic programs” and that he was prepared to create a program with this basic premise in mind.⁶⁸ Members of Michigan’s “Commission for Women” also condemned the interpretation because it allowed institutions to support teams differently as long as it was in a “non-discriminatory” manner.⁶⁹ This lack of a single voice suggested that, perhaps, the athletic departments at these institutions did not have a clear plan for improving their women’s sports programs.

Criticism of the “Policy Interpretation” from these institutions (Group One) also displayed a high level of antagonism towards HEW itself. On a very basic level, administrators from these institutions refused to address HEW’s specific queries, but rather issued a more general denunciation of the interpretation as a whole. Criticisms focused first on the financial implications and reasserted that equal aggregate expenditures for men and women, without an exemption for the revenue sports, was impossible. While University of Illinois Chancellor William Gerberding supported “the Title IX principle of nondiscrimination,” he did not agree with HEW policies that ignored “the peculiar nature and cost of intercollegiate football,” an oversight that he believed

1979;” Don Canham to Mr. Allan Smith, March 5, 1979, Athletic Department, Athletic Director, Board in Control of Intercollegiate Athletics, Correspondence, 1979, Box 92, Athletic Department (University of Michigan) Records, 1860-2009, UM-BHL; Albert Pickus to Long Range Planning Committee, March 6, 1979, Board in Control – Long Range Planning Committee, 1976-1979, Box 2, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

⁶⁸ W.C. Parkinson to Long Range Planning Committee, March 15, 1979, *ibid*.

⁶⁹ Bernadette Malinoski and Joanne MacRae to David Tatel, Director, January 30, 1979, Affirmative Action – Title IX, 1979-1980 (folder 2), Box 88, President’s Records, UM-BHL. Don Canham issued a stern rebuke to this commission for not consulting him, the long range planning committee, or the president prior to sending their letter to the OCR. Don Canham to Ms. Bernadette Malinoski, February 1, 1979, *ibid*.

would “undermine the viability of all intercollegiate sports, for both women and men.”⁷⁰ Ohio State president, Harold Enarson similarly contended that “the proposed equal-per-participant expenditure standard ignores the basic economic difficulties facing higher education today and will add to the financial burdens already facing this and other colleges and universities.” Enarson also suggested that the financial requirements were ineffective, stating that “equal per-capita expenditures will not assure equal opportunity.”⁷¹ In these two examples, it was clear that these institutions opposed the interpretation due to what they perceived as HEW’s continued ignorance regarding the financial burden of women’s sports—especially when the revenue-sports were not treated separately. Responses from these administrators revealed their priorities—football first, everything else (including women) a distant second. In their perspective, this model was out of economic necessity since the revenue from football essentially paid for all of the other sports. Their reaction to the “Policy Interpretation” again emphasized the financial challenges of complying with Title IX.

Administrators from the Group One schools yet again lamented the lack of clarity in the “Policy Interpretation” and the fact that it signaled a continued extension of federal power. Ironically, by 1978, Wisconsin administrators asserted that they actually preferred the original 1975 regulations noting that they “maintain fidelity to the historic deference of the federal government to the professional judgments which guide educational programs,” yet the “Policy Interpretation” substitutes “superficial mathematical

⁷⁰ William P. Gerberding to Honorable Joseph A. Califano, Jr., April 6, 1979, Council of Ten, 4/29, Box 38, 4/22/1, UW-A.

⁷¹ Harold L. Enarson to Mr. David Tatel, Director, February 21, 1979, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “Title IX, 1977-1979.”

formulae” that “repudiate the concept of reasonableness that is commonly understood.”⁷² Wisconsin administrators pushed for a more flexible standard of compliance that was based on the educated opinion of those who were involved in intercollegiate athletics. Michigan athletic director Don Canham feared that “HEW is attempting to go beyond the law and the intent of Congress.” Canham also believed that the “Policy Interpretation” was “highly subjective” and “rather than clarifying matters, it [would] place the nation’s colleges and universities in the hands of individual compliance officers and field offices.”⁷³ Ohio State President Harold Enarson also condemned the interpretation as “another example of excessive federal regulation” and, like Canham, believed that the interpretation led to “confusion rather than clarification.”⁷⁴ These administrators rejected federal oversight, believing that HEW and its staff were incapable of providing clear standards for compliance. This particular critique is somewhat paradoxical. Administrators condemned HEW’s “Policy Interpretation” as overly proscriptive, yet at the same time complained that the regulations were too vague. This response again implied that these institutions were concerned about the possibility of an investigation into their women’s programs. While they hated the government setting specific rules for the institutions, if a school was deemed to be out of compliance, officials wanted a clear set of guidelines they could follow to ensure that their women’s programs met HEW’s expectations.

⁷² Ibid.

⁷³ Don Canham to Mr. Allan Smith, March 5, 1979, Athletic Department, Athletic Director, Board in Control of Intercollegiate Athletics, Correspondence, 1979, Box 92, Athletic Department (University of Michigan) Records, 1860-2009, UM-BHL.

⁷⁴ Harold L. Enarson to Mr. David Tatel, Director, February 21, 1979, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “Title IX, 1977-1979.”

Finally, one of the most problematic elements for administrators at these institutions (Group One) was their perception that HEW's "Policy Interpretation" forced universities to demonstrate compliance, rather than requiring that HEW prove non-compliance. University officials worried that, under the "Policy Interpretation," HEW and the OCR would assume non-compliance unless the institution could prove otherwise. President Enarson at Ohio State clearly articulated this notion, stating that the interpretation "would place upon the institution the burden of showing why expenditures are different . . . [T]he burden should be on HEW to prove that unequal expenditures are the result of discrimination. This sort of presumption of guilt is unjustified."⁷⁵ Don Canham at Michigan echoed this sentiment, noting that "HEW's proposal requires the institutions to demonstrate that they are 'not guilty.' This is not as it should be."⁷⁶ Wisconsin cited a clause from the 1975 guidelines that "the burden is on DHEW to prove that the University has failed to provide funds that are necessary to afford equality of opportunity," but that "the proposed Policy Interpretation errs by improperly shifting the burden of proof to the University."⁷⁷ Administrators at the Group One universities who were most opposed to HEW's new interpretation were determined that they should earn compliance on their own terms and worried that, if the "Policy Interpretation" was implemented as written, their athletic programs would be out of compliance.

Administrators at Indiana, Iowa, Minnesota, and Northwestern (Group Two) also responded to HEW's request for suggestions, but the tone of their criticism was much

⁷⁵ Ibid.

⁷⁶ Don Canham to Mr. Allan Smith, March 5, 1979, Athletic Department, Athletic Director, Board in Control of Intercollegiate Athletics, Correspondence, 1979, Box 92, Athletic Department (University of Michigan) Records, 1860-2009, UM-BHL.

⁷⁷ "Comments on a Proposed DHEW Policy Interpretation of Title IX of the Education Amendments of 1972, Submitted by the University of Wisconsin-Madison," March 9, 1979, Athletic Board Meeting, March 9, 1979, Box 4, 5/21/1, UW-A.

different. Responses from leaders at the Group Two institutions were much less antagonistic towards HEW, displaying more confidence in the progress they had made in women's sports. Critiques from officials at the Group Two schools seemed designed to help clarify and improve the interpretation, rather than to condemn HEW's enforcement of Title IX in general. University of Minnesota Vice President Robert Stein touted Minnesota's success in women's athletics and was eager to use their experiences to help HEW and the OCR "in implementing and enforcing the Title IX regulations."⁷⁸ The Group Two schools also differed from those in Group One as responses to the "Policy Interpretation" were issued as a cohesive, university-wide response. This suggested a greater level of organization in the women's programs and the fact that they did not feel the need to add multiple voices of condemnation. Additionally, responses from these Group Two universities focused their comments on the specific questions HEW asked of them. This was in clear contrast to the responses from the Group One institutions, which included more general and aggressive critiques of the "Policy Interpretation."⁷⁹

Much like the responses from the Group One institutions, administrators at the Group Two schools also emphasized their support for women's athletics. However, while the Group One schools focused primarily on verbal support for equality, administrators at Indiana, Iowa, Minnesota, and Northwestern provided specific examples of tangible progress they had made in women's sports. In an internal report from university attorney Martha Mandel to Northwestern President Robert Strotz, Mandel asserted that "this

⁷⁸ Robert Stein to Director, Office of Civil Rights, March 1, 1979, Title IX, 1979 (folder 2), Box 4, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A.

⁷⁹ John W. Ryan to Director David S. Tatel, February 20, 1979, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM; Robert A. Stein to Director, Office for Civil Rights, March 1, 1979, Title IX, 1979 (folder 2), Box 4, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A; Martha P. Mandel to R.H. Strotz, December 21, 1978, Title IX (beginning 9/75), Box 42, Robert H. Strotz Papers, NU-A.

Policy Interpretation need not present any unusual problems for us,” suggesting that Northwestern was already complying with many elements of the new guidelines.⁸⁰ Similarly, Indiana President John Ryan asserted that “current expenditures in our athletic programs are appropriate” and that the university “affirms the desirability for equity in all of our educational programs, including athletics.”⁸¹ In his letter to the Office of Civil Rights, Robert Stein from the University of Minnesota included specific descriptions of the women’s athletic program highlighting the numbers of participants, sports, and the budget, noting that the university’s financial support for women’s sports had increased “10,630%” since 1971-1972.⁸² Similarly, Iowa President Boyd confirmed his institution’s commitment “to the objectives of civil rights legislation in general and Title IX in particular.”⁸³ Boyd’s use of the word “legislation” implied his support not just for the idea of equality, but for the legal means required to achieve it. While the Group One schools feared that the “Policy Interpretation” would lead to a HEW investigation, it seems that administrators at the Group Two schools believed that their athletics programs were already in compliance with HEW’s new interpretation.

At least partially due to this confidence in their progress towards equality, administrators at the Group Two institutions critiqued the “Policy Interpretation” in a spirit of cooperation rather than opposition. Minnesota Vice President, Robert Stein provided specific and detailed answers to each question posed by HEW, focusing particular attention on the timing of compliance. He disagreed with the proposed two-

⁸⁰ Martha P. Mandel to R.H. Strotz, December 21, 1978, *ibid*.

⁸¹ John W. Ryan to Director David S. Tatel, February 20, 1979, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

⁸² Robert A. Stein to Director, Office for Civil Rights, March 1, 1979, Title IX, 1979 (folder 2), Box 4, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A.

⁸³ Willard L. Boyd to Mr. David S. Tatel, March 2, 1979, Board in Control of Athletics Minutes, 1979, Box 6, Board In Control of Athletics, IA-A.

stage process, believing that it could “be used by some institutions to delay increased opportunities for women athletes. . . . Title IX has been the law of the land since 1972,” he pointed out, and “the time has come to require that colleges and universities provide an equivalent athletic opportunity for women students to that which it provides for its male students.” While this indicated Minnesota’s support for immediate compliance, Stein also mentioned the fiscal problems, concluding that while schools should not be allowed flexibility in providing athletic “opportunities for women,” they should have extra time to “eliminate disparity in historic spending patterns.”⁸⁴ Similarly, Iowa President Boyd addressed the financial challenges of developing women’s sports and echoed the concern that without acknowledging the unique role of revenue-producing sports, the interpretation might undermine the “financial support” revenue sports provided for the women’s program. While seemingly identical to the argument of those institutions that more aggressively opposed HEW, Boyd “[looked] forward to working with HEW,” a perspective that seemed not to be shared by administrators at institutions such as Michigan or Ohio State.⁸⁵

The reaction from Indiana University was also focused on *guiding* rather than *attacking* HEW. In his response to HEW, Indiana President John Ryan made a positive comment about each of the eight issues prior to providing criticisms. He echoed the concerns of his colleagues at the other Big Ten schools about the financial issues and the

⁸⁴ The question of timing was important. The “Policy Interpretation” provided a two-stage process towards compliance where institutions were expected to immediately improve funding for women’s sports, but would have more time to improve other areas of athletics including facilities, equipment, scheduling, travel, etc. Minnesota’s response implied that HEW’s expectation of immediate financial equality was unreasonable and would be quite difficult. Yet Minnesota also worried that the “two-step” plan would give other institutions yet another excuse to delay support for women’s athletics. Robert A. Stein to Director, Office for Civil Rights, March 1, 1979, Title IX, 1979 (folder 2), Box 4, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A.

⁸⁵ Willard L. Boyd to Mr. David S. Tatel, March 2, 1979, Board in Control of Athletics Minutes, 1979, Box 6, Board In Control of Athletics, IA-A.

desire to protect revenue sports. Despite his contention that nationally prominent, revenue-sports should be excluded from any financial comparison, Ryan acknowledged that monetary comparisons could be an appropriate measure of compliance and “agreed that some pro rata average based on participation is justifiable for those sports that compete on similar scope.”⁸⁶ In his response to HEW, Ryan ultimately implied that women’s sports could eventually become revenue producing as well. Most importantly, unlike administrators from the Group One schools, he did not reject the per capita financial standard as a way to measure equality.

While questions about finances and revenue sports remained, the other concern that the Group Two institutions raised was the issue of clarity. Indiana President John Ryan believed that the language “permits certain inconsistency in interpretation.”⁸⁷ In Minnesota’s response, Robert Stein lamented “colleges and universities need considerably more detail about the amount of athletic opportunity and participation they are required to provide to their women students than is provided by the general standard.” The school sought more “objective standards” for compliance in the non-revenue categories.⁸⁸ Administrators at Minnesota believed that greater specificity was necessary to ensure that all educational institutions remained committed to women’s sports. On the other hand, Iowa’s President Boyd actually praised the level of flexibility he saw in the “Policy Interpretation,” noting that he was “gratified that HEW . . . recognizes that there

⁸⁶ John W. Ryan to Director David S. Tatel, February 20, 1979, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM. Ryan solicited support from Senator Richard Lugar who also agreed that the policy interpretation “is neither equitable nor workable,” mainly because of the discrepancies between the revenue (football and basketball) and non-revenue sports. Richard G. Lugar to Mr. John W. Ryan, April 25, 1979, Athletics, 1978-1979, Box 26, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

⁸⁷ John W. Ryan to Director David S. Tatel, February 20, 1979, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

⁸⁸ Robert A. Stein to Director, Office for Civil Rights, March 1, 1979, Title IX, 1979 (folder 2), Box 4, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A.

is no single means of accomplishing these objectives and that HEW will recognize different means as . . . intercollegiate athletics differ” at different institutions.⁸⁹ Finally, Northwestern’s Martha Mandel believed that the basic elements of the interpretation were in fact clear and had a “lack of ambiguity.”⁹⁰ These responses showed a wide range of institutional perspective on the issue of clarity, yet they each showed a clear difference in tone when compared with the responses from the Group One schools. While Ohio State President Harold Enarson complained that the lack of precision meant Ohio State was “unable to provide reliable projections of the financial impact the proposed interpretations would have on this University,” Gary Engstrand was able to use the “Policy Interpretation” to generate a comprehensive projected budget for women’s athletics at Minnesota.⁹¹ In this sense, the Group One institutions seemed to use perceived deficiencies in the interpretation as a rationale for limiting support for women’s athletics. On the other hand, officials at the Group Two schools encouraged further clarification in HEW’s policies, but did not use this as an excuse to delay their efforts to establish equality for women.

Institutional response to HEW’s 1978 “Policy Interpretation” reflected not only administrative attitudes towards government involvement in athletics, but also the amount of confidence university officials had in their ability to comply with Title IX. Some schools, like the University of Illinois, criticized the entire scope of HEW’s

⁸⁹ Willard L. Boyd to Mr. David S. Tatel, March 2, 1979, Board in Control of Athletics Minutes, 1979, Box 6, Board In Control of Athletics, IA-A.

⁹⁰ Martha P. Mandel to R.H. Strotz, December 21, 1978, Title IX (beginning 9/75), Box 42, Robert H. Strotz Papers, NU-A.

⁹¹ Harold L. Enarson to Mr. David Tatel, Director, February 21, 1979, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “Title IX, 1977-1979;” Gary Engstrand to Vice President Robert A. Stein, January 9, 1979, Title IX, 1979 (Folder 1), Box 4, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A.

interpretations and rejected them completely.⁹² Conversely, universities like Iowa were willing to work with HEW and, despite some disagreements, accepted that organization's authority over Title IX. Iowa President Willard Boyd urged that "the institutions and HEW should work together in good faith. We hope that these guidelines can more plainly express this mutuality of responsibility."⁹³ These responses also reflected the different levels of support for women's sports at each institution, with officials at those schools that lacked equality being the most adamantly opposed to the interpretation and those with more developed women's programs approaching the interpretation with open minds. Ultimately, while all eight institutions shared similar concerns regarding finances, the status of revenue sports, the problem of clarity, and the time it would take to make the men's and women's programs equal, administrative responses revealed a clear divide among those institutions that had made a good faith effort for equality since the first publication of the HEW regulations in 1975 (Group Two) and those that had largely waited for the 1978 compliance deadline (Group One), hoping that in the meantime HEW's policies would change or soften.

While Big Ten administrators were quick to criticize elements of the HEW "Policy Interpretation," in most cases, athletics leaders eventually accepted the fact that the government was going to be responsible for Title IX oversight. In a final, nationwide effort to wrest control away from HEW, Duke University President Terry Sanford developed a "Counter Proposal for Compliance with Title IX" that was designed to ensure that universities would maintain institutional control over their athletics programs.

⁹² Chancellor William Gerberding noted that Illinois "did not support HEW's position" and that if it were not changed, they "could not support the proposed policy interpretation." William P. Gerberding to Honorable Joseph A. Califano, Jr., April 6, 1979, Council of Ten, 4/29, Box 38, 4/22/1, UW-A.

⁹³ Willard L. Boyd to Mr. David S. Tatel, March 2, 1979, Board in Control of Athletics Minutes, 1979, Box 6, Board In Control of Athletics, IA-A.

The Sanford Plan, issued on May 22, 1979, called for each institution to develop a unique, individualized arrangement “to insure an intercollegiate athletic program which will accommodate the interests and abilities of its students in a nondiscriminatory environment.” In this model, HEW would use each institution’s plan as a basis for assessing compliance, since, in Sanford’s view, “individual institutions can best determine the policies, plans and procedures by which they can assure nondiscrimination.”⁹⁴ Thus, compliance would not be based on a set of national standards determined by HEW, but would be based on how closely each institution complied with its own, individual Title IX plan. In his efforts to convince HEW to adopt his proposal, Sanford solicited support from major universities across the nation and the response from Big Ten administrators again demonstrated their level of support for women’s sports and opposition to Title IX.

Some Big Ten leaders supported the Sanford Plan, including Iowa’s Willard Boyd, Harold Enarson at Ohio State, and Arthur Hansen from Purdue who all signed on prior to Sanford sending his plan to HEW.⁹⁵ Enarson’s perspective was particularly illuminating, when he noted that OSU was “[wavering] back and forth between the need for greater precision versus the need for greater flexibility in HEW’s policy.” By the time he learned of Sanford’s plan in early April of 1979, Enarson realized that they “cannot have it both ways.” In supporting the Sanford plan, he also articulated the problem with

⁹⁴ “A Counter Proposal for Compliance with Title IX (the Sanford Plan),” Christine Grant: Gender Equity in Athletics; Sanford Plan, 1979, Christine Grant Papers, Box 17, IA-WA.

⁹⁵ It is interesting that Iowa was one of the institutions to sign on to the Sanford plan because they had a long history of support for women’s athletics and were not generally antagonistic to HEW. But, as Boyd’s previous comments about the necessity for flexibility in enforcement revealed, Iowa was also staunchly committed to maintaining institutional autonomy, a goal that the Sanford plan would certainly have achieved. Willard L. Boyd to Mr. David S. Tatel, March 2, 1979, Board in Control of Athletics Minutes, 1979, Box 6, Board in Control of Athletics, IA-A; Terry Sanford to Mr. F. Peter Libassi, May 22, 1979, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

HEW regulation of Title IX, complaining that “we face, time and again, zealous and/or utterly unsophisticated Regional Office staff.” He recommended a system in which “knowledgeable” people (such as university presidents) would serve on a panel to “assist” HEW in their review measures.⁹⁶ Thus, his support of the Sanford Plan indicated Enarson’s belief that individual universities should be responsible for determining Title IX compliance. The University of Michigan later signed on to the Sanford plan believing it was the best method to “encourage our continued implementation of the Title IX principle.”⁹⁷ Those universities that supported the Sanford Plan were doing so primarily to limit the oversight power of the federal government. But, they also contended that this plan was the best way to ensure that universities would continue to uphold the ideal of equality.

Unlike Ohio State and Michigan, Minnesota and Indiana both rejected the Sanford Plan. Minnesota Vice President Robert Stein believed that UM should oppose the proposal, suggesting that the institution should wait to “be assured that the proponents intend the proposal at its face value” to ensure “that this effort is not construed as an attempt to weaken or subvert Title IX.”⁹⁸ Gary Engstrand, assistant to the President at Minnesota, also argued against the plan based on his “impression that those who endorse the ‘Sanford Plan’ are [not] strong supporters of Title IX or its vigorous enforcement.” Engstrand cut through the rhetorical devices of those who opposed HEW’s enforcement,

⁹⁶ Harold L. Enarson to President Terry Sanford, April 18, 1979, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, “Title IX, 1977-1979.”

⁹⁷ Allan F. Smith to The Honorable Joseph A. Califano, Jr., July 10, 1979, Affirmative Action – Title IX, 1979-1980 (folder 1), Box 88, Presidents Records, UM-BHL. Willard Boyd at Iowa also made this same argument when he wrote to the president of the University of New Mexico, urging him to sign on to the Sanford Plan. Willard L. Boyd to President William E. Davis, June 6, 1979, Christine Grant: Gender Equity in Athletics; Sanford Plan, 1979, Christine Grant Papers, Box 17, IA-WA.

⁹⁸ Robert A. Stein to President C. Peter Magrath, July 24, 1979, U of M Athletics, Intercollegiate, Title IX, Discrimination on the Basis of Sex in Federally Assisted Educational Program, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

asserting that “while opposition to extensive federal regulatory intervention need not go hand-in-hand with opposition to implementation of Title IX, the two have been married for so long that it is difficult for me to separate them now.”⁹⁹ Thus, while both Engstrand and Stein acknowledged the positive intentions behind the Sanford plan, neither believed that this was the sole reason that many institutions supported it. They wanted Minnesota to avoid associating itself with any idea that could be used by university administrators to limit support for women’s athletics. And Engstrand specifically was not buying the notion that schools could distinguish between support for the principle of equality in women’s sports and opposition to Title IX.

Frances Dodson Rhome, Indiana’s affirmative action officer, agreed with Engstrand. She believed the Sanford Plan was merely another attempt to limit the scope of Title IX and reduce support for women’s athletics. She contended:

Self-policing is always preferable to outside agency supervision, and works well when all persons are committed . . . to certain principles. Problems arise, however, when vested interests crowd the picture. . . . In spite of the strong statements of support for equality of women on campuses, the fact remains that Title IX has proved necessary for implementation of those principles. . . . Institutional plans throughout the nation evolved through means of wrenching, groaning, complaining, resisting actions by those who now voluntarily may skip ahead. . . . The plan may work now because past and pressuring mandates of Title IX accelerated athletic programs for women in the first place [emphasis in original].

Rhyme recognized that while institutional control might eventually be preferable to government oversight, it was federal pressure that created the gains for women in the first place and that schools were not yet ready for voluntary compliance, as she stated: “I live in a more pragmatic world of established bureaucracies. . . . [C]hange in this slowly

⁹⁹ Gary Engstrand to Vice President and Dean Robert A. Stein, October 9, 1979, Title IX, 1979 (folder 2), Box 4, Faculty Representative for Intercollegiate Athletics, 1970s-1980s, Uarc 22, MN-A.

turning world requires oiled machinery.”¹⁰⁰ Ultimately, Rhome questioned whether the institutions pushing for voluntary compliance were serious in their commitment to gender equity. In her view, despite the challenges in federal oversight, government control was, at this time, the best method to maintain and expand opportunities for women.

Ultimately, on December 11, 1979, the Office of Civil Rights rejected the Sanford Plan and issued the final “Policy Interpretation” that would govern Title IX compliance. This plan introduced what became known as the “three-prong” approach that remains the Title IX standard to this day.¹⁰¹ This final interpretation created three methods of compliance: first, “Compliance in Financial Assistance (Scholarships);” second, “Compliance in Other Program Areas;” and third, “Compliance in Meeting the Interests and Abilities of Male and Female Students.” In some ways, this interpretation provided the compromise solution that some Big Ten administrators sought. The OCR made clear that compliance could be met by a set of specific requirements in the areas of financial, per capita expenditure on scholarships (Method 1) or with equality in specific areas such as scheduling, equipment, coaching, or facilities (Method 2). But, it also provided administrators the flexibility to meet compliance by proving they were meeting the needs of their female students (Method 3).¹⁰² These newest interpretations from the OCR

¹⁰⁰ Frances Dodson Rhome to President John Ryan, August 10, 1979, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

¹⁰¹ “Title IX and Issues, History of Title IX, Title IX Legislative Chronology,” Women’s Sports Foundation, accessed October 23, 2013, <http://www.womenssportsfoundation.org/en/home/advocate/title-ix-and-issues/history-of-title-ix/history-of-title-ix>.

¹⁰² Subsequent interpretations of this test, further divided the third method. For a school to prove that it is meeting the needs and abilities of its male and female students, it can do one of three things: prove that the ratio of male and female athletes matches the ratio of male to female students on campus, show historical and continuing enhancement for women’s sports, or prove that it is meeting student interests. “A Policy Interpretation: Title IX and Intercollegiate Athletics,” Federal Register, Vol. 44, No. 239, December 11, 1979, Office for Civil Rights, U.S. Department of Education, accessed October 23, 2013, <http://www2.ed.gov/about/offices/list/ocr/docs/t9interp.html>; “Title IX & Issues: What is Title IX: Standard Language of Title IX,” Women’s Sports Foundation, 2011, accessed January 12, 2014,

provided institutions the roadmap for compliance. Ultimately, the battle over the 1978 “Policy Interpretation” and the debate over the Sanford Plan revealed the continuity of institutional opposition to government oversight. But, more importantly, these issues also revealed the fact that, even as of 1978 and 1979, some institutions were not nearly as close to gender equality in athletics as they claimed.

The Fight for Title IX Compliance

At the same time that administrators were fighting the HEW “Policy Interpretation,” they were also working to improve their women’s sports programs. While they may have disagreed with the manner in which HEW was going to determine compliance, they ultimately knew that they still had work to do to achieve equality in athletics. And, in many cases, improvements were spurred along by the specter of a government investigation. The initial HEW and OCR examinations generally were the result of formal complaints from students, staff, coaches, and others that were made to the Office of Civil Rights within HEW.¹⁰³ However, by 1978, HEW and the OCR started to conduct inquiries into those institutions they suspected were not complying with Title IX and, actually, some of these initial investigations revealed a level of confusion regarding the expectations, leading ultimately to the 1978 “Policy Interpretation”

<http://www.womenssportsfoundation.org/en/home/advocate/title-ix-and-issues/what-is-title-ix/standard-language-of-title-ix>.

¹⁰³ The TCSA complaint against the University of Minnesota would fall under this category as would the complaint from Michigan State’s women’s basketball team. Other examples will be highlighted in this section as well. Twin Cities Student Assembly vs. The University of Minnesota, Prepared by Larry Leventhal, Section IV, Specific Discrimination against Women in Athletics, May 1974, Athletics, Women’s Intercollegiate Athletics, 1972-1976, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A; “Women’s Basketball Team Files Title IX Complaint,” *State News*, April 20, 1978, Scrapbook of Newsclippings – Athletics, Women’s, Box 937, Harden, Edgar L. Papers, UA 2.1.15, MSU-AHC.

discussed previously.¹⁰⁴ Improvements to women's athletics at some schools were simply the continuation of the work they had done prior to 1978. That said, some institutions needed the threat of government intervention to move women's sports forward. In the specific cases of Ohio State University, the University of Michigan, and Michigan State University, compliance was only achieved after a detailed OCR investigation. The process at these institutions again highlighted administrators' contentions that rejection of the government's authority did not mean opposition to women's sports. However, the HEW evaluations of these schools revealed the fact that rhetorical support of women's athletics was not enough to achieve actual equality.

Not all of the Big Ten institutions required OCR investigations and, in fact, some had made significant strides towards equality by 1978. Noteworthy for their absence from the first round of OCR inquiries were Indiana University and Northwestern University. Indiana's Affirmative Action officer, Frances Dodson Rhome praised the university when she noted that "of the Big Ten Schools therein listed [for Review from HEW], only the [names of] Indiana and Northwestern Universities were omitted. The reason? No formal complaints filed against those two schools."¹⁰⁵ In the case of Indiana, their approach to Title IX compliance was more open and forthright than many of the other Big Ten institutions. In September of 1978, Indiana sent a formal letter to Joseph Califano, the secretary of HEW informing him of their progress towards athletic equality. They

¹⁰⁴ "A Policy Interpretation: Title IX and Intercollegiate Athletics," Federal Register, Vol. 44, No. 239, December 11, 1979, Office for Civil Rights, U.S. Department of Education, accessed October 23, 2013: <http://www2.ed.gov/about/offices/list/ocr/docs/t9interp.html>.

¹⁰⁵ HEW's "three-phase" system focused first on institutions with current (as of 1980) complaints, those institutions that had complaints in their past, and finally every other major university. While this system emphasized the fact that HEW had the power to investigate any institution that it chose, it also revealed that they were going to first address those institutions that had already been accused of non-compliance, i.e., where student-athletes and/or coaches had already filed complaints. Frances Dodson Rhome to Peter Fraenkel, September 2, 1980, NCAA 1980, Box 22, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

specifically touted Indiana's early efforts on behalf of women, noting that Indiana "began its programs of compliance with Title IX prior to receipt of the final regulations and instructions." Because of these early efforts, Indiana boasted equality in the number of sports, office space, practice schedules, and coaching.¹⁰⁶ While Indiana bragged that it was among the national leaders in women's athletics, officials also willingly shared problem areas on campus, including limited numbers of women athletes and female coaches as well as the burdensome expenses for football and men's basketball.¹⁰⁷ Indiana still had work to do to achieve full equality but, unlike other institutions, was willing to expose these issues and discuss solutions rather than hiding them. Even women's rights advocates on campus praised the athletic department. The director of Indiana's Office for Women's Affairs, Jessie Lovano-Kerr, "[commended] the Athletic Committee and the Department of Athletics for the impressive progress toward parity."¹⁰⁸ Despite any remaining challenges, Indiana's progress certainly justified their exemption from a formal HEW investigation.

Interestingly, the situation at Northwestern had reached a point where simple equality was not enough for many of the female student athletes—they demanded excellence. One of the reasons that Northwestern enjoyed early success in women's athletics was due to the fact that its administrators shared the same educational values that many of the women's sports advocates did. In 1978, President Robert Strotz clearly articulated this position, boldly asserting that "we view sports as a wholesome aspect of our total university and not a big business." Athletic director John Pont similarly opposed

¹⁰⁶ John W. Ryan to The Honorable Joseph A. Califano, Jr., September 15, 1978, Athletics: Intercollegiate Athletics for Women, 1978, Box 33, *ibid.*

¹⁰⁷ Frances Dodson Rhome to Peter Fraenkel, August 8, 1978, *ibid.*

¹⁰⁸ Jessie Lovano-Kerr to Anita Aldrich, Chair, March 14, 1979, Athletics Committee, Box 73, *ibid.*

the “win-at-all-costs” mentality that had pervaded many of the other major American universities. These views mirrored the philosophy of the Association of Intercollegiate Athletics for Women (AIAW) that treated sports as a part of the overall educational environment of the university.¹⁰⁹ However, by 1979, female athletes at Northwestern sought a more competitive model. Previously, Northwestern’s educational philosophy had largely de-emphasized competition. For instance, volleyball coach Mary Conway was a physical education instructor as well as being a coach and this blend of education and athletics exemplified Northwestern’s approach. However, in 1979, Northwestern’s women’s volleyball team filed a complaint, accusing Conway of being “inadequate as a coach in both tournament and practice situations.” The team also stated that “we do not wish to be tools used in developing Mary Conway’s expertise as a coach. In order to develop our skills and talents, we need a qualified coach.”¹¹⁰ Thus the early development of women’s sports along an AIAW approved educational model had ceased to be sufficient for female student-athletes who pushed the university for more.

The University of Minnesota shared the same educational model and had consistently enhanced female leadership of the women’s program. By 1978 and 1979, Minnesota’s progress for women’s sports led to the publication of several laudatory articles highlighting the positive steps that the University had made on behalf of women’s athletics. Administrators such as women’s athletic director Vivian Barfield believed these

¹⁰⁹ Jerry Kirshenbaum, “WAA-MU! WAA-WHO?” *Sports Illustrated*, October 30, 1978; *Northwestern Syllabus*, 1973, p. 156, NU-A; Christine Grant, “Philosophical Principles, 1979 AIAW Presidential Address,” Presidential Address, Philosophical Principles, 1979; AIAW Presidential Address, Box 23, Christine Grant Papers, IA-WA.

¹¹⁰ Carol E. Kennedy, et. al. to The University Committee on Intercollegiate Athletics, May 23, 1979, Athletics Correspondence, 9/1/76-79, Box 6, Robert H. Strotz Papers, NU-A. The university took these concerns seriously and in 1979, Jerry Angle replaced Conway as the head coach. Angle led the program to three consecutive division titles between 1982 and 1984. “2013 Northwestern Volleyball: Record Book and Almanac,” 8, accessed October 8, 2013, http://grfx.cstv.com/photos/schools/nw/sports/w-volley/auto_pdf/2013-14/misc_non_event/RecordBook.pdf.

changes showed “that Minnesota wants its women to have a first-class opportunity.” Assistant to the president Gary Engstrand asserted that “Minnesota has done well by comparison with other institutions” and that its budget for women’s athletics was the largest in the nation.¹¹¹ However, not everyone approved of Minnesota’s efforts on behalf of women. In July 1978, State Representative Phyllis Kahn argued that the university’s efforts, while admirable, still left numerous “inequities.” Moreover, she argued that a fundamental problem was the fact that justifications for the lack of support for women’s sports were due largely to the “fear and anger . . . that women’s athletics . . . are encroaching on a private domain threatening a prized program.” In 1977, Kahn supported the allocation of state funds for women’s athletics as a temporary measure, yet she saw minimal progress in efforts to commit university funds to women’s sports.¹¹² Thus, while Minnesota had made improvements to its women’s program, at least one observer still saw fundamental flaws and gender inequities in the program.

Despite Minnesota’s progress, it still faced an OCR investigation, largely due to the fact that a formal complaint had been made against the university in 1975.¹¹³ The institutional response to this investigation revealed Minnesota’s commitment to equality. As the OCR began its examination, administrators took exception not to the idea of the inquiry, but to the manner in which it was initially conducted. Vice President Robert Stein stressed that the university’s response to the investigation had been an “entirely open process . . . in contrast to that followed at some other institutions.” These efforts at

¹¹¹ Gregg Wood, “Title IX Has Dramatic Effect,” *St. Paul Pioneer Press*, July 23, 1978, Athletics, Women (folder 2), 1976-1978, Information Files, Uarc 1158, MN-A; Julie Jensen, “After Title IX Boost, U’s Women Athletics Department Flourishing,” *Minnesota Daily*, October 18, 1978, *ibid*.

¹¹² Phyllis Kahn, “Summer Thoughts on U Athletics: ‘Big Time’ or Broad Participation,” *Minnesota Daily*, July 31, 1978, *ibid*.

¹¹³ Twin Cities Student Assembly vs. The University of Minnesota, Prepared by Larry Leventhal, Section IV, Specific Discrimination against Women in Athletics, May 1974, Athletics, Women’s Intercollegiate Athletics, 1972-1976, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

openness did not stop Stein from complaining about OCR officials communicating with university staff “without sending copies to me or otherwise advising me” and “contacting other individuals in the University to ask them to comment on materials submitted by me or my office,” a practice that Stein found “highly unprofessional.”¹¹⁴ Stein’s concerns about the method of investigation did not keep Minnesota from continuing its support for women’s athletics. In the fall of 1979, the Board of Regents issued a series of resolutions that, at least in part, charged the university “to continue to develop and maintain on each campus an athletic program for women that provides for the women on that campus an equal opportunity to compete in intercollegiate athletics to that provided for the men.”¹¹⁵ Thus, Minnesota officials were able to critique the mechanics of the OCR investigation while not allowing that to curtail their efforts on behalf of women’s athletics.

At the University of Illinois, Chancellor William Gerberding commissioned a survey of women’s coaches to assess the status of the women’s program. Professor Maria Keen administered the inquiry and discovered that “the coaches with rare exceptions present a pessimistic assessment of the current situation.” They complained about inadequate salaries for coaches of women’s teams, the fact that “prospects for the future development of the women’s program are dim,” the minimal level of promotion of women’s sports, and the lack of sufficient equipment and locker room space. A key concern for one coach was that the problems were “due to an attitude, that is not oriented towards accepting women as students and athletes” [emphasis in original]. This same

¹¹⁴ Robert A. Stein to Mr. Bruce Bauman, May 17, 1979, U of M Athletics, Intercollegiate, Title IX, Discrimination of Basis of Sex in Federally Assisted Educational Program, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

¹¹⁵ Robert A. Stein to The Joint Group of the Big Ten Conference, November 26, 1979, Resolutions 1-3, Athletic Association, Big Ten Intercollegiate Athletic Conference, 7/1/79-12/30/79, Box 238, Chancellor’s Office Subject File 1980, 24/1/1, IL-A.

individual also condemned the “lack of confidence (or trust?) administrators have towards coaches as professionals.” Despite efforts to encourage cooperation between the Athletic Association and the university, one coach asserted that “the university and the Athletic Association do not get along.” This coach actually put most of the blame on the university for the problems with athletics, stating: “the university is for sports (when teams are winning) but will not cooperate when the chips are down.”¹¹⁶ In response to the survey, Chancellor William Gerberding made efforts to change this dynamic.

Interestingly, he actually believed that Title IX and the financial struggles of the athletic department had added new “demands and requirements” that went “well beyond the traditional purview of athletic directors and the Athletic Association Board.” Thus, in Gerberding’s assessment, the pressure of Title IX actually benefitted Illinois as they forced the Athletic Association to work more closely with the university. In the summer of 1979, Chancellor Gerberding accepted a similar administrative position at the University of Washington, but his efforts to bring the university and athletic department closer together would be a key part of Illinois’ plans for the future of athletics.¹¹⁷

The athletic department at the University of Wisconsin faced similar issues in its efforts to comply with Title IX after 1978. As with other institutions, the biggest concern about women’s sports at UW was financial.¹¹⁸ When the date for Title IX compliance passed, Wisconsin’s most pressing issue remained providing “grants-in-aid”

¹¹⁶ Keen was not a member of the athletic administration and thus was able to get a more forthright response from the women’s coaches. Ernest R. Morris, Executive Assistant to William F. Gerberding, Chancellor, April 25, 1979, Athletic Association, Women’s Athletics, Box 219, Chancellor’s Office Subject File, 24/1/1, IL-A.

¹¹⁷ William P. Gerberding to Vice President Ronald W. Brady, June 22, 1979, Athletic Association, 12/78-6/79, Box 219, *ibid*.

¹¹⁸ The financial problems at Wisconsin prior to Title IX were discussed in more detail in Chapter 2. “An Exclusive Interview with Elroy ‘Crazylegs’ Hirsch,” Purdue University vs. University of Minnesota, Football Program, November 9, 1974, Football Programs, PU-KA.

(scholarships) for female athletes. Athletic director Elroy Hirsch proposed a budget for the 1980-1981 school year in which female athletes would receive 32% of the available scholarship money and make up 36% of the participants in athletics: numbers that indicated Wisconsin was nearing compliance.¹¹⁹ But the financial strains on Hirsch and the athletic department were substantial. In this proposal, the total budget for women's sports would swell to over \$640,000, but this increase came with an operating loss of approximately \$473,000 for the entire athletic department.¹²⁰ In an effort to deal with these monetary issues, Hirsch made several proposals including increases in student fees to help fund athletics, asking the state to take over the athletic facilities and thereby fund the maintenance on those buildings, and finally reducing the "level of grant-in-aid for the non-revenue sports." Ultimately, Hirsch argued that the university's responsibility was to provide "the opportunity for an athlete to compete on an intercollegiate level but . . . [that] we can choose which level that competition is in."¹²¹ In other words, Hirsch would ensure that all athletes, including women, had the opportunity to participate, but that the athletic department would support some sports on a lower level than others.

Ultimately, Hirsch's solution was to reduce the competitive level of Wisconsin's non-revenue athletics programs, thus creating a division between "income" and "non-income" sports. Athletic Board chairman David Tarr wanted "to build the best women's intercollegiate program possible." Yet the fact that "gate receipts from football, basketball, and hockey" helped "sustain" the "fiscal independence of the department,"

¹¹⁹ Report to the Budget Committee, n.d. ca. 1980, Financial Aid-Women, Box 1, Accession 86/49, UW-A.

¹²⁰ "The University of Wisconsin-Madison, Auxiliary Operations Analysis, 1980-1981 Annual Budget, Intercollegiate Athletics, Director's Summary," n.d. ca. 1980, Athletics, Intercollegiate, 1979-1980, Box 56, 4/22/1, UW-A.

¹²¹ Elroy L. Hirsch to Chancellor Irv Shain, October 22, 1979, *ibid*; the chair of the athletics committee, David Tarr, agreed with Hirsch's financial concerns and, like Hirsch, believed that they must not "[jeopardize] the competitiveness of our Income Sports." David W. Tarr, Chairman to Athletic Board, May 2, 1980, Financial Aid-Women, Box 1, Accession 86/49, UW-A.

meant that these sports of necessity would have to be treated differently.¹²² The athletic board's 1979 statement of its athletic priorities highlighted this division:

The intercollegiate athletic program should provide maximum opportunity for all student-athletes to compete and achieve at the highest levels of human potential, consonant with the financial means generated primarily by the program itself. In the absence of state financial support, the program must necessarily depend basically upon spectator support for financial sustenance. For this reason highest priority is given to the so-called "income sports" in order to obtain sufficient revenue to support a broad and diversified program of intercollegiate athletics for men and women students.¹²³

This perspective was based on the desire to support a comprehensive athletic program for both men and women within the confines of a limited budget. Wisconsin's proposed system established a separate category for the income sports and a three-tier system of support for non-income sports: a) sports with potential for national competition; b) those with regional interest; and c) those with only a "local" (i.e. state-based) competitive scope.¹²⁴ An important aspect of this division was the fact that sports were not separated based on gender, but on their competitive potential. UW officials did not deny the possibility that certain women's teams could rise to income-level. They merely emphasized the idea that revenue sports and non-revenue sports should be treated differently. This system helped Wisconsin improve its women's sports program to the point that, by 1982, it no longer was in fear of an OCR investigation.¹²⁵

¹²² David W. Tarr to Dr. Kit Saunders, August 22, 1979, Athletics, Intercollegiate, 1979-1980, Box 56, 4/22/1, UW-A; Philosophy of Intercollegiate Athletics Report, October 4, 1979, Athletic Board Meeting, October 4, 1979, Box 4, 5/21/1, UW-A.

¹²³ A Philosophy of Intercollegiate Sports at the University of Wisconsin-Madison, October 4, 1979, Athletics, Intercollegiate, 1979-1980, Box 56, 4/22/1, UW-A.

¹²⁴ Ibid.

¹²⁵ In 1977, women's basketball coach, Edwina Qualls filed a formal Title IX complaint against the university. While she still had concerns about the financial support for women's sports, especially her salary, in November of 1982, Qualls chose to withdraw her complaint. Dr. Mary Frances O'Shea to Dr. Irving Shain, November 16, 1982, Athletics, 1982-1983, Box 162, 4/22/1, UW-A.

In contrast, Ohio State, Michigan, and Michigan State all faced OCR inspections between 1979 and 1982. Ohio State's experience with the OCR staff was certainly not a positive one. On February 16, 1979, President Harold Enarson sent a missive to Dr. Mary Frances O'Shea, an OCR official, complaining about the burdens of the HEW investigation. He argued that the government's practice of directly contacting those who had made complaints without informing the administration was denying the rights of that individual and violating university policy. Additionally, he argued that HEW's continual requests for information were "burdensome and costly for the University" and that "these costs drain—in a direct way—resources that could be used for students in educational programs." Enarson and the university claimed to be acting in "good faith," but believed that HEW's requests for information were repetitious and financially and administratively taxing for the university.¹²⁶ Ohio State's experiences confirmed their worry that government oversight of intercollegiate athletics would become too intrusive. As Enarson made clear, Ohio State was committed to complying with the Title IX guidelines, but resented the manner in which the government was exercising its power.

In 1980, the University of Michigan also faced a government probe of the athletic department.¹²⁷ UM administrators declared that they were prepared to "fully cooperate with the investigation" and, if inequalities were found, "to move forward as quickly as possible to correct those inequities."¹²⁸ Initially, Michigan seemed willing to make necessary improvements to its women's sports program and attempted to deal with

¹²⁶ Harold L. Enarson to Dr. Mary Frances O'Shea, February 16, 1979, OSU-A, Papers of Harold L. Enarson (3/j), Box 41, "US Department of Health, Education, and Welfare, Correspondence, 1978-1979."

¹²⁷ "'U' Athletic Dept. Faces Probe on Sex Bias Charges," *Michigan Daily*, August 9, 1980, Canham, Don – Articles, 1980, Box 2, Athletic Department Individual Files, UM-BHL.

¹²⁸ Harold T. Shapiro to Board of Regents, October 9, 1980, Athletics, 1980-1981, Box 117, President's Records, UM-BHL.

problem areas even before the on-campus investigation. Virginia Nordby, the university affirmative action officer, gave athletic director Don Canham a list of potential problems that he should address including discrepancies in scholarships, coaching, and facilities. Nordby encouraged Canham to make these efforts “quietly,” perhaps in an effort to avoid public acknowledgement of the university’s issues.¹²⁹ Nordby also had the OCR in mind, noting that her suggestions were “in no way [an indication] that I believe these actions are required by Title IX.” She still held that the Title IX expectations remained “unclear” and her recommendations were based on the fact that her areas of concern included inequities that “might be included in the Office for Civil Rights [OCR] letter of findings.”¹³⁰ While Michigan’s administrators attempted to improve women’s sports, they still maintained a legalistic separation between the ideal of equality and the legal regulations of Title IX.

Despite this quiet effort at compliance, after its spring 1981 campus visit the Office of Civil Rights determined “that UM is out of compliance with Title IX in the operation of its intercollegiate athletic program.”¹³¹ In response, Don Canham pleaded that Michigan’s non-compliance was justified. First, he denied that gender equality could be achieved through identical expenditures and that Michigan’s practice of spending more for revenue sports did not impede its ability to provide “equal opportunity” for

¹²⁹ This is in direct contrast with the actions of administrators at Indiana University, discussed previously, who publically reported problem areas to the OCR in an effort to provide an open and honest evaluation of their athletics program.

¹³⁰ The Office of Civil Rights, it should be noted again, was a branch of the Department of Education, and was charged with the task of investigating Title IX violations and conducting campus visits and evaluations. Virginia E. Nordby to Mr. Donald B. Canham, December 3, 1980, Title IX Correspondence and Reports, 1980-1981, Box 6, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

¹³¹ The OCR report revealed that inequities remained in scholarship allotment, coaching, facilities, recruitment, publicity, availability of equipment, and “provision” of housing, dining, and medical facilities. The OCR made an offer to help Michigan develop a plan to improve its program in order to comply with Title IX. Kenneth A. Mines to Dr. Harold T. Shapiro, April 2, 1981, *ibid*.

women. Canham also emphasized the fact that “it has been only 5 years ago that we took over the women’s program and we have had the men’s program for over 100 years. To equalize them overnight is just an impossible physical task.”¹³² Canham’s response was thus focused on the same issues that administrators grumbled about throughout the history of Title IX: money and timing.

Michigan’s response to the OCR report was also based on a comparison with a similar report on the University of Akron which the OCR determined was compliant with Title IX. Canham suggested that the OCR was biased against Michigan, noting that the “difference in tone of the letters [to Michigan and Akron] and the complete lack of fairness in the two letters” was based on Canham’s belief that the OCR was “upset with us because we did not acknowledge that they had jurisdiction over us whereas Akron acknowledged that they did.” Canham was shocked that Akron was deemed to be compliant despite the fact that “compared to us [Akron is] doing virtually nothing for their women,” noting that “they only gave 5% of their scholarships to women and 90% of their scholarships to men.”¹³³ Canham was not timid in his assessment of the OCR report on Michigan, calling it “nonsense,” “ludicrous,” full of “falsehoods,” and that certain sections were “so ridiculous it is laughable!”¹³⁴ Canham’s hostile posture towards the OCR once again displayed the antagonistic stance that generally typified his response to government intrusion into *his* program.

Canham’s attitude did not serve Michigan well in this instance because the OCR continued its investigation of Michigan’s athletic department for an additional two years.

¹³² Don Canham to Ms. Virginia Nordby, May 14, 1981, *ibid.*

¹³³ Don Canham to Ms. Virginia Nordby, July 9, 1981, *ibid.*

¹³⁴ Summary – Letter from Office of Civil Rights, Title IX, attached to Don Canham to Ms. Virginia Nordby, July 9, 1981, *ibid.*

The process involved a series of campus visits as well as letters and reports between the university and the government. In May of 1982, federal officials came back to campus to meet with university officials to determine what, if any, advances had been made. In this reevaluation, the OCR found some improvement. The initial investigation found that Michigan was not complying with twelve of thirteen specified areas of athletics, yet in 1982, nine areas were considered satisfactory. However, even in 1982, the OCR determined that Michigan still did not provide equality for women in the areas of athletic scholarships, travel and per diem allowances, coaching, and recruiting. Nordby was most concerned that improving the scholarship program would require the university “to develop a plan which commits us to the infusion of new money.”¹³⁵ When asked to explain the areas of non-compliance, Athletic Director Don Canham again tried to justify the discrepancies. In discussing the lack of equality in coaching, he noted that many of the women’s coaches “do not want full-time appointments” and actually preferred to only coach during the season, rather than spend time recruiting during the off-season. He even claimed that if the department forced women’s coaches to accept full-time appointments, “we would immediately lose some of our coaches.”¹³⁶ Additionally, Canham emphasized Michigan’s progress, noting its improved athletic facilities and the national prominence of several UM women’s teams.¹³⁷

This last response still did not satisfy the OCR which once again contended that Michigan’s athletic program for women was not compliant with Title IX. While

¹³⁵ Virginia B. Nordby, Director to President Harold T. Shapiro, May 27, 1982, Women’s Athletic Programs, Title IX, 1982-1983, Box 3, Don Canham Papers, UM-BHL.

¹³⁶ Don Canham to Virginia Nordby, June 22, 1982, Title IX Correspondence and Reports, 1982, Box 6, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

¹³⁷ Don Canham to Dr. Harold Shapiro, July 2, 1982, Athletics, 1982-1983 (folder 1), Box 128, President’s Records, UM-BHL.

university administrators emphasized the positive steps they were taking to develop a strong program for women, the OCR held that Michigan did not “accommodate” the interests and abilities of female athletes. For example, the OCR discovered that many of the women’s teams played less arduous schedules, specifically citing the softball team which still primarily competed against local junior college teams rather than having a full “division I” schedule.¹³⁸ The OCR approached the issue in much the same way as Canham and Michigan did. In an effort to prove compliance, Canham often highlighted specific, sometimes small, positive elements of the program. Conversely, the OCR focused on the specific and sometimes small areas that were still out of compliance. While the investigation was designed to address the full program, both the OCR and the university seemed to “nitpick” certain items to prove compliance or non-compliance.

Ultimately, despite the specific problems that remained in the women’s program, in August of 1982, the OCR finally “found the University to be in compliance with Title IX.”¹³⁹ Even after deeming Michigan compliant, the OCR continued to closely monitor the women’s program at Ann Arbor throughout the following years. One of the most contentious issues for Athletic Director Don Canham was related to coaching. Based on the OCR recommendations, Canham felt he was forced to raise coach’s salaries only because “they happen to be coaching women’s teams” without considering issues such as “past success, talent, work experience, education, time devoted to the position or if a coach was, in the long run, the person we wanted on the job.” Canham continued to argue

¹³⁸ In another example, while the university argued that women had equal access to facilities and equipment, the OCR found that the weight room for women’s teams was too small and was “overcrowded.” University of Michigan’s Comments and OCR’s Response to the 1979-1980 Statement of Findings, n.d. ca. August 1982, Title IX Correspondence and Reports, 1982, Box 6, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

¹³⁹ Harold T. Shapiro to Regents of the University of Michigan, August 31, 1982, Title IX, 1982-1983, Box 132, President’s Records, UM-BHL.

that the OCR had no jurisdiction and was overstepping its authority.¹⁴⁰ Canham also consistently touted the improvements in women's sports including new equipment, increased travel budgets for women's teams, and the hiring of "two full-time women in our Sports Information Department" in order to increase publicity and prestige for the women's program.¹⁴¹ While Michigan administrators viewed the OCR as overly intrusive and too focused on minutia, the investigation and threat of pulling federal monies from the university ultimately forced Michigan to make tangible improvements to its women's sports program. Thus, despite administrators' contentions that the OCR should not have jurisdiction over the athletic department, this federal pressure was sufficient enough to force significant improvements in women's athletics.

The investigation at Michigan State University revealed some of these same themes. Prior to the OCR investigation, Michigan State administrators attempted to address deficiencies in funding and facilities for women's athletics.¹⁴² The university conducted a "legal audit" of the department to assess its compliance with Title IX. This internal review concluded that "there appear to be Title IX deficiencies within the intercollegiate program." However, the audit also suggested that Michigan State was not much different in this regard from many of its sister institutions.¹⁴³ In response to this internal evaluation, Michigan State affirmed its commitment to "[developing] a broad based program that is consistent with the educational aims and objectives of the university." Administrators also created a model for the athletics department in which

¹⁴⁰ Don Canham to Mr. Tom Peterson, September 10, 1982, *ibid.*

¹⁴¹ Don Canham to Dr. Harold Shapiro, February 15, 1982, *ibid.*

¹⁴² Dr. Joe Kearney to Dr. Ed Harden, n.d. ca. 1978, Athletic Department, 1978-1979, Box 931, Harden, Edgar L. Papers, 2.1.15, MSU-AHC; Title IX Information: Budgets for Women's Intercollegiate Athletics, n.d. ca. 1978, Athletic Department, Title IX Committee Recommendations, Box 935, *ibid.*

¹⁴³ Legal Audit of Title IX and the MSU Intercollegiate Athletic Program, July 20, 1978, Title IX and Michigan State University, Box 914, *ibid.*

support for specific sports was divided not based on gender, but on the “revenue” and “non-revenue” categories. Assistant Athletic Director Clarence Underwood argued that this was necessary since “the demand of being self-sustaining” forced the department to make choices “based on economic rationale that creates a two-class program of revenue, non-revenue.”¹⁴⁴ Michigan State officials concluded that “MSU is not significantly out of compliance of the requirements of Title IX” and “apparent deficiencies appear to be concentrated in the area of grant in aid [scholarships] and locker room facilities.”¹⁴⁵ Prior to its OCR investigation, Michigan State claimed that it had a strong athletics program for women and had specific plans to address problem areas.¹⁴⁶

Despite these alleged improvements, not everyone on campus saw it that way. In December of 1978, members of the Michigan State women’s basketball team filed a Title IX complaint with the OCR accusing the university of discriminating against women’s athletics. This grievance accused MSU of non-compliance in the areas of academic services, financial aid, coaching, recruiting, travel, and housing and dining facilities. The administrative response was quite similar to that at Michigan: while the school acknowledged some problems, it also attempted to highlight the positive things they were doing, deny the validity of the complaint, and justify any areas of deficiency. For example, when the team complained about coaching, the university noted that the differences between the men’s and women’s program was based on different goals of the programs, namely that “the intense pressure to win in the men’s basketball program in

¹⁴⁴ This system was similar to the one that administrators at the University of Wisconsin had created. Philosophy – Goals – Objectives, September 17, 1978, Athletic Department, Title IX Committee Report, Box 935, *ibid*.

¹⁴⁵ Byron H. Higgins, Attorney to Dr. Edgar L. Harden, President, September 18, 1978, *ibid*.

¹⁴⁶ Athletic Department Title IX Committee Conclusions, September 12, 1978, Title IX Conclusions and Recommendations, 1978-1979, Box 914, *ibid*.

order to generate income does not now exist in the women's program" and that "the rules and regulations of AIAW mitigate against the opportunity for women to actively recruit prospective student-athletes."¹⁴⁷ Despite this contention, Michigan State used the pressure of OCR action to improve its women's program. From a purely financial perspective, the university increased the budget for women's sports to \$800,000 for the 1979-1980 school year, a significant increase from the \$150,000 that it allocated in 1976-1977. The university also more than doubled the scholarship budget from \$100,000 in 1978-1979 to \$212,000 in 1979-1980.¹⁴⁸ Michigan State President Edgar Harden planned to take a more active role in the development of women's sports and required that Athletic Director Joe Kearney send him regular reports "in order to keep me abreast of developments." This close collaboration between athletics and the chief executive was important as Harden generally was more open-minded and seemed unwilling to blame Title IX for the financial difficulties that the athletic department faced.¹⁴⁹

The investigation of Michigan State began in January of 1981 when OCR director Kenneth Mines requested information from the athletic department. While the inquiry was spurred by the basketball complaint, the OCR planned to evaluate MSU's entire athletics program for its compliance with Title IX.¹⁵⁰ Michigan State's response to the initial request for documentation was very legalistic. The official university position was that officials were willing to cooperate with the OCR, but that since Title IX did "not extend to employment" any information about coaching salaries was beyond the scope of

¹⁴⁷ Clarence Underwood, Jr. to Dr. Joseph Kearney, December 11, 1978, Women's Basketball Suit, 1978-1979, Box 937, *ibid*.

¹⁴⁸ Department of Intercollegiate Athletics, Title IX Accomplishments, 1978-1979, n.d. ca. 1979, Title IX, 1978-1979, *ibid*.

¹⁴⁹ Edgar L. Harden to Joe Kearney, February 27, 1979, Athletic Department, 1978-1979, Box 931, *ibid*.

¹⁵⁰ Kenneth A. Mines to Dr. Cecil Mackey, January 7, 1981, Title IX Files, Communications with the Office of Civil Rights, 1981-1982 (folder 1), Box 1308, General Academic Administration, Office of the Provost, 3.6, MSU-AHC.

the law. More importantly, since the athletic department “does not receive any federal funds,” the university did not agree that “(1) the Agency [OCR] has jurisdiction to review the intercollegiate athletics program, (2) the provisions of Title IX are applicable to intercollegiate athletics, and (3) the guidelines correctly interpret Title IX.”¹⁵¹ This determined response from Michigan State was similar to the reaction from administrators at Michigan. Officials at both institutions claimed that they would cooperate with the Title IX investigation because they were committed to gender equality. However, they repeatedly rejected the notion that the OCR had jurisdiction over their athletic programs and disagreed with the government’s enforcement methods.

Following its on-site investigation, the Office of Civil Rights continued to correspond with Michigan State administrators in order to clarify points of concern. In response, Michigan State leaders outwardly displayed a spirit of cooperation. But in every letter they sent to the OCR, MSU officials reiterated that the government should have no jurisdiction in this case since the athletic department did not “receive any federal funds.”¹⁵² Throughout this follow-up process, the OCR focused specifically on inequalities in the area of athletic scholarships. Michigan State highlighted its significant progress in this area, noting that it would be awarding over \$250,000 in scholarship money to female athletes, representing a dramatic increase in the five years since the women’s scholarship program had started.¹⁵³ Ultimately, in the fall of 1981, the Office of Civil Rights determined that Michigan State was “in complete compliance with Title

¹⁵¹ Lou Anna Kimsey Simon, Ph.D. to Dr. O’Shea, February 5, 1981, *ibid*.

¹⁵² In every letter to the OCR, Michigan State’s administrators repeated the three-point argument against OCR jurisdiction that was noted above. Lou Anna Kimsey Simon, Ph.D to Mr. Wayne Cunningham, April 22, 1981, *ibid*; Lou Anna Kimsey Simon, Ph.D to Mr. Wayne Cunningham, May 5, 1981, Title IX Files, Communications with the Office of Civil Rights, 1981-1982 (folder 2), *ibid*; Lou Anna Kimsey Simon, Ph.D to Mr. Wayne Cunningham, July 28, 1981, *ibid*.

¹⁵³ Lou Anna Kimsey Simon, Ph.D to Mr. Wayne Cunningham, May 5, 1981, *ibid*.

IX.”¹⁵⁴ In his response to this good news, President Cecil Mackey again emphasized the difference between the letter and spirit of the law, as he stated: “while we may disagree about the elements of action plan or the application of the regulations to a specific set of facts, it was refreshing that the University’s commitment was not called into question.”¹⁵⁵ In this way, Mackey highlighted one of the fundamental problems that many of his fellow administrators had with government oversight of Title IX. Many Big Ten leaders believed that the OCR, and HEW before them, was being too proscriptive by focusing on small problems rather than acknowledging the improvements that the universities made. Administrators believed that government officials did not recognize the fact that most institutions supported the spirit of equality and, more importantly, they did not fully appreciate how logistically difficult it was for men’s and women’s varsity sports programs to be fully equal.

By the early 1980s, Big Ten universities had made many positive strides towards gender equality in sports. Budgets had increased significantly, every institution provided athletic scholarships for women, issues related to coaching, facilities, and scheduling had been largely resolved, and women’s intercollegiate athletics had become an entrenched part of the athletic landscape on campus. These developments did not come easily. The period between 1978 and 1982 remained fraught with controversy as educational institutions clashed with HEW and the OCR over the definition of equality and the standards that the government planned to use to determine compliance. Even as

¹⁵⁴ Press Release: MSU Passes Title IX Review, October 14, 1981, Title IX Files, General, Title IX Review Follow Up, 1981-1982, *ibid.*

¹⁵⁵ Cecil Mackey to Mr. Kenneth A. Mines, October 14, 1981, Title IX Files, Office of Civil Rights General, Title IX Review Report, 1981, Box 1309, *ibid.*

institutions made improvements to their women's programs, administrators continued to fight government involvement, the proscriptive nature of the new "Policy Interpretation," and the methods the OCR used in its campus investigations. This latter period of the Title IX era (1978-1982) also revealed significant rifts among the Big Ten institutions. While the Big Ten schools approached Title IX in varied ways prior to 1978, there seemed to be a level of unity in the administrative responses against government involvement in sports. By 1978, a clear division emerged between those institutions (e.g. Ohio State, Michigan) that continued to fight against federal Title IX oversight and those schools (e.g. Indiana, Minnesota) that were prepared to work with the government to create the best women's program they could. This shift is somewhat ironic considering the fact that during this time period these administrators were also working together to incorporate women into the Big Ten conference structure. Thus, at the same time that administrative attitudes towards Title IX and the government were diverging, university leaders were collaborating to create a new Big Ten that included women.

Chapter 4

The Takeover

Women's Athletics Joins the Big Ten and NCAA

Throughout the Title IX Era, institutional responses to the legislation and to the 1975 and 1978 Department of Health, Education, and Welfare (HEW) regulations were marked largely by concern over the practical implications of developing new athletic programs for women. Most university officials believed that the individual schools were best equipped to deal with the financial and administrative challenges and steadfastly opposed what they saw as undue interference from the federal government. When dealing with Title IX on an institutional level, administrators continually asserted their support for the ideal of gender equality while at the same time rejecting government oversight from HEW and the Office of Civil Rights (OCR). The inability of administrators to successfully walk this proverbial tightrope at least partially explains the uneven and stilted growth of women's sports in the years immediately following Title IX. In addition to the challenges of developing these new programs for women on individual campuses, Title IX also affected the national and regional (i.e. conference-level) regulation of intercollegiate athletics.

Title IX was directed at individual educational institutions, but most schools were part of an athletic conference (in this case, the Big Ten) and a national governing organization (the National Collegiate Athletic Association or NCAA). The addition of women's intercollegiate athletics complicated these affiliations. After the passage of Title IX, university athletic departments went from dealing with two governing bodies (Big

Ten and NCAA) to having to balance expectations from five different groups: the Big Ten and NCAA for men, the Association of Intercollegiate Athletics (AIAW) and regional AIAW groups for women, and the federal government. In most cases institutions relied on a single athletic department to handle the various regulations from these groups. Most importantly, many of the rules from these organizations were contradictory. For example, the AIAW initially banned athletic scholarships for women, yet the HEW regulations required equal treatment for both male and female athletes, including scholarships.¹ What were administrators to do? Break the law or break AIAW regulations, possibly losing national certification of their women's programs, thus losing the ability to compete in regional and national AIAW tournaments?

This type of dilemma impacted not only the individual institutions, but also forced changes at regional and national levels as well. Decisions regarding conference and national affiliations for women's athletics were driven by two fundamental and sometimes opposite considerations. The first was one of practicality. How could universities develop a well-organized and fiscally responsible Big Ten conference for women? What would be the structure of this new conference? The second issue focused on the level of leadership from women. By the time administrators began discussions about adding women to the Big Ten, most institutions had already placed women's sports into men's athletic departments. Justification for this move was based on the contention that a single athletic department (rather than separate departments for men and women)

¹ The AIAW changed its policy on athletic scholarships in wake of the Kellmeyer lawsuit in which the AIAW was sued over its opposition to scholarships. The lawyers for the plaintiffs relied primarily on the Fourteenth Amendment and on Title IX, contending that "the AIAW scholarship rule denied to them equal protection of the law." Ultimately, the case was settled out of court when the AIAW changed their policy in 1973. Ying Wushanley, *Playing Nice and Losing: The Struggle for Control of Women's Intercollegiate Athletics, 1960-2000* (Syracuse: Syracuse University Press, 2004), 62-63.

would be cheaper and would create a more efficient administrative system. The debates over creating a Big Ten conference for women again centered on the issue of how to balance the need for female administrative control of women's athletics with financial and logistical considerations. The issue of female power was also a primary consideration in the controversy between the NCAA and AIAW. As NCAA leaders took more of an interest in women's athletics, female leaders feared a male takeover, leading to the demise of the AIAW and a corresponding loss of control for women.² The question of female autonomy versus the need to streamline the administrative process formed a major part of the debates over conference and national affiliation for women's athletics.

The process of incorporating women's athletics into the Big Ten was a long struggle that officially began in 1974, but would not be finally settled until October of 1981.³ At the same time that administrators were discussing the development of a Big Ten conference for women, disputes between the NCAA and AIAW were escalating. The analysis that follows attempts to address both the national and conference issues. First, it will focus on the national controversy between the NCAA and AIAW and place the Big Ten and its member institutions into this wider debate. In many ways the questions facing the Big Ten mirrored those at the national level. However, the specific manner in which Big Ten administrators responded to these concerns revealed the practical questions that arose when attempting to merge two programs that were often ideologically distinct. At the same time that university officials dealt with national and conference issues, they

² Past AIAW President, Donna Lopino contended that Title IX was the "first step toward...the end of the AIAW." Wushanley, 5.

³ Alyce Taylor Cheska, "Brief Historical Summary of the Integration of Women into the Big Ten Conference from 1974-1987," November 30, 1987, OSU-A, Women's Athletics Files (9/e-5a), Box 13, "Big Ten, Cheska, Alyce T."

were also facing problems on their own campuses. Decisions regarding the conference were often based on the same kinds of pragmatic considerations that had dictated the development of women's sports at each individual institution. Ultimately, Big Ten leaders determined that the practical value of creating a single conference for men and women was more important than ensuring that women retained complete control over their programs. While women fought to retain separate conferences, in the case of the Big Ten practicality trumped ideology.

National Debate

The primary focus of this discussion is the process of incorporating women into the Big Ten. However, debate between the NCAA and AIAW had an important impact on conference development. Discussions over national and conference affiliation occurred at approximately the same time (1974-1981), but addressing each separately helps highlight the commonalities and differences between the two issues. Additionally, just as understanding the Big Ten process helps clarify the institutional issues, understanding the national struggle places the Big Ten issues into context. More importantly, Big Ten administrators were intimately involved with national questions as evidenced by the fact that John Fuzak, faculty representative from Michigan State served as the NCAA president (1975-1976) and Christine Grant, women's athletic director at Iowa, was president of the AIAW (1980-1981).⁴ The majority of evidence for the NCAA

⁴ Prior to his presidency, Fuzak also served on the NCAA committee on women's athletics. "MSU Athletics Hall of Famer John Fuzak Passes Away at Age 93," *Michigan State Athletics News*, June 5, 2007, Michigan State Athletics Website, accessed April 30, 2013,

and AIAW debate comes from Ying Wushanley's 2004 book, *Playing Nice and Losing* in which he discusses the movement of women's athletics into the NCAA and the eventual downfall of the AIAW.⁵ The following analysis will also address the ways in which Big Ten administrators impacted the national debate. While institutional, conference, and national issues all had similar themes, in many ways the controversy over the NCAA takeover raised more philosophical questions regarding the nature of intercollegiate sports and the leadership role that women might play.

The rise of women's athletics at the end of the nineteenth century led to the development of a distinctive philosophy regarding women and sports.⁶ The "founder of women's basketball," Senda Berenson, helped articulate the ideology of women's athletics, arguing that sports should be "for the good of all." Berenson also held that women's sports should avoid the overly competitive, "win at all costs" model that men's athletics had adopted. This early philosophy led to policies that favored "participation over competition" and that attempted to create a system in which women of lesser ability would still be able to play games on equal footing. In addition to operating under these kinds of rules in *intramural* play, institutions also sponsored *intercollegiate* "play days." These events were a way for women from different schools to come together for a "day of sporting activities during which competition was minimized. In many cases, the student-athletes at these events did not wear school colors and played on teams with a mixture of students from the various participating colleges. The "sport for all" philosophy

<http://www.msuspartans.com/genrel/060507aaa.html>; John Fuzak to Clifton R. Wharton, March 4, 1974, Intercollegiate Athletics, Women, 1973-1974, Box 425, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.; "Guide to the Christine Grant Papers, Biographical Note," University of Iowa Women's Archive, accessed October 3, 2013, <http://collguides.lib.uiowa.edu/?IWA0329>.

⁵ Wushanley, *Playing Nice and Losing*.

⁶ The philosophy of women's athletics is also discussed in Chapter One, but in the context of the disputes between the NCAA and AIAW, it is especially pertinent here as well.

that emphasized participation rather than competition formed an ideological basis for women's athletics up through the Title IX era.⁷

While a de-emphasis on competition dominated until World War II, Wushanley addressed several factors that led to the development of "intercollegiate competition" for women in the years following the war. First, he contended that women's work experiences during the war helped them develop organizational skills that they often applied to sports. Second, he noted that the wartime focus on physical fitness and strength also contributed to an increase in competitive sports for women. Finally, Wushanley suggested that the civil rights movement of the 1960s led to yet a greater emphasis on equality for all. In the context of the civil rights movement and the burgeoning women's movement, women's physical education leaders developed national governing organizations including the Commission on Intercollegiate Athletics for Women (CIAW), created in 1966, and the AIAW, founded in 1971. These groups helped organize women's intercollegiate athletics, but, more importantly, were designed to ensure female control over women's athletics in order to maintain a distinctive philosophy.⁸

While the CIAW and AIAW moved away from the prewar play-day model of women's sports, the leaders of these organizations maintained allegiance to the "sport for all" educational philosophy of intercollegiate athletics. This ideology became the foundation for disputes between the AIAW and NCAA. By 1971, the NCAA had evolved into a commercial and regulatory organization whose purpose was to ensure fairness among its member institutions and help men's college sports to become more financially secure. On the other hand, the AIAW was designed primarily to foster "broad programs

⁷ Wushanley, 9-14.

⁸ Ibid., 15-16.

consistent with educational objectives.” In this manner, the AIAW focused on supporting a wide range of athletic activities and ensuring that these sports retained an educational component. The AIAW developed rules that made education a higher priority than sports, but also emphasized the fact that athletics were inherently educational.⁹ On the other hand, the NCAA was mostly focused on the revenue sports (football and men’s basketball) and was primarily concerned with fiscal issues rather than educational ones. While not eschewing competition as Berenson had suggested, the AIAW believed that women’s sports should be open for everyone. Most importantly, the AIAW was determined that women’s intercollegiate athletics not adopt the male, commercial model.

Despite the AIAW’s commitment to their distinct educational philosophy, the NCAA’s interest in women’s sports began with the concern over America’s ability to compete at international events. The Cold War rivalry between the United States and the Soviet Union affected all areas of American culture, including sports. In the 1960s, the Americans were often on the losing ends of these clashes, largely due to the fact that American women were not good enough to beat the Soviets. In this context, by the mid-1960s the NCAA had already begun discussing the inclusion of women into its organization. One reason for this was the NCAA’s desire to “wrest control of amateur athletics from the Amateur Athletic Union [AAU].” The NCAA believed that it was best equipped to help develop successful female Olympic athletes and that if “colleges were to produce the best athletes,” these institutions needed complete control over athletes’ training.¹⁰ At this early stage, the NCAA appeared willing to cooperate with women’s

⁹ Ibid., 16.

¹⁰ Prior to Title IX, the AAU was the U.S.’s primary representative in the international sports arena, and took extensive responsibility for preparing American athletes for the Olympics. However, by the 1960s, the

sports leaders and welcomed a coalition of female administrators to its 1964 annual convention to discuss how the NCAA could help women's sports grow. According to the NCAA, its aim was to "assist [in] the development of women's athletics" rather than take total control. This goal was even clearer when, in 1965, the NCAA passed a regulation that "prohibited women student-athletes from being eligible for NCAA championships," thus ensuring that women would retain control over their own programs. However, despite the NCAA's assurance that they would not take charge of women's sports, female leaders grew concerned about the implication of NCAA involvement in women's athletics, prompting the formation of the CIAW in 1966.¹¹

By the late 1960s, it was clear that the CIAW was incapable of efficiently running a national organization, leading to the creation of the AIAW in 1971. The main shortcoming of the CIAW was its reliance on part-time administrators and the fact that it had minimal authority over individual institutions. In contrast, the AIAW had a full-time staff, elected leadership, and required colleges and universities to formally affiliate as AIAW members, thereby giving the organization oversight responsibility.¹² From this point forward, the AIAW and NCAA embarked on a nearly ten-year battle over control

federal government and the NCAA questioned the AAU's ability to successfully field competitive teams at international competitions. In some sense, the NCAA's action against the AAU during this decade was prompted by a desire to assert complete control over college athletics. In 1978, Congress passed the Amateur Sports Act which established the United States Olympic Committee, completely removing the AAU's authority over international events. Today, the AAU is focused on grassroots participation. Ironically, its philosophy, "Sports for All, Forever," is reminiscent of the AIAW philosophy for women's sports. "About AAU," AAU: The Official Home of the Amateur Athletic Union, accessed January 26, 2014, <http://www.ausports.org/Resources/AboutAAU/AAUHistory.aspx>.

¹¹ The first national organization for women's sports was the Division for Girls' and Women's Sports (DGWS), established in 1941 as a wing of the American Association for Health, Physical Education, and Recreation (AAHPER). The CIAW was formed primarily to administer national championships for women's intercollegiate athletics, but also to protect women's sports from NCAA encroachment. *Ibid.*, 19-20, 30-31.

¹² Virginia Hunt, "Governance of Women's Intercollegiate Athletics: An Historical Perspective" (Ed.D. Dissertation, University of North Carolina at Greensboro, 1976).

of women's sports. Despite a 1965 regulation that established the NCAA as a male-only organization, by 1971 NCAA legal counsel George Gangware questioned this rule, noting that "prohibiting women from participating in the NCAA events might not stand up to a court challenge." In response to Gangware's point, the NCAA immediately sought a formal affiliation with the AIAW. Wushanley has suggested that such a connection at this stage "was not perceived as a 'takeover' but as a solution to potential legal challenges the NCAA might face in the future." Despite the assertion that this was not a takeover, AIAW leaders rejected affiliation because the NCAA's proposal treated women's sports as a "subdivision" rather than an equal partner. More importantly, AIAW leaders believed that philosophical differences between the organizations precluded any kind of formal affiliation and that "the AIAW was better equipped . . . to recognize and be sensitive to the needs of women."¹³ Despite being rebuffed at this point, the NCAA's attempts to take power over women's sports were not finished and, ironically, Title IX gave the NCAA yet another weapon to use in its fight to control women's athletics.

Title IX signaled the beginning of the end for the AIAW, its educational philosophy, and direct female control over women's sports. Federally mandated gender equality ultimately led to women's athletics adopting the male, competitive system rather than the traditional, AIAW-sponsored educational model. Wushanley argued that AIAW officials were part of the reason that female student-athletes lacked equality, noting that "women were also discriminated against by their own women sports leaders." Ultimately, he suggested that "in the name of protecting women from commercial exploitation and male control, the women leaders simply took away the rights of those who wanted equal

¹³ Wushanley, 48-61.

opportunity in college sports.”¹⁴ The battle between the NCAA and AIAW was fundamentally about administrative control rather than about equality for student-athletes. In this sense, both organizations seemed to lose sight of the fundamental purpose of Title IX: to provide equal athletic opportunities for both men and women. Ironically, at the same time AIAW leaders were attempting to maintain the educational model and promote a separate but equal system of athletics, the NCAA was using Title IX’s equality principle to justify a takeover of women’s sports.

The NCAA’s use of Title IX in this context was a tactic to gain control over intercollegiate athletics in general. Wushanley argued that the NCAA’s repeated attempts to limit Title IX revealed that it had minimal interest in true gender equality. In 1974, HEW released a set of proposed Title IX guidelines that, among other things, mandated an annual poll to determine which sports were to be offered, required equal facilities, equipment, and coaching for male and female teams, and, most significantly, required equal expenditures for athletic scholarships.¹⁵ In many ways, the NCAA’s response mirrored that of the individual institutions. Wushanley noted that NCAA President James Chapman believed that “implementation of the regulations could cause financial dilemmas for institutions,” ultimately forcing administrators to go into debt or cut major portions of their programs in order to comply with HEW’s rules. Robert C. James, chair of the NCAA Legislative Committee, asserted that the regulations would be “frequently disruptive, often destructive and surely counter-productive to the very objectives which Title IX seeks to attain.” James urged institutional presidents to directly communicate

¹⁴ Ibid., 77-94.

¹⁵ These regulations are discussed in more detail in Chapter Two, but to the NCAA the most egregious problems were based on financial considerations and on government interference.

with HEW regarding the problems they had with the regulations. He even suggested that they not limit their criticism to specific parts of the guidelines, but they should dispute the right of the government to get involved with intercollegiate athletics at all. Rockford College President John A. Howard did just that when he suggested that Title IX was another example of misguided government interference akin to affirmative action which he saw as “[compromising] the potential of American higher education [and sacrificing quality education] in trying to find partially qualified minority and women candidates.”¹⁶

In addition to its opposition to the HEW regulations, the NCAA joined many of its member institutions in repeatedly trying to exempt revenue sports from the guidelines. This organization was one of the most vocal supporters of the aforementioned “Tower Amendment,” proposing that revenue-producing sports be excluded from any comparisons between men’s and women’s athletics, thus making it easier to achieve equality under Title IX. Ultimately, Congress rejected the Tower bill, replacing it with the Javits Amendment, which stated that the HEW regulations should include “reasonable provisions considering the nature of particular sports.” On the surface the Javits Amendment seemed to allow for different expenditures for revenue sports. However, university administrators saw it as too vague and remained confused as to how HEW would ultimately determine what was “reasonable.” In other words, while potentially allowing special treatment for football and men’s basketball university officials worried that this amendment would give the government too much subjective authority over intercollegiate athletics. The NCAA viewed the HEW regulations as impossible to follow

¹⁶ Quoted in Wushanley, 82-84.

and that federal management of intercollegiate athletics “can only lead to chaos for men’s and women’s athletics.”¹⁷

Whereas the NCAA rejected the HEW regulations based on their potential financial and logistical impact on men’s sports, the AIAW feared that the HEW guidelines would affect its ability to maintain an educational philosophy. Wushanley argues that AIAW leaders recognized “the vulnerable position of AIAW’s sex-separate policies in light of the law,” believing that their attempt to establish a separate but equal program for women would be superseded by HEW’s regulations. Of most concern was the fact that HEW seemed to define equality as requiring institutions to provide the same services (i.e. recruiting, scholarships, tutoring, training tables, separate athlete housing, etc.) for female student-athletes as the men. To AIAW leaders, this expectation meant that athletes would be treated differently from the rest of the student body, an action that the AIAW believed went against its educational model. They were also worried that Title IX would lead to a loss of power for female athletics administrators. As Wushanley suggests, AIAW leaders “welcomed the spirit of the law, but they did not want it to give men the right to enter the traditional ‘separate sphere’ of women’s sports.” They believed that the HEW regulations threatened AIAW control over women’s sports, but were hesitant to condemn them completely and in fact urged HEW to develop a more specific barometer for compliance based on “equal per capita expenditures.”¹⁸

The June 1974 passage of HEW’s Title IX regulations combined with the rejection of the Tower Amendment led to increased efforts by the NCAA to grab control of women’s athletics. Ultimately, the failure to convince HEW to weaken its regulations

¹⁷ For more information on the Tower and Javits Amendments, please see Chapter Two. Ibid., 87-88.

¹⁸ Ibid., 84-87.

“reinforced the belief among NCAA leaders that the best way to protect men’s interests was to take control of the women’s programs.” In 1974, the NCAA formed a committee to explore adding women’s athletics and in October of that year this committee met with leaders of the AIAW to once again discuss a potential merger between the two organizations. The AIAW balked at the proposal since the NCAA remained unwilling to give women equal representation in the merged organization. In response, the NCAA moved forward to take control of women’s sports, regardless of any AIAW resistance. An NCAA study in December 1974 stated that the NCAA was able to supply “the same meaningful services and high-quality National Collegiate Championship competition . . . for the women student-athletes and teams of its member institutions as it does for men student-athletes.” The report further suggested that the NCAA could begin offering championships for women as soon as the spring of 1975.¹⁹ This proposal indicated the NCAA’s intention to take control over women’s sports.

Due to protests from the AIAW and female administrators at some member institutions, the NCAA Executive Council declined to add women’s athletics at this time. The content of these protests was particularly enlightening. The coordinator of women’s athletics at Purdue, Sherri L. Stewart complained that “without a basic change in the organizational structure of the Association [NCAA], there will be little or no representation by and for women [and] . . . without an administrative voice, the female student-athlete’s program will be drowned by the existing program for men.” She also asserted that the AIAW was meeting the needs of women’s athletics and that the NCAA’s

¹⁹ Ibid., 88-94.

“proposed usurpation” would be a mistake.²⁰ Similarly, Iowa’s women’s athletic director Christine Grant opposed the NCAA’s takeover efforts because she believed they threatened AIAW autonomy. More importantly, she revealed a mistrust of the NCAA’s motivation, suggesting that “it seems more like the first stages of a power struggle, rather than a genuine concern for women in athletics.” She further contended that if the HEW regulations did lead to a single national organization, “then a strong case could be made for the support of the AIAW approach to athletics, since it is attempting to create a financially responsible model.”²¹ Ohio State’s Phyllis Bailey shared Grant’s question about motives, believing that “the NCAA [was] not willing to consider other points of view.”²² Male administrators at Indiana and Iowa urged the NCAA and AIAW to work out a compromise to their issues. Iowa President Sandy Boyd asserted that the two national organizations “share one common concern—the best interests of the student-athlete. Your approaches are different, but we hope not irreconcilable.”²³ In spite of this opposition to a takeover, the NCAA was not willing to abandon its efforts.

In some sense women’s sports leaders were justified in their concern over the motives of the NCAA as shown by the fact that, in February 1976, the NCAA Council filed a lawsuit against HEW “challenging the validity of that Department’s regulations.”

²⁰ Sherri L. Stewart to John A. Fuzak, May 16, 1975, Norma Peg Burke, Equality in Women’s Athletics, NCAA, NCAA Member Responses, 1976, folder 3, Box 1, Norma Peg Burke Papers, IA-WA.

²¹ Christine H.B. Grant to Dr. George Chambers, May 12, 1975, AIAW Member Responses, Box 1, *ibid.*

²² Phyllis J. Bailey to Harold L. Enarson, President, May 27, 1975, OSU-A, Women’s Athletics (9/e-5a), Box 2, “OSU: Correspondence, January-July 1975.”

²³ Willard L. Boyd to Mr. John A. Fuzak, et. al., May 27, 1975, Norma Peg Burke, Equality in Women’s Athletics, NCAA, NCAA Member Responses, folder 1, Box 1, Norma Peg Burke Papers, IA-WA; Dan W. Miller to Dr. John A. Fuzak, NCAA President, September 17, 1975, Athletics Committee, 1975-1976, Box 72, Indiana University President’s Records (John W. Ryan), c459, INB-ARM. While the quotation above indicated Iowa’s institutional support for Grant’s position, conversely Ohio State President Harold Enarson rather than endorsing Bailey’s clear rejection of the NCAA proposal, dodged the question by putting the final decision into the hands of the campus Athletic Council. Harold Enarson to Mr. John A. Fuzak, NCAA President, June 4, 1975, *ibid.*

The NCAA argued that Title IX only applied to an “‘educational program or activity receiving Federal financial assistance” [emphasis in original], and since athletic departments did not receive federal funds, they should not be subject to the HEW regulations. The lawsuit argued that the HEW guidelines extended Title IX too far, applying it to *all* activities carried on within an educational institution receiving Federal financial assistance. The NCAA believed that this extension of HEW’s jurisdiction could potentially lead to future government incursions into “intercollegiate athletics and other aspects of college life” and might lead to more complex and arbitrary rules in the future. Despite this rejection of the HEW standards, the NCAA vowed that the lawsuit was not a rejection of gender equality and encouraged its member institutions to continue “in the development of new intercollegiate programs for women.”²⁴ In spite of this assurance, certain administrators rejected the NCAA lawsuit as, in the words of Northwestern’s faculty representative Laurence Nobles, “ill-conceived, unfortunate, and exceedingly untimely.”²⁵ While the NCAA tried to use the ideal of equality to justify its attempts to take control of women’s sports, some university officials were certainly not buying it.

One last attempt to create an alliance between the NCAA and AIAW failed when the NCAA “unilaterally dissolved the AIAW/NCAA Joint Committee” in the summer of 1976, seeming to prove that it was not interested in cooperation unless it had total control.²⁶ The repeated failure at compromise was in some sense understandable considering the pressures that Title IX placed on institutions of higher education and, by

²⁴ John A. Fuzak and Stanley J. Marshall to Chief Executive Officers, Faculty Athletic Representatives, Directors of Athletics of NCAA Member Institutions, February 13, 1976, Correspondence, 1976, Box 477, Office of the President, Wharton, Clifton R. Papers, UA 2.1.14, MSU-AHC.

²⁵ Laurence H. Nobles to Professor John A. Fuzak, Associate Dean, March 3, 1976, Correspondence, 1970-1981, Box 1, Faculty Committee on Athletics, NU-A.

²⁶ N. Peg Burke, “AIAW Presidential Update,” August 1976, Women’s Athletic Program, Box 1, Women’s Non-Income Sports and Related Files, Accession 86/49, UW-A.

extension, on these national organizations. Big Ten administrators clearly articulated these issues in a 1976 letter to the university presidents:

We are not in agreement among ourselves about whether a single national organization (NCAA or AIAW) for men's and women's intercollegiate athletics is desirable, even if it should be feasible. We are anxious that women's athletics be allowed to grow and develop its own directions and not be forced to conform to aspects of men's athletics which it finds unacceptable. . . . On the other hand, we question whether the present Title IX Regulations permit our institutions that flexibility.²⁷

This statement essentially summed up the concerns that administrators faced when developing women's athletics in the Title IX Era: while they believed that women's athletics should develop at its own pace and in its own way, they worried that Title IX would force them to make women's sports just like men's. This uncertainty over the development of women's athletics bled into debates over NCAA and AIAW control. Big Ten leaders seemed willing to wait for further developments to determine how national oversight of men's and women's athletics would proceed.

Any hope for compromise between the two national organizations disappeared in 1978 and 1979 when the NCAA Council proposed adding women's championships at the Division II and III levels. Both suggestions were voted down at the annual conventions, but rather than diminishing the NCAA's plans for women's athletics, Wushanley argues that these defeats instead "strengthened its determination [and] the eventual triumph of that determination was only a question of time." Rather than giving up the effort to incorporate women's sports, the NCAA instead changed tactics. Now, instead of forcing the issue, they planned to "respond to the needs of member institutions." The NCAA Council urged institutions and conferences to create a stronger system of equality before

²⁷ Big Ten Title IX Coordinators and Conference Participants to Council of Ten, December 7, 1976, Athletic Association, Women's Athletics, 1976-1977, Box 177, 24/1/1, IL-A.

making any specific plans for national governance. This tactic played directly into existing financial and administrative problems. The complexities of dealing with multiple rules and regulations led many institution presidents to desire either a single organization or the option to choose between the AIAW and NCAA. What ultimately began to sway institutions towards the NCAA was the fact that “by 1979-1980, more than 80 percent of women’s intercollegiate programs were administered under a single athletic department structure, where usually a male athletic director oversaw both men’s and women’s programs.” Thus, the final steps towards a national takeover ultimately began at the institutional level where the presidents and athletics administrators viewed “the single structure as the best available means to handle . . . sex discrimination.”²⁸ By 1980, most institutions were struggling to follow multiple regulations and were finally prepared to support a single set of rules for both their men and women’s programs. Like the institutional mergers that gave precedence to the men’s administrative structure and leadership, the national debate ultimately favored the more established NCAA.

While the full takeover was not complete until 1982, by 1979 institutions were more convinced of the necessity of a single national organization, making the NCAA’s efforts to add women’s athletics much easier. Norman C. Crawford, Jr., president of Salisbury State University (Maryland) articulated the shift in institutional opinion, noting that presidents who opposed sexual discrimination “‘felt uncomfortable with the different sets of rules for men’s and women’s’” sports and that they were concerned about an “‘apparent division within the AIAW leadership.’” He also believed that Title IX would force institutions to support the NCAA once it began to offer championships for women

²⁸ Wushanley, 101-107.

and that the AIAW would likely fade away. He urged institution presidents to focus their energies not on trying to save the AIAW, but to ensure female representation at the conference and national levels once the NCAA took control. Northwestern's athletic director Doug Single shared Crawford's perspective, suggesting that struggles with women's athletics might be alleviated by "an effective single governance" structure. In 1980, the NCAA created a special committee that ultimately was the "first major step in the NCAA's eventual success" in taking control of women's sports.²⁹

Despite Crawford's suggestion that administrators not try to save the AIAW, certain Big Ten administrators maintained support for the AIAW through 1980. In December of that year, Indiana's Affirmative Action officer Frances Dodson Rhome urged President Ryan to reject inclusion of women in the NCAA as "a fear remains that women's programs may be submerged in any present merger with powerful NCAA."³⁰ University of Iowa coaches, Guy Weaser and Kris Freck, also argued against the NCAA takeover as they believed it "undermines the AIAW's viability which would result in diminished opportunities for women, in contradiction to the spirit and the letter of Title IX."³¹ The women's athletic director at the University of Wisconsin, Kit Saunders, vehemently rejected the NCAA's efforts and their "insidious" methods to take control of women's sports, asserting that "the attitude of the NCAA leadership is obviously that all they have to do is devise a plan and they can take over. Even the tokenism evident in

²⁹ Ibid., 128-130.

³⁰ Frances Dodson Rhome to President John Ryan, December 10, 1980, Athletics, Women, 1980, Box 33, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

³¹ Guy Weaser and Kris Freck, "Opposition to NCAA Sponsorship of Championships for Women," February 4, 1980, Professional and Political Involvement: NCAA-AIAW – Women's Intercollegiate Athletics, University Position Papers, 1980-1982, Box 7, Christine Grant Papers, IA-WA.

their governance plan is only temporary!”³² Wisconsin’s female student athletes also supported the AIAW due to its “student first” approach and condemned the NCAA’s “efforts to limit opportunities for women in athletics.”³³ The athletic board at Ohio State opposed the takeover suggesting that despite the NCAA’s efforts to justify its actions, “it appears the overriding motivation is power.”³⁴ While these responses are certainly similar to those made by Big Ten leaders in response to the NCAA’s first takeover attempt in 1975, it is significant that these statements were all made in 1980, when it appeared that national opinion was turning against the AIAW. Thus, certain Big Ten administrators remained some of the most committed supporters of the AIAW and of maintaining female leadership in women’s athletics.

Officials at the University of Minnesota were vocal advocates for the AIAW and adamant opponents of the NCAA’s takeover attempts. This is not surprising since Minnesota developed one of the Big Ten’s most progressive models of athletic administration.³⁵ In response to a January 1980 NCAA memo regarding the development of the governance committee, the Assembly Committee on Intercollegiate Athletics at the University of Minnesota unanimously adopted several resolutions, clearly articulating the institution’s support for the AIAW. One resolution stated: “the University of Minnesota will not participate in NCAA-sponsored championships for women unless there

³² Kit Saunders, Director to Chancellor Irving Shain, February 15, 1980, Athletics, Intercollegiate, 1979-1980, Box 56, 4/22/1, UW-A.

³³ The Women Student Athletes of the University of Wisconsin-Madison, “Position Paper on NCAA Championship Legislation,” February 21, 1980, Women’s Governance, Athletic Board, Accession 86/74, UW-A.

³⁴ Record of the Proceedings and the Official Minutes of the Eight Hundred and Thirtieth Meeting of the Athletic Council of the Ohio State University, February 20, 1980, OSU-A, Athletic Council Meeting Minutes (35/a-4), Box 2, “September 1973-June 1981.”

³⁵ Minnesota and Iowa were the only two Big Ten institutions to develop a women’s athletic department separate from the men’s, thereby ensuring that female administrators’ voices could be heard. See previous chapters for more detail and the following pages for Minnesota’s perspective on Conference affiliation.

subsequently prove to be no other opportunities for regional, national, and post-season competition.”³⁶ The faculty athletics committee also urged administrators at other institutions to reject the NCAA proposals to incorporate women and to vote to rescind the NCAA’s plans to offer championships for women at the Division II and III levels. In stating Minnesota’s opposition to a takeover, Marion Freeman, chairperson of the faculty athletics committee, was particularly direct in her condemnation of the NCAA:

The NCAA, which has played a major role in seeking to vitiate Title IX, has suddenly decided to become a shepherd for women. One might inquire how the organization that has . . . vigorously fought the provision of equal opportunity for women, can be entrusted to provide programs for them. . . . One wonders how institutions can, in good conscience, force their women’s programs into an organization about whose system there breaks almost daily a new scandal concerning coaches and athletes.³⁷

Freeman’s statement clearly revealed the level of antipathy she had towards the NCAA.

Ultimately, she urged university leaders to give the AIAW a few years to stabilize so that when the NCAA and AIAW did come together, it would be a merger of equals rather than a takeover by the men.

Ironically, the NCAA’s repeated incursions into women’s sports led not to solidarity from the AIAW, but division. In 1980, a portion of the AIAW leadership split

³⁶ Resolution, Assembly Committee on Intercollegiate Athletics, University of Minnesota, Twin Cities Campus, February 8, 1980, Title IX: Misc. Reports, 1980-1991, Box 4, Athletics, Women, Uarc 2003-0011, MN-A. One of these resolutions also stated Minnesota’s opposition to joining the Big Ten. Resolution, Assembly Committee on Intercollegiate Athletics, University of Minnesota, Twin Cities Campus, May 1, 1980, *ibid.* The Assembly Committee on Intercollegiate Athletics (part of the University of Minnesota, Twin Cities Assembly) was an organization comprised of faculty, staff, and students that operated in a similar fashion to the faculty athletic committees at other institutions. Minnesota president C. Peter Magrath also publicly supported the assembly committee’s resolutions and forwarded one of them along to the Special Committee on NCAA Governance. C. Peter Magrath to Dr. James Frank, Chairman, March 6, 1980, Association for Intercollegiate Athletics for Women (AIAW), 1977-1981, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

³⁷ Marion Freeman to Various, draft, February 20, 1980, Association for Intercollegiate Athletics for Women (AIAW), 1977-1981, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A; Marion Freeman to President John Corbally, February 22, 1980, Athletic Association, Women’s Athletics, 7/1/79-6/30/80, Box 238, 24/1/1, IL-A.

away to form a new administrative organization known as the Council of Collegiate Women Athletic Administrators (CCWAA). Members of CCWAA ultimately believed NCAA governance was the best option for women's sports. Wushanley has suggested that one reason for this split was because the AIAW "had neglected its primary commitment to serve women student-athletes" and had instead turned its focus toward political battles with the NCAA. According to Wushanley, the CCWAA, on the other hand, "did not see the NCAA as all evil simply because it was controlled by men" and believed that "the NCAA championships are of superior quality to AIAW championships."³⁸ Some female leaders in the Big Ten shared this perspective. Gloria Soluk, the women's basketball coach at the University of Michigan supported NCAA championships for women, arguing that the AIAW was "inadequate and in it's [sic] infantile stages." She even maintained that "at it's [sic] present growth potential the AIAW could hold back women's athletics for years." Ultimately, Soluk was "not worried about being dominated by our male counterparts in the NCAA."³⁹

By the end of the 1970s, the AIAW's fight for survival had led it to deviate from its philosophical roots. In her address to the AIAW assembly in 1979, President Christine Grant urged the AIAW to remain committed to its philosophical principles, specifically to remain focused on "the enrichment of the life of the participant." She further argued that the AIAW needed to maintain its commitment to "educational athletic programs"

³⁸ Wushanley, 136-137.

³⁹ Gloria Soluk to Tom Anton, n.d. ca. 1980, Women's Athletics Big Ten – Governance of Women's Athletics, 1976-1980, Box 3, Women's Athletics Records, UM-BHL.

even in the face of difficult administrative and financial issues.⁴⁰ However, in an effort to save itself the AIAW seemed prepared to abandon many of these principles. In 1979 and 1980, this organization proposed allowing commercial sponsorship of its championships (including from beer companies), signed a contract with NBC to televise its tournaments, and worked to increase Kodak's sponsorship of the AIAW/Kodak All-America Basketball Team. In its last days, the AIAW desperately clung to its control over women's sports and appeared willing to do almost anything to maintain autonomy, even putting aside some of its core principles in order to be marketable and attractive to student-athletes and institutions. Unfortunately, compromising its principles was to no avail and by 1980 these corporations no longer saw the AIAW as a viable organization.⁴¹

Despite these desperate efforts to save the AIAW, Wushanley argued that by 1980 the "establishment of 'big time' women's championships within the NCAA was only a question of time." At its 1980 convention, the NCAA approved adding women at the Division II and III levels and in 1981 the NCAA membership voted to "establish Division I championships for women."⁴² The decision to add women's championships across the full spectrum of women's competition effectively doomed the AIAW. While some institutions retained membership in the AIAW through 1981-1982, it was clear that this was done to help make the transition to the NCAA easier.⁴³ Ultimately, the lack of sponsorships and the steady movement of institutions into the NCAA signaled the demise

⁴⁰ Grant was also the women's athletic director at the University of Iowa. Christine H.B. Grant, "President-Elect Candidates Address to the 1979 AIAW Delegate Assembly," 1979, folder: Presidential Address, Philosophical Principles, 1979, AIAW Presidential Address, Box 23, Christine Grant Papers, IA-WA.

⁴¹ Wushanley, 140-141.

⁴² Interestingly, leaders at Division I institutions seemed to be more supportive of the AIAW, rejecting an NCAA proposal to add women's championships in 1980. By 1981, the AIAW appeared doomed and Division I institutions were finally ready to accept NCAA governance of women's sports. *Ibid.*, 134, 139.

⁴³ Hugh Hindman to Ad Hoc Committee on Future Directions of Women's Athletics at OSU, March 31, 1981, OSU-A, Women's Athletics (9/e-5a), Box 9, "Intercollegiate, Correspondence, Reports, 1976-1984."

of the AIAW which officially ceased athletic operations in June of 1982.⁴⁴ Certain AIAW leaders were not quite ready to surrender and the organization retained its executive committee through 1984 in order to prosecute a lawsuit against the NCAA.⁴⁵ Few people believed that this suit would be successful and as of 1982, female administrators mourned the loss of the AIAW believing that “it will be tough for women to establish leadership roles under the NCAA.”⁴⁶

The NCAA’s takeover of women’s athletics began with seemingly benevolent support of women’s sports in the mid-1960s to finally wresting control from the AIAW in 1982. The ten-year fight between the NCAA and AIAW ultimately hinged on the question of female control over women’s athletics and the philosophical differences between the two organizations. Until the end of the 1970s, most AIAW leaders adamantly maintained a distinctive educational philosophy in the face of repeated attempts by the NCAA to take control of women’s sports. Throughout the disputes between these two national organizations, Big Ten administrators appeared generally supportive of the AIAW and often refused to accept NCAA takeover attempts. This is an important point in the context of the addition of women to the Big Ten conference. While

⁴⁴ Wushanley, 141.

⁴⁵ The AIAW continued as an official organization through the spring of 1984, but during its final years of existence was focused solely on its lawsuit against the NCAA and had no governance role over women’s athletics in that last year. The AIAW argued that the NCAA had violated the Sherman Anti-Trust Act in its attempts to take over women’s athletics. Ultimately, the courts (the case eventually rose to the US Court of Appeals) ruled in favor of the NCAA, arguing that even if the NCAA had tried to limit competition, their takeover was based on competitive superiority to the AIAW and that their eventual takeover was based on action from its member institutions rather than being forced by the NCAA leadership. Association for Intercollegiate Athletics for Women v. National Collegiate Athletic Association, United States District Court, District of Columbia, February 28, 1983, Gender Equity in Athletics, Lawsuits: NCAA v. AIAW Lawsuit, Case as Presented in Textbook, Box 3, Christine Grant Papers, IA-WA; Association for Intercollegiate Athletics for Women v. National Collegiate Athletic Association, United States Court of Appeals, District of Columbia, May 18, 1984, Gender Equity in Athletics, Lawsuits: Appeal – US Court of Appeals, 1984, Box 4, *ibid*.

⁴⁶ Mike Lucas, “AIAW’s Passing Upsets Saunders,” *Capitol Times*, July 2, 1982, Saunders-Nordeen, Katherine S., Biographical Files, UW-A.

female administrators were justifiably concerned that they would lose their voices in the NCAA, they were also worried that a joint Big Ten would have the same result. However, throughout the discussions about creating a merged conference, male administrators clearly indicated that a single Big Ten did not mean abandonment of the AIAW. The debate between the NCAA and AIAW was based on philosophical differences, concerns about the AIAW's ability to successfully administer women's athletics, as well as the potential implications of Title IX. Plans to incorporate women into the Big Ten were certainly influenced by Title IX, but rather than being focused on ideological distinctions, creating a single Big Ten for both men and women that included sufficient female authority was primarily a practical problem.

Big Ten

Originally dubbed the "Western Conference," the Big Ten was founded in 1896 by Purdue University, the University of Chicago, the University of Illinois, the University of Michigan, the University of Minnesota, Northwestern University, and the University of Wisconsin. In 1899, the conference admitted both Indiana University and the State University of Iowa (now the University of Iowa); Ohio State University joined in 1912. After a brief separation, the University of Michigan rejoined the conference in 1917 at which time the Western Conference became known as the Big Ten. In 1946, the University of Chicago departed, but was replaced by Michigan State College (later University) a mere three years later. Between 1949 and 1990, these institutions comprised

the Big Ten membership. Leaders at these schools faced the difficult decision of whether to incorporate women into the conference.⁴⁷

At the outset, conference leaders were determined to preserve a sense of amateurism in college athletics. During the initial planning meeting in January of 1895, representatives from the founding seven institutions established two important regulations. First, they decreed that the conference should be governed “under the direction of appointed faculty representatives.” This rule dictated that major conference decisions were to be voted on by a faculty representative from each institution. Second, they established a principle that required participating athletes to be “full-time students who were not delinquent in their studies.”⁴⁸ This rule disallowed the use of “ringers” that were not in fact students and also established an alliance between intercollegiate athletics and the educational mission of the institutions. These two fundamental principles shaped the conference’s perspective on the nature of athletics. As men’s sports grew more commercialized during the postwar decades, campus athletic directors began to exert more authority over intercollegiate athletics. However, the Big Ten still retained at least nominal allegiance to faculty control and the university faculty representatives frequently debated whether to add women to the conference and how to make a smooth transition to a single administrative structure for both sexes. Despite the growing power of the athletic directors, ultimately the final decision to incorporate women into the Big Ten would be made by the faculty representatives.

⁴⁷ Since 1990, the Big Ten has added several new institutions. Pennsylvania State University joined in 1990; Nebraska in 2011; Maryland and Rutgers will become conference members in July of 2014. “Big Ten History,” Big Ten Conference, <http://www.bigten.org/trads/big10-trads.html>, retrieved April 28, 2013.

⁴⁸ Ibid.

In 1901, the Western Conference passed a regulation known as the “White Resolution.” This resolution established the process by which major conference decisions would be implemented. Briefly, the resolution worked as follows. First, the faculty representatives had to determine that an issue was serious enough to be placed under the White Resolution. Obviously, some conference matters (e.g. deciding which student-athletes were eligible for Big Ten competition) were easily resolved and did not rise to the level of the White Resolution. Once an issue was placed under this resolution, the faculty representatives would vote on the particular problem. If the faculty representatives approved the measure, the White Resolution stipulated that the matter “must wait 60 days before going into effect.” During this waiting period, the faculty representatives would return to their campuses to discuss the problem with other campus athletics administrators. At this time, any Big Ten institution could object to the ruling in which case the issue would be put to another vote at the next Big Ten meeting. Essentially the White Resolution gave each institution veto power and was designed to provide more control to individual institutions regarding conference issues.⁴⁹ This guaranteed that for any important conference decision (such as the incorporation of women’s athletics), all views were fully heard.

While the conference decision-making process would certainly impact women’s athletics in the Big Ten, two conference controversies arose prior to Title IX that also affected how the Big Ten dealt with women’s sports. The first issue related to whether the conference would allow Northwestern to lease its football stadium to the NFL’s Chicago Bears. In 1971, in an effort to bring in more revenue, Northwestern agreed in

⁴⁹ Tom Witecki, “Big Ten Competition: Yes, but Possibly, No,” *Michigan Daily*, March 6, 1960.

principle to lease Dyche Stadium to the Bears for a period of two to four years. However, this type of arrangement was against Big Ten rules and would have to be approved by the conference.⁵⁰ Unfortunately for Northwestern, the faculty representatives refused to waive its rule banning shared leases between the schools and professional teams. Big Ten leaders supported their decision by citing their commitment to the principle of amateurism. They worried that this type of arrangement might lead to imbalances in revenue and could give Northwestern a recruiting advantage since the Bears would invest money to upgrade the stadium to a state-of-the-art facility. The Big Ten faculty representatives believed that this was unfair since other Big Ten schools would not have this same opportunity.⁵¹ The decision reinforced the Big Ten's at least nominal adherence to the amateur principle as well as emphasizing the desire for fairness among conference members. More importantly, the vote exacerbated a rift between Northwestern and the rest of the conference that would have lasting effects on NU's interaction with the other Big Ten universities.⁵² Even eight years later, Northwestern administrators were still "[bitter] toward Michigan and [the] other Big Ten schools" that had blocked the lease.⁵³ The divide between Northwestern and the rest of the conference only widened as issues related to Title IX and women's athletics became more pronounced during the 1970s.

⁵⁰ "Summary of Lease," n.d. ca. 1970, Department of Athletics, Box 3, Payson Wild Files, NU-A; William H. Thigpen to Dr. J. Roscoe Miller, Chancellor, February 16, 1971, Ibid.

⁵¹ "Big Ten Spurns Bear Big for Field," *Milwaukee Journal*, March 9, 1971, 12.

⁵² Mike Christopoulos, "Big Ten Vote No Surprise," *Milwaukee Journal*, March 13, 1971, p. 2, part 2; Terry Bledsoe, "Michigan Eats Northwestern's Cake," *Milwaukee Journal*, August 25, 1971, 13.

⁵³ In 1975 as the conference was considering adding women's sports, University of Wisconsin faculty representative noted that Northwestern was "still smarting" over the decision. Memorandum of Telephone Conversation with Frank Remington, with some additions, April 24, 1975, Athletics, Big Ten, and National Association, 1974-75, Box 154, 4/21/1, UW-A; Joe LaPointe, "U-M at Northwestern," *Detroit Free Press*, November 11, 1978, Athletics Correspondence, 9/1/76-79, Box 6, Robert H. Strotz Papers, NU-A.

However, the desire to ensure fairness also had a major impact on the decision-making process in regards to adding women's athletics to the conference.

Even before women began to assert their rights, Big Ten institutions dealt with accusations of discrimination. Prior to Title IX, this issue related to race. The first major issue regarding black athletes occurred at Indiana University on November 5, 1969 when fourteen black football players walked out of practice in protest of perceived discriminatory practices by head coach John Pont.⁵⁴ Racial concerns at Michigan State University in 1971 prompted a wider study of these concerns throughout the entire conference. Robert Green, Joseph McMillan, and Thomas Gunnings, faculty members at Michigan State, researched the problem and shared their findings with the conference in March of 1972. In general, they focused on the overt racism experienced by black athletes, the challenges these athletes faced to finish school, and "the lack of representation by blacks at all levels in Big Ten employment, particularly at the coaching and officiating levels." The researchers revealed that when black athletes arrived on campus they quickly discovered that students, coaches, and administrators saw them as athletes first, rather than as students. The report also revealed that many black assistant coaches had "token roles and [did] not [have] concrete coaching functions." The report scathingly condemned the athletic system in the Big Ten, asserting that "black athletes draw spectators and white athletic departments get the monetary gains." Additionally, Green, McMillan, and Gunnings suggested that despite claims to the contrary sports were not a haven of tolerance in a racist world. Rather, "patterns of racial discrimination, both

⁵⁴ *Indiana University Arbutus*, 1970, p. 106-107; "Black Gridsiders Ouster at I.U. Draws NAACP Fire," *The Indianapolis Recorder*, November 15, 1969, Athletics, Football, Boycott by Black Students, Nov 1969-April 1970, Box 6, Indiana University President's Records (Joseph Sutton), c268, IUB-ARM.

overt and covert, institutional and individual, found in the larger society are reflected in and perpetuated by athletics in the United States.”⁵⁵ In response to these racial issues, conference and campus officials generally tried to emphasize the positive elements of college athletics for African Americans or attempted to make excuses as to why the problems existed. Despite the experience that conference leaders gained in dealing with these racial issues, the response to women’s athletics generally followed a similar pattern.

Prior to adding women’s sports to the Big Ten, women’s varsity athletics programs developed their own regional structures. In addition to sponsoring national championships for women, the AIAW encouraged its over 600 member schools to combine and create “state and regional organizations which . . . serve as ‘conferences’ in feeding into the national level of competition.”⁵⁶ In this system, women’s teams at each “Big Ten” university competed primarily against schools in their own region. For example, the University of Illinois was affiliated with the “Illinois Association for Intercollegiate Athletics for Women” which included Northern Illinois University, Southern Illinois University, and the University of Chicago, along with Northwestern.⁵⁷ Similarly, Purdue’s women’s teams were part of the Midwest Association of Intercollegiate Athletics for Women and the Indiana Women’s Intercollegiate Sports Organization which also included non-Big Ten institutions. Iowa’s women’s teams competed mainly against other schools throughout the state, including smaller institutions

⁵⁵ Robert L. Green, Joseph H. McMillan, Thomas S. Gunnings, “The Status of Black Athletes in the Big Ten Athletic Conference: Issues and Concerns,” March 7, 1972, Black Athletes, 1972, Box 473, Office of the President, Wharton, Clifton R. Papers (UA 2.1.14), MSU-AHC.

⁵⁶ Leotus Morrison, AIAW President to AIAW Institution Presidents, January 23, 1975, Athletic Association, Women’s Athletics, 7/1/74-6/30/75, Box 137, 24/1/1, IL-A.

⁵⁷ Cecil N. Coleman to Vice Chancellor J.W. Briscoe, March 5, 1973, Athletics, Women’s Intercollegiate, Task Force, Huelster, Box 119, 24/1/1, IL-A.

such as Simpson College.⁵⁸ In other words, prior to affiliation with the Big Ten, women's intercollegiate athletic programs most often competed locally, often regardless of the size or type of school.

This type of competitive affiliation was vital from a fiscal standpoint since budgets for women's athletics were usually quite limited. In some cases women's teams were forced to raise extra money on their own to make up for the lack of funds provided from the university.⁵⁹ Minimal budgets available for women's athletics required these teams to save money wherever they could. In most cases, this meant driving to competitions (often in the athletes' and coaches' personal vehicles) and not being able to afford hotel accommodations. Due to these constraints, limiting competition to other institutions within the same state or geographical region was often necessary. Only by focusing their efforts on "state competition with limited participation at the regional and national levels," could women's teams afford to play a full schedule. While Illinois' teams had the resources to compete against teams from Northern Illinois, traveling to contests with Michigan or Michigan State would have been practically impossible from a financial standpoint. Due in part to these logistical considerations, as of 1972 women's programs generally had "no plans to establish a Big Ten Conference."⁶⁰

By 1982, all ten institutions had affiliated their women's athletics programs with the Big Ten Conference. The ten-year debate over adding women to the Big Ten

⁵⁸ M. Gladys Scott to Eunice L. Burns, August 2, 1973, UM Committee to Study Intercollegiate Sports for Women, Memos and Correspondence, 1973-1974, Box 2, Eunice Burns Papers, UM-BHL.

⁵⁹ "U.W. Girls Bake Brownies," *Wisconsin State Journal*, March 26, 1972, Interview #95, Katherine S. Saunders-Nordeen, Oral History Project, UW-A. Fundraising projects were often simple events like bake sales and car washes which failed to generate significant revenue.

⁶⁰ Eloise Jaeger to Mr. Stanley Wenberg, June 26, 1972, Women's Athletics Title IX: 1974 & Earlier (folder 1), Box 8, Faculty Representative for Intercollegiate Athletics, 1970-1980s, Uarc 22, MN-A; Women's Intercollegiate Sports, Purdue University, n.d. ca. 1973, *ibid*.

highlighted many of the same philosophical and logistical issues that marked the development of women's sports on the individual campuses and the national battle between the NCAA and AIAW. Generally speaking, discussions of women's sports at an institutional level tended to focus more on logistical and financial matters, while the national debate revolved around philosophical considerations. In some ways, the process of adding women to the Big Ten included both practical and philosophical components. From an ideological perspective, questions about adding women's sports to the Big Ten focused on the leadership role of female administrators. From a practical standpoint, conference leaders were most concerned with streamlining the process to avoid duplicating services and to ensure fairness. Ultimately, adding women to the Big Ten proceeded through three distinct phases: 1) conference discussions regarding support for women's sports prior to Title IX; 2) failed attempts to incorporate women in 1974 and 1975; 3) the process of creating a merged conference structure in 1981.

The topic of women's athletics emerged on a conference level even before Title IX. The impetus for raising this issue was related to budgetary concerns. During the late 1960s and early 1970s, Big Ten institutions faced financial constraints caused by rising costs of operating college athletic programs. The simultaneous burdens of inflation and increasing commercialization of college sports created problems for athletics administrators. At a 1967 conference meeting, Big Ten leaders discussed two possible solutions to the funding crisis. One option was to cut spending on non-revenue sports and provide the vast majority of institutional resources to the revenue sports of football and men's basketball. Supporters of this plan argued that they could save money by reducing the scope of non-revenue sports. More importantly, they suggested that by increasing

support for the revenue sports schools could improve facilities, coaching, and amenities, thereby attracting better student athletes, producing better (i.e. winning) teams and driving income up. The opposite plan was for the universities to recommit to a well-rounded program that was funded partially through reduced spending on revenue sports. Significantly, this financial discussion led to a conversation among Big Ten leaders regarding the level at which they could or should support “emerging club and other extramural sports programs.”⁶¹ While this statement referred to men’s non-varsity sports, the use of the word “extramural” is significant as this was the term used to describe women’s varsity athletics in the pre-Title IX era. Thus, Big Ten leaders were already considering women’s athletics a full five years before Title IX.

At this time, conference leaders seriously discussed the possibility of improving institutional support for non-revenue sports, including those for women. In August of 1969, the conference joint group created a “Committee of Athletic Directors . . . to study the conduct of ‘non-revenue’ sports in the Conference.” This committee examined all aspects of non-revenue sports including finances and administrative structures. They also discussed the level of control the conference should have over “a broad-based varsity sports program.”⁶² In answer to this second point, some administrators even suggested adding women to the conference structure. Two years later, Minnesota’s faculty representative M.O. Schultze, suggested that the conference “develop plans for

⁶¹ “Minutes of the Intercollegiate Conference, Joint Group,” August 19,-21, 1967, OSU-A, Athletic Department: Director’s Office (9/e-1), Box 1, folder: “Intercollegiate Conference Joint Group Minutes, 1966-1976,” Accession 20/85; “Minutes of the Intercollegiate Conference, Joint Group,” August 6-8, 1969, *ibid.*

⁶² Meetings of conference administrators were often divided into faculty representatives and athletic directors (and eventually women’s administrators). When both groups (faculty and directors) met together, it was referred to as the “Joint Group.” “Minutes of the Intercollegiate Conference, Joint Group, August 6-8, 1969,” *ibid.*

sponsoring and holding Conference championship meets in selected women's sports during the 1972-73 school year." His proposal, seconded by Northwestern's faculty representative Leon Bosch was referred to a sub-committee for discussion. Ultimately, the proposal was defeated, but the fact that the issue was raised at all indicated that, even at this early stage, certain administrators contemplated the status of women's sports at the conference level.⁶³

While some officials supported a broad athletics program, in May 1972 the conference itself adopted a money-saving measure reducing scholarships for non-revenue sports from thirty-four to fifteen per institution.⁶⁴ This decision suggested that the conference valued revenue-producing teams over the so-called minor sports. Not everyone in the Big Ten supported this action. Indiana University President John Ryan argued that the reduction would not actually save any money and by shifting more focus to football and men's basketball, it would make intercollegiate athletics even more commercialized. He also contended that the reduction in scholarships "reduces our institutional flexibility to place new 'minor' sports activities on a competitive quality plane at a time when we must take positive steps to respond to the needs and desires of women for intercollegiate athletic programs."⁶⁵ At the November 1972 Council of Ten meeting, Ryan reiterated his concerns arguing that "cutting back in minor sports would be politically disastrous and runs contrary to the current direction of increasing the amount

⁶³ Minutes of the Intercollegiate Conference, Joint Group, August 8-9, 1971, *ibid.*

⁶⁴ At the same time, the conference also reduced the number of scholarships it would allow for football and men's basketball—to 105 and eighteen respectively. Report of the Athletic Commissioner and Discussion of Report, Council of Ten Minutes, November 10, 1972, Council of Ten, Box 71, Willard "Sandy" Boyd Papers, IA-A.

⁶⁵ John W. Ryan to President Willard L. Boyd, September 29, 1972, *ibid.*

of participation by all types of students, including women, in athletic events.”⁶⁶ Despite this opposition, the resolution limiting scholarships for non-revenue sports passed signaling the Big Ten’s support of revenue sports while taking a significant step away from the development of a broad sports program that included women.

After the passage of Title IX, Big Ten administrators immediately began discussing conference affiliation for women. Despite different institutional models for women’s athletics, many in the conference felt the need to address the relationship between women’s sports and the Big Ten. University of Wisconsin faculty representative Frank Remington argued that “there should be an opportunity to face directly the question of whether the women’s program should be part of the Big Ten.”⁶⁷ Remington’s request was honored at the conference joint group meeting on October 9, 1974. Unlike Schultze’s 1971 proposal to merely sponsor conference competitions for women, this meeting focused on adding women’s sports to the Big Ten on a full-time basis and was inextricably linked with Title IX. In addition to discussing whether women would eventually join the Big Ten, conference leaders conferred about the AIAW and the impact of HEW’s Title IX guidelines.⁶⁸ This legislation not only affected how each institution would develop women’s intercollegiate athletics, but on a broader level it also impacted the nature of the Big Ten and the role that women would play in the conference.

⁶⁶ The Council of Ten was a group made up of the senior administrators (i.e. Presidents or Chancellors) from each Big Ten institution and met several times throughout the year. In relation to athletics and the Big Ten, their role was not as a “rule-making” body; but rather they served as an advisory group to the athletic conference. Even in this controversial issue, the group “recognized they had no authority to overrule the Joint Group.” Report of the Athletic Commissioner and Discussion of Report, Council of Ten Minutes, November 10, 1972, *ibid.* In addition to Ryan, both Illinois and Ohio State’s presidents voted against the reduction in scholarships.

⁶⁷ Frank J. Remington to Mr. Wayne Duke, September 3, 1974, Athletic Board Meeting, September 6, 1974, Box 3, 5/21/1, UW-A.

⁶⁸ Minutes of the Intercollegiate Conference, Joint Group, October 9, 1974, Intercollegiate Conference, 1974-75, Box 120, Willard “Sandy” Boyd Papers, IA-A.

In its first attempt at a merger, the Big Ten joint group voted in October 1974 to incorporate women's athletics into the Big Ten. In part, the resolution stated:

Be it resolved that the Conference affirm its Rules and Regulations are of such nature that they may be made to accommodate women's intercollegiate athletics and that the Conference would welcome the inclusion of women if they desire to participate in women's Intercollegiate Big Ten Conference competition and championships. If the spirit of Title IX is to be accomplished, it is important that the same institutional rules for intercollegiate competition be applied to both men and women.⁶⁹

Three significant parts of this resolution indicated the perspective of the Big Ten on women's athletics. First was the belief that the Big Ten could "accommodate" women's sports. Big Ten administrators believed that their rules were already at least somewhat gender neutral and that adding women's sports into the conference structure could be done relatively easily. Second, they displayed a progressive attitude towards female administrative control by suggesting that women's sports administrators ultimately had the choice of whether to join the conference or not. On the other hand, the last sentence revealed a third perspective that would later be used to virtually strip female administrators of their control over women's sports. While at this stage, Big Ten leaders were willing to give women the option to join the conference, their interpretation of Title IX led them to believe that both men's and women's programs had to be treated the same. This meant that, eventually, both needed to be affiliated with the same conference and operate under the same set of rules.

In December 1974, Big Ten women's administrators chose to "request alliance with the Intercollegiate Conference of Faculty Representatives [Big Ten] on an experimental basis for a period of three years." These officials developed a series of

⁶⁹ Ibid.

qualifiers for their trial period in the conference which included: separate meetings for both men's and women's athletic directors and faculty representatives as well as joint meetings among all three groups; the requirement that each school appoint two faculty representatives (one for men's sports and one for women's); and that the conference develop separate regulations for men's and women's sports in order to accommodate the different rules and philosophies of the NCAA and AIAW. Even with these stipulations, the women set an ultimate goal to "establish a single set of regulations that will best serve men and women student athletes in the Conference."⁷⁰ These administrators appeared willing to join the conference, but on their own terms.

Big Ten women's administrators were hesitant at least partially because they worried that a merger would "[eliminate] the opportunity to live by their philosophy and the chance for leadership."⁷¹ In a March 1975 conference joint meeting, women's sports leaders again raised this point. Conversations about campus administrations and the different rules of the AIAW and NCAA highlighted a stark ideological contrast between men's and women's athletics. With these differences in mind, women's sports officials urged the conference to adopt a joint group structure that included a female faculty representative and a women's athletic administrator from each school in addition to the men's athletic director and male faculty representative. Thus women's sports could join the conference on an equal footing and the additional members could help balance the different NCAA and AIAW regulations. While this plan would have helped women's administrators retain their voice, some of the male officials rejected the idea, believing

⁷⁰ Charles D. Henry to Commissioner Duke, December 6, 1974, Athletics, Big Ten, and National Association, 1974-75, Box 154, 4/21/1, UW-A.

⁷¹ This perspective is quite similar to the position of AIAW leaders when responding to the NCAA's takeover attempts. Ibid.

that it would be too cumbersome. They contended that the plan would create a joint group of forty people as opposed to the twenty that existed currently. Male leaders believed that this size would make it difficult to have productive discussions or to even agree on a single course of action for the conference.⁷² This rebuttal revealed clear divisions between female administrators who demanded an equal voice in conference decisions and male administrators who wanted the new conference to be, first and foremost, practical.

The perspective of male leaders convinced the women that they would lose control in a merged conference, leading them to reject any plans to join the Big Ten—even on an experimental basis. Their rationale for this decision was based on “the unresolved nature of the relationship between the AIAW and the NCAA, the absence of interpretations of the Title IX guidelines, and changes which are in progress on several of [the] campuses.” In this sense, one reason that the Big Ten did not add women in 1975 was due to the lack of clarity regarding Title IX. Despite the rejection of Big Ten affiliation, women’s administrators planned to continue meeting with one another and also requested the opportunity to meet with the conference joint group. They also sought tangible support from the Big Ten. For example, they requested that the conference offer conference tournaments for women, but under AIAW rules. They also asked the Big Ten to assist them in tracking records and statistics, training officials, and promoting the women’s sports programs.⁷³ As of 1975, women’s administrators were reluctant to join the conference based on concerns that they might lose authority over women’s sports.

⁷² “Report of the Meeting of Conference Joint Group and Administrators of Women’s Intercollegiate Athletics Programs,” June 9, 1975, Athletic Association, Big Ten Directors, 7/1/74-6/30/75, Box 137, 24/1/1, IL-A.

⁷³ Position Statement of the Directors and Administrators of Women’s Athletics of the Member Institutions of the Intercollegiate Conference, June 10, 1975, Council of Ten, 1974-75, Box 48, President’s Records, UM-BHL.

However, they also saw the practical value of conference affiliation as shown by their request for logistical and promotional support. These specific requests provided an opening for future attempts to bring women into the Big Ten.

Following this initial rejection of affiliation in June 1975, university administrators spent six more years discussing and planning a single conference structure before the women's programs finally merged with the Big Ten in 1981.⁷⁴ While the process of incorporating women into the Big Ten was complex, by 1976 male and female administrators had clearly established their fundamental positions. In a March meeting of the directors of athletics, the women's administrators claimed that "the Faculty Representatives are not articulating the needs of the women's programs" and that the "women have no opportunity to participate in decisions which affect the Conference relationships of their programs." They believed that the operation of the conference was based on the needs of the men's program and that "this structure may not be responsive to the needs for input from the women's administrators in the development of their programs."⁷⁵ Additionally, some female administrators argued for separate conferences because "the two programs have different needs."⁷⁶ Ultimately female leaders worried that a single conference would remain focused on men's sports and ignore the unique

⁷⁴ Alyce Taylor Cheska, "Brief Historical Summary of the Integration of Women into the Big Ten Conference from 1974-1987," November 30, 1987, OSU-A, Women's Athletics Files (9/e-5a), Box 13, "Big Ten, Cheska, Alyce T."

⁷⁵ Minutes of the Intercollegiate Conference, Directors of Athletics, March 1-2, 1976, Athletic Directors 1976, Office of the President, Wharton, Box 473, Clifton R. Papers, UA 2.1.14, MSU-AHC. It is also significant that at the same meeting, a proposal to "[set] as an ultimate goal a single Conference structure . . . [for] men and women" was tabled.

⁷⁶ Kit Saunders, "Rationale – Women's Intercollegiate Athletics," May 21, 1976, OSU-A, Women's Athletics Files (9/e-5a), Box 20, "Title IX: AIAW Correspondence." Saunders was the women's athletic administrator at Wisconsin and circulated this report throughout the Big Ten.

issues related to women's athletics. In other words, these officials believed that, in a merged conference, they would lose control of women's sports.

In an April 1976 letter to Wisconsin President John Weaver, UW's faculty representative Frank Remington articulated the male position regarding the conference merger. Remington suggested that a single conference would help establish equality, calling into question the separate but equal philosophy of women's sports leaders. He contended that "either the program should be similar and men and women treated alike, or the programs should be different and men and women treated differently when it is thought desirable to do that. I have long felt that the fourteenth amendment of the Constitution prohibits this differentiation based on sex."⁷⁷ This argument for equality formed an essential part of the efforts to merge men's and women's sports into a single conference. Ultimately, the ideological differences between the male perspective (i.e. unification would foster equality) and the women's view (i.e. merger meant losing authority) would hang over the Big Ten discussions for the following years.

With these positions clearly established, the Council of Ten attempted to chart a more political and pragmatic course between the two sides. The university presidents believed that schools should focus on establishing equality between men's and women's sports on each individual campus rather than concerning themselves with conference affiliation. As such, they argued that "the quarreling over a conference structure is not particularly important now—and it may well be that the women should neither be thrown into the hands of the present Faculty Representatives nor allowed coequal representation

⁷⁷ Frank J. Remington to President John C. Weaver, April 14, 1976, Athletics, Division of Intercollegiate (incl. women) 1975-1976, Box 181, 4/21/1, UW-A. Incidentally, Remington was a Professor of Law at Wisconsin so he would be uniquely qualified to comment on the legality of the issue and, as he argued here, the applicability of the Fourteenth Amendment.

on an enlarged faculty council.”⁷⁸ In some ways the presidents were attempting to find common ground between the two sides and were preaching patience. Ultimately, the presidents believed that each school should focus on their own issues first and that, perhaps, institutional progress would line up in such a way that neither extreme position on Big Ten affiliation would be necessary.

In the summer of 1976, male and female leaders jostled for influence with the Council of Ten. In July, the faculty representatives recommended that the presidents authorize the formation of a single conference structure “as quickly as possible” and that the development of the conference be based on input from both men and women.⁷⁹ The women countered by urging the presidents to “reject the recommendations of the Faculty Representatives” so that the two programs could continue to operate separately until HEW developed clearer policies on Title IX.⁸⁰ This controversy filtered down to the individual campuses where administrators at the same school often found themselves at odds with one another. At the University of Wisconsin, Kit Saunders, women’s athletic director, and Frank Remington, faculty representative, fell on opposite sides of the debate. Saunders and Remington at least partially disagreed on the timing of a conference merger. Saunders believed that adding women to the Big Ten was a “reasonable goal,” but she objected to the idea that this happen “as quickly as possible.” In her view, there were major problems related to conference rules and structure that precluded a quick merger. She also suggested that affiliation of women should wait until HEW clarified its

⁷⁸ Eric Gilbertson to President Enarson, April 27, 1976, OSU-A, Papers of Harold L. Enarson (3/j), Box 16, “Council of Ten: Minutes and Reports (including Correspondence), 1973-1976.”

⁷⁹ Frank Remington to Fred Haberman, August 5, 1976, Women’s Athletic Program, Box 1, Accession 86/49, UW-A.

⁸⁰ “Big Ten Women’s Intercollegiate Athletic Directors’ Organization: Recommendations,” July 29, 1976, Women’s Athletics Big Ten – Governance of Women’s Athletics, 1976-1980, Box 3, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

Title IX regulations and for the NCAA and AIAW to resolve their differences.⁸¹ On the other hand, Remington argued that this “wait and see” approach was doomed to fail. He suggested that the differences between the NCAA and AIAW were so extreme that “none of us is likely to be around long enough to see [them resolve their differences].” He urged the Big Ten to take a leadership role rather than waiting until the national organizations made a move. Waiting would force the Big Ten into a reactionary stance.⁸² While Saunders and Remington did not necessarily speak for all conference administrators, their perspective on the issue revealed the impact this debate had on individual campuses and highlighted the problem of timing.

In an effort to stave off the demand for quick affiliation, the women’s administrators proposed the formation of an organization known as the “Big Ten Women’s Intercollegiate Athletic Directors” and sought recognition for this group from the institution presidents. The Board in Control of Athletics at the University of Michigan believed that the female administrators had the right to control their own programs and urged President Robben Fleming support this new group. The Board also recommended that Fleming and the Council of Ten reject the proposal from the faculty representatives for the quick development of a single conference. Not every institution was as supportive of this administrative group for women. The University of Wisconsin’s new faculty representative, Frederick Haberman, contended that a formal women’s athletic group would eventually become a “pseudo-conference” necessitating its own office and personnel. Rather than taking this step, Haberman thought that adding women to the

⁸¹ Kit Saunders to Professor Frank Remington, August 9, 1976, Women’s Athletic Program, Box 1, Accession 86/49, UW-A.

⁸² Frank J. Remington to Ms. Kit Saunders, Director, August 11, 1976, *ibid.*

existing Big Ten structure would be much more cost effective, believing that “the ‘separate but equal’ policy is repetitive, duplicative, and probably doomed to failure.” In addition to streamlining the administrative process, Haberman also suggested that women’s athletics would “benefit by the expertness and the experience” of Big Ten administrators who were “long associated with the problems of athletics on a conference and national level.”⁸³ Whereas Remington saw the issue more ideologically (i.e. a single conference fosters equality), Haberman formulated a more practical argument in favor of a single conference for men and women.

This pragmatic view seemed to generate more support from Big Ten administrators for a merged conference than the ideological argument had. In the spring of 1977, Michigan athletic director Don Canham changed his perspective on the question of conference affiliation for women:

I have, in the past, indicated that I thought a separate department for women was feasible and possible on the national level . . . I have supported this separate position primarily because that is what Marie Hartwig [former women’s administrator at Michigan] wanted and also what Virginia Hunt [Associate Athletic Director for Women] indicated she desired. I can also see the problems that would arise with Title IX and also the problems you might have from an administrative standpoint.⁸⁴

While Canham did not completely reverse his position, his shift from whole-heartedly supporting his female administrators to acknowledging the administrative challenges was significant. Despite worries from women’s athletic administrators, by emphasizing the practical issues male administrators slowly gained more support for a conference merger.

⁸³ Professor Frederick W. Haberman to President John Weaver and Chancellor Edwin Young, December 15, 1976, includes “Proposal for Board in Control Consideration,” November 1976, Athletic Association, Big Ten Directors, 1976-1977, Box 177, 24/1/1, IL-A.

⁸⁴ Don Canham to Mr. R.W. Fleming, February 14, 1977, Athletics, 1976-1977, Box 60, President’s Records, UM-BHL.

In one sense, the logistical arguments in favor of a single conference could be seen as justifications for a hostile takeover (like the NCAA). However, despite their differing philosophy on the nature of intercollegiate athletics, women had also consistently charted a pragmatic course. Even when they rejected Big Ten affiliation in 1975, they requested administrative support from the conference and later formal recognition from the Council of Ten for the “Big Ten Women’s Intercollegiate Athletic Directors’ Organization.”⁸⁵ Women’s administrators also began to more closely investigate the practical considerations of joining the Big Ten. In the spring of 1977, Ginny Hunt, the Associate Director of Athletics for Women at Michigan, along with women’s administrators from Illinois, Indiana, and Purdue, examined the Big Ten Handbook to determine the applicability of Big Ten rules to women’s athletics programs. While Hunt did not completely abandon her ideological perspective, she discovered that “there are parts of the Big Ten Handbook that would be acceptable as they are written.”⁸⁶ This suggests that, at least in some measure, there was common ground between the women’s programs and the Big Ten. Even more significant was the April 1977 report from the conference’s ad hoc committee on women’s intercollegiate athletics. This committee, made up of both male and female administrators, argued that while a single conference structure was not needed at that moment, they could see that “such a structure

⁸⁵ They wanted the Big Ten to help “[record] statistical data,” “[assist] with promotion and publicity,” train referees for basketball, and connect women’s sports to groups that could sponsor athletic clinics as well as provide guidance for “job search and placement” in coaching and administrative positions for women’s sports. Position Statement of the Directors and Administrators of Women’s Athletics of the Member Institutions of the Intercollegiate Conference, June 10, 1975, Council of Ten, 1974-75, Box 48, President’s Records, UM-BHL; “Big Ten Women’s Intercollegiate Athletic Directors’ Organization: Recommendations,” July 29, 1976, Women’s Athletics Big Ten – Governance of Women’s Athletics, 1976-1980, Box 3, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

⁸⁶ Dr. Ginny Hunt to President Robben Fleming, March 1, 1977, Title IX Correspondence, Reports, etc., 1977-1979, Box 6, *ibid.*

might be important to the future of the athletic experience for both men and women student-athletes.” Furthermore, they recommended a more formal relationship between women’s athletics administrators and the Big Ten during what could only be described as a two-year trial period.⁸⁷ Thus, by 1977 male and female leaders recognized that ideological differences between men’s and women’s athletics did not preclude an eventual conference merger.

Despite these initial steps closer to the creation of a single conference, the faculty representatives were growing increasingly impatient. They adamantly opposed the “wait and see” approach favored by the Council of Ten and women’s administrators, and continued to push for an immediate merger. After trying the equality and practicality arguments, the faculty representatives now emphasized the financial benefits of forming a single conference. In a statement issued to the Council of Ten on May 18, 1977, they lamented that the addition of women’s athletics to the men’s athletic departments was “[placing] extreme pressure upon the men’s program” and they “[doubted] that both the men’s and women’s programs at most Conference universities can be financed primarily out of athletic receipts.” They encouraged a conference-wide approach to these financial issues to ensure they were solved fairly. The representatives first suggested that women’s sports be funded separately and independently from the men’s athletic department. In this model, the men’s programs would be “relieved” of the duty of financing women’s sports and there would be no need to “develop a Big Ten Conference structure for women’s athletics.” If this plan was not feasible, they demanded that the Council of Ten give “the

⁸⁷ “Preliminary Report of Ad Hoc Committee on Women’s Intercollegiate Athletics to Council of Ten,” Minutes, Board in Control of Athletics, April 26, 1977, University of Iowa, Board in Control of Athletics Minutes, 1977, Box 5, Board in Control of Athletics Records, IA-A.

Faculty Representatives the jurisdiction to develop a conference structure” for both men’s and women’s sports. They asserted that “an integrated Conference” would help “[achieve] cost reductions.”⁸⁸ For the faculty representatives, this issue came down to control. If the Big Ten did not have complete authority over women’s sports, they wanted the women’s programs to be totally separate. In one last effort to convince the presidents to support immediate merger, they suggested that waiting might “result in the basic policy decisions being made by the Department of Health Education and Welfare (HEW),” leading to additional government interference.⁸⁹ They clearly opposed any half-measures or trial periods during which women’s athletics gained some of the benefits of Big Ten membership without fully becoming part of the conference. They wanted complete separation or immediate merger.

In response to these urgent requests from the faculty representatives, University of Michigan President Robben Fleming sent a letter to his colleagues in August of 1977 designed to spark conversation regarding the issues involved in adding women to the conference. Fleming posed a series of questions and provided his own answers in order to “set up a more meaningful conference among [the presidents].” His questions addressed many topics including the positives and negatives of an immediate merger and the value in the “wait and see” approach.⁹⁰ The variety of responses Fleming received showed the divisiveness of the issue and, in some measure, validated the lack of action on the part of the presidents up to this point. Some schools favored an immediate merger. Ohio State

⁸⁸ “Statement of Faculty Representatives,” May 18, 1977, Big Ten Meeting, Committee on Institutional Cooperation, May 8, 1978, Box 935, Harden, Edgar L. Papers, UA 2.1.15, MSU-AHC.

⁸⁹ Faculty Representative Motion, n.d. ca. June 1977, OSU-A, Women’s Athletics Records (9/e-5a), Box 20, “Title IX: Correspondence and Reports, 1974-1979 & undated.”

⁹⁰ R.W. Fleming to President Willard L. Boyd, et. al, August 2, 1977, Athletic Association, Women’s Athletics, 1977-1978, Box 198, 24/1/1, IL-A.

President Harold Enarson believed that, since the programs would come together eventually, “now is the time to do so. The problems in doing so—political, legal, and organizational—are likely to become worse as time passes, not better.”⁹¹ Thus, Enarson suggested that the Big Ten needed to take a leadership role on this issue. In contrast, administrators at Illinois favored letting “our programs continue as they are now,” but suggested that the Council of Ten make it clear that inaction was not due to uncertainty but rather because they believed that the issue had been explored and that since “the present situation [was not] creating any great problems,” maintaining the “wait and see” approach was best.⁹² Illinois athletic director Cecil Coleman agreed with the patient approach, but stipulated that the conference cease “spending conference funds on any part of the women’s program.”⁹³ In Coleman’s view, if a merger was not going to happen immediately, the conference should not spend money for women’s sports, especially since the delay was based reluctance from women’s administrators.

While Ohio State and Illinois favored immediate merger and “dynamic inaction,” respectively, several other schools rejected outright a “forced merger.”⁹⁴ In the spring of 1978, the presidents of Minnesota and Purdue proposed the formation of a Big Ten women’s conference that was separate from the men’s organization. Purdue President Arthur Hansen argued that “some kind of women’s intercollegiate conference is needed

⁹¹ Harold L. Enarson to President Robben W. Fleming, September 2, 1977, OSU-A, Papers of Harold L. Enarson (3/j), Box 6, “Athletics Correspondence, 1976-1978.”

⁹² Fleming’s letter: R.W. Fleming to President Willard L. Boyd, et. al, August 2, 1977, Athletic Association, Women’s Athletics, 1977-1978, Box 198, 24/1/1, IL-A; Illinois’ position: “Appendix IX: President Fleming’s Analysis of Issues on Merger and Responses by Big Ten Presidents.” Athletic Board Meeting Minutes, August 31, 1978, Athletic Board Meeting, August 31, 1978, Box 4, 5/21/1, UW-A.

⁹³ Cecil N. Coleman to Mort Weir, September 14, 1977, Athletic Association, Women’s Athletics, 1977-1978, Box 198, 24/1/1, IL-A.

⁹⁴ “Appendix IX: President Fleming’s Analysis of Issues on Merger and Responses by Big Ten Presidents,” Athletic Board Meeting Minutes, August 31, 1978, Athletic Board Meeting, August 31, 1978, Box 4, 5/21/1, UW-A.

and one within the Big Ten university group is best since we have a long history of mutually beneficial achievements.” He advocated a separate structure so the women could develop at their own pace and adhere to the AIAW rules rather than being forced to accept the NCAA structure.⁹⁵ Minnesota president Peter Magrath concurred and actually developed a possible model for the new conference. He believed that it should start as a “simple and unbureaucratized [sic]” organization that included both “women’s athletic directors and faculty representatives.” Whereas, Magrath supported separate conferences, he proposed that the women’s Big Ten structure follow the male model, including adherence to the principle of faculty control.⁹⁶ Administrators at Indiana were divided on the issue. Athletic director Paul Dietzel vehemently opposed the separate conference model while faculty representative Dan Miller believed that a “temporary experimental” women’s conference would solve many logistical and administrative issues. Furthermore, he believed that this model would alleviate the burden on the faculty representatives to negotiate different national rules for women and men’s athletics.⁹⁷

Despite these diverse viewpoints, by 1978 members of the Council of Ten acknowledged that a single conference was nearly a foregone conclusion—the question was now about timing. Even Minnesota President Peter Magrath who had previously advocated for two separate conferences agreed “that within a period of two to three years from the establishment of a Big Ten Women’s Athletic Conference, the Council of Ten

⁹⁵ Arthur G. Hansen to President Willard L. Boyd, et. al., April 17, 1978, Athletics: Intercollegiate Athletics for Women, 1978, Box 33, Indiana University President’s Records (John W. Ryan), c459, IUB-ARM.

⁹⁶ C. Peter Magrath, “Big Ten Women’s Athletic Conference: A Possible Model,” n.d. ca. March 1978, Athletics – Intercollegiate Athletics for Women, 1975-1978, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

⁹⁷ Paul F. Dietzel to President John Ryan, May 17, 1978, Athletics: Intercollegiate Athletics for Women, Box 33, Indiana University President’s Records (John W. Ryan), c459, IUB-ARM; Dan W. Miller to President John W. Ryan, June 30, 1978, *ibid.*

would decide specifically whether or not it was possible or desirable to merge the women's and men's athletic groups into a single Big Ten Conference."⁹⁸ President Hansen from Purdue also believed that a separate Big Ten conference for women would be organized with a similar structure as the men's and would rely on "the Conference Office and Commissioner Duke's leadership."⁹⁹ Magrath and Hansen, the two most vocal opponents of an immediate merger, acknowledged that their suggestion to create a separate Big Ten conference for women was merely a step towards a single conference model. By August 1978 President Hansen abandoned his proposal for a separate Big Ten for women and came out in favor of immediate merger. He explained that one conference would "encourage NCAA-AIAW cooperation [and] . . . assure faculty control." Most importantly, Hansen asserted that the merger was "inevitable." Even with Hansen's reversal, opinions of Big Ten leaders regarding the timing of affiliation remained divided with some favoring immediate action (Ohio State, Purdue, and Wisconsin), others opposing this path (Iowa, Minnesota, and Northwestern), and some still advocating a "wait and see" approach (Illinois and Michigan).¹⁰⁰ Regardless of these differences, all Big Ten presidents agreed with Hansen that a single Big Ten was "inevitable" and the only issue to be decided was when.

While the presidents and faculty representatives would make the final decision about the merger, female leaders voiced clear opinions regarding this question.

⁹⁸ C. Peter Magrath, "Big Ten Women's Athletic Conference: A Possible Model," n.d. ca. March 1978, Athletics – Intercollegiate Athletics for Women, 1975-1978, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

⁹⁹ Arthur G. Hansen to President Willard L. Boyd, et. al., April 17, 1978, Athletics: Intercollegiate Athletics for Women, 1978, Box 33, Indiana University President's Records (John W. Ryan), c459, IUB-ARM.

¹⁰⁰ "Appendix IX: President Fleming's Analysis of Issues on Merger and Responses by Big Ten Presidents," Athletic Board Meeting Minutes, August 31, 1978, Athletic Board Meeting, August 31, 1978, Box 4, 5/21/1, UW-A.

Interestingly, Big Ten women's administrators were also divided on the issue. As one might expect, some female administrators clearly opposed a takeover of women's sports by the male faculty representatives. Minnesota women's athletic director Vivian Barfield urged rejection of an immediate merger arguing that "the University of Minnesota does not support the takeover of women's athletics by any organization which allows only token governance by women of their program." She stressed that the University should "vote against any attempt to compromise or diminish control of women's athletics."¹⁰¹ In a letter to Wisconsin's new faculty representative David Tarr, Wisconsin women's athletic director Kit Saunders articulated her opposition to a merger, suggesting that "the actual advantages [of joining the Big Ten] are 'glossies' only—medals, etc. . . . Some of the professed advantages are a myth. . . . The actual result would probably be complete control by men faculty reps . . . [with] token positions for a few women" [emphasis in original]. Not only did she reject the proposed merger she also emphatically condemned the motivation of the faculty representatives:

The manner in which this resolution appeared from the meeting of faculty reps is exactly the way the NCAA operates—one day professing to be open and to make decisions relating to women's programs only as a joint effort—and the next day coming up with a plan for governance. It certainly eliminates any reason for women to "trust" those who run the conference. How can you have democratic faculty governance when you disenfranchise half of the governed?¹⁰²

In this view, Saunders believed that the proposed merger was nothing more than a power grab akin to the NCAA's encroachment on the AIAW.

¹⁰¹ Vivian Barfield to Members of the Assembly Committee on Intercollegiate Athletics, April 25, 1980, OSU-A, Women's Athletics Records (9/e-5a), Box 15, "Big Ten: Joint Group: White Resolution on Women's Athletics Conference Structure, 1980."

¹⁰² Kit Saunders, "Thoughts on the Incorporation of Women's Athletics in the Big 10 Conference, for David Tarr," April 1980, Women's Governance, Box 1, Accession 86/74, UW-A.

While Barfield and Saunders took the “anti” position that one might expect from female administrators, by the end of the 1970s some women’s athletic directors actually favored incorporation into the Big Ten. Karol Kahrs from the University of Illinois believed that the time was right for a merger arguing that the rapid changes in women’s athletics throughout the preceding years necessitated a more formal conference affiliation. Additionally, a majority of female student athletes at Illinois favored a conference structure that included only other Big Ten institutions. Ultimately, Kahrs contended that the conference should reestablish its role as a national leader in athletics by “[establishing] a model of men’s and women’s athletics in a conference structure that is based upon integrity, equal representation, and with a goal directed toward what is best for intercollegiate athletics regardless of sex.”¹⁰³ In other words, a single conference did not necessarily mean a corresponding loss of control for female administrators. Purdue women’s athletic director Carol Mertler concurred with these views criticizing the AIAW’s ability to effectively handle the increasing complexity and emerging “abuses” and “excesses” in women’s athletics. In Mertler’s view, joining the Big Ten conference was necessary to establish greater control over the development of women’s sports. Additionally, “joining the Big Ten would give greater strength to the promotions and publicity of our women’s sport programs.” Also, like Kahrs, Mertler believed that the “powers that be” could set up structure that was “fair and equitable.”¹⁰⁴ While some women still worried that a single Big Ten conference would result in a loss of control,

¹⁰³ Dr. Karol Kahrs, University of Illinois, “Position Statement in Support of Incorporating Women’s Athletics into the Big Ten Conference Structure,” n.d. ca. Summer 1980, Athletic Association, Big Ten Intercollegiate Athletic Conference, 7/1/80-12/30/80, Box 258, 24/1/1, IL-A.

¹⁰⁴ Dr. Carol Mertler to Dr. Christine Grant, June 30, 1980, “Position Paper on Joining the Big Ten,” Grant: Professional and Political Involvement, NCAA-AIAW – Women’s Intercollegiate Athletics, University Position Papers, 1980-1982, Box 7, Christine Grant Papers, IA-WA.

others saw the issue more pragmatically believing the tangible benefits of a formal conference outweighed fears about a lack of equal representation.

Obviously, the decision to merge men's and women's sports into a single conference was fraught with controversy and divided opinions were evident on all levels, from the faculty representatives to the university presidents to the women's administrators. The controversy was not limited to inter-institutional dynamics, but divided athletics administrators within each campus as well. While the debate between the NCAA and AIAW appeared to be most focused on ideological issues, the development of a single Big Ten conference hinged primarily on logistical and financial considerations. When the faculty representatives failed to make any headway with the presidents using the equality argument, they began to argue that a single conference would be administratively simpler and more cost effective. Furthermore, female support for the merger was based on pragmatic concerns about administrative control and publicity for women's sports. While the philosophical issues were very much present, when conference leaders finally chose to merge men's and women's athletics, many of the main considerations were based on the practical needs of these programs.

The steady movement towards a merger reached its climax on July 7, 1980 when the Council of Ten adopted the following resolution: "That the faculty representatives, augmented by a second faculty person from each institution (to ensure balanced perspectives), shall establish a task force to prepare a plan for incorporating women's intercollegiate athletics into the Big Ten."¹⁰⁵ In this same month, prior to the first task force meeting, Northwestern University faculty representative Laurence Nobles drafted a

¹⁰⁵ Harold T. Shapiro to Professor Judy M. Judd, July 29, 1980, Council of Ten, 1980-1981 (folder 2), Box 117, President's Records, UM-BHL.

proposal for the organization of the new conference. His plan was based on several key points that ultimately drove deliberation in the task force. He argued that “decisions should be taken on a basis of one institution – one vote” and that “the Faculty Representatives should retain fullest control of the governance of the Conference.”¹⁰⁶ In many ways, these two statements represented the very things that the women’s administrators feared: a takeover by the faculty representatives and, by limiting institutions to a single vote, the virtual disenfranchisement of women. In opposition to this notion, representatives from the University of Minnesota argued instead that “each university should be represented by two faculty representatives,” and that “each of the faculty representatives shall be entitled to cast one vote.”¹⁰⁷ In this plan both the men’s and the women’s faculty representative would share equal power in making conference decisions. These two views represented a fundamentally different notion of conference control and certainly influenced the task force’s work.

The first meeting of the task force took place on August 18, 1980 in Chicago and was attended by all ten faculty representatives and eight additional representatives selected by each institution to provide gender balance in the deliberations.¹⁰⁸ The task force acknowledged the ideological importance of equality and “adequate representation”

¹⁰⁶ Laurence H. Nobles to Faculty Representatives and Commissioner Duke, July 10, 1980, Task Force, 1980-1981, Box 8, Faculty Committee on Athletics, NU-A.

¹⁰⁷ “Position Statement,” October 23, 1980, Big Ten Integration of Women, 1981 (folder 1), Box 2, Athletics, Women, Uarc 2003-0011, MN-A.

¹⁰⁸ Minutes of the Intercollegiate Conference, Faculty Representatives and Council of Ten Appointees, August 18, 1980, OSU-A, Women’s Athletics Records (9/3-5a), Box 14, “Big Ten Committees – Task Force for Inclusion of Women’s Athletics in the Conference, 1980-1981.” Both the Michigan and Northwestern additional appointees were absent from this first meeting. In a minor twist, by this date, Michigan State’s Gwen Norrell had already been appointed as the first female faculty representative to the conference. Thus, the “additional” Council of Ten Appointee from Michigan State was male. Mike Klocke, “Norrell Given Job as Big Ten Rep,” *State News*, Welcome Week 1978, Scrapbook of Newsclippings – Athletics, Box 937, Harden, Edgar L. Papers, UA 2.1.15, MSU-AHC.

from women, and emphasized the fact that their goal was to “[prepare] a plan for incorporating women’s intercollegiate athletics into the Big Ten Conference’, and not to determine whether the women’s intercollegiate programs should join the Big Ten Conference.” In other words, the task force deliberations were to be focused on practical matters rather than addressing philosophical questions of whether the merger should happen at all. In an attempt to sidestep this issue, the task force emphasized that its plan would merely “provide an opportunity” for women’s athletics to join the Big Ten; no institution would be required to join. In this first meeting, the task force established the “key issues” up for discussion, including “faculty control,” “institutional representation,” “relationships among [the] AIAW, NCAA and individual institutions,” “organization and administrative structures,” “competitive structure,” and finally “financial implications and ramifications, and relationships to the Council of Ten.”¹⁰⁹ Discussion of these topics would help develop the structure of the final merged conference.

As the task force met throughout the fall of 1980, several administrators raised concerns about both the task force process and its recommendations. Many of the issues centered on questions of gender equality and balanced representation. However, additional concerns were more logistical and practical in nature. For example, Gary Engstrand, assistant to President Magrath at the University of Minnesota, argued that preliminary reports from the task force were “nearly silent” on the issue of finances and administration of the new conference. Engstrand took issue with the suggestion that the “present Conference staff [could] handle the additional work” of the expanded conference. According to Engstrand, this notion was illogical: either there were too many

¹⁰⁹ Ibid.

staff members already or the current staff would be hopelessly overburdened with the additional work.¹¹⁰ Beyond these questions about the possible administrative structure, both the male and female athletic directors at the various campuses raised additional concerns about their roles in the process. Some athletic directors were concerned that faculty members serving on the task force did not sufficiently understand the realities of intercollegiate athletics, specifically noting that the “additional appointees” remained ignorant of the specific challenges related to athletics and would therefore be unable to create a feasible conference.¹¹¹ Even before completing its work, athletics administrators already questioned the type of conference that the task force would propose.

An interim report submitted to the Council of Ten on December 1, 1980, revealed that these fears were perhaps not totally baseless. The task force members worried that their initial discussions drifted too much towards “a simple duplication of the current structure” and that this “was not conducive to greater integration of women’s and men’s intercollegiate athletics.” The task force believed that it was failing in its efforts to construct an innovative conference structure that addressed the needs of both women’s and men’s programs and ensured equal representation for male and female leaders. While the task force believed it had made some progress, this interim report highlighted several areas of concern, including the number of faculty representatives from each school, the “role of the women’s athletic administrators in the conference governance structure,” and “the potential of the Tier Concept.” Ultimately, this tier structure was the most innovative

¹¹⁰ Gary Engstrand to President C. Peter Magrath, October 17, 1980, Athletics – Intercollegiate Athletics for Women, 1977-1982, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

¹¹¹ Minutes of the Intercollegiate Conference, Joint Group, October 20-21, 1980, Minutes, Conference Directors and Joint Group, Jan 1, 1979-Dec 31, 1981, Box 4, Don Canham Papers, UM-BHL; Sense of the Meeting: Impromptu Meeting on the Women and the Big Ten Conference, Women and the NCAA, November 26, 1980, Athletics – Intercollegiate Athletics for Women, 1977-1982, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

suggestion that came from the task force. In this plan, originally proposed by the University of Wisconsin, the conference would divide specific sports into four levels, irrespective of gender and determined by the level of aid provided to the student-athletes and the number of Big Ten schools that participated in each sport.¹¹² This idea was a more integrative approach to the merger. Rather than simply forcing the women's programs to fit in to the men's system, the tier concept proposed a total restructuring of the conference.

The tier plan did not appear in the final task force recommendations, but what did emerge revealed the role of women in the new conference. The task force's proposals came with two important caveats: first that the conference merger would include a "four-year development period" at which time the structure would be "reevaluated;" and second that each institution could choose whether to affiliate its women's program or not. Based on these two clauses, the task force appeared to be concerned with both logistical considerations and ensuring equal voice for women. This was not a hostile takeover. Several of the specific recommendations also revealed the fact that the task force tried to establish equal representation for women. While supporting the notion of one vote per institution, the task force suggested that each school appoint an alternate faculty representative who could stand in and vote for an absent faculty representative. Even when not serving as this proxy, the alternate would still attend meetings, participate in discussions, and serve on conference committees. This way, each school could appoint a second faculty member who, theoretically, could speak for women's athletics. The task

¹¹² "Interim Report to the Council of Ten from Special Task Force on Big Ten Reorganization," attached to C. Peter Magrath to Vice President Nils Hasselmo, December 16, 1980, Big Ten Integration of Women, 1981 (folder 2), Box 2, Athletics, Women, Uarc 2003-0011, MN-A.

force also removed the conference “restriction on faculty [representatives] who are connected with the department of physical education” Since many female administrators were also faculty in these academic departments, this rule change gave them more of an opportunity to participate at the conference level. They also proposed hiring an “Assistant Commissioner” who would primarily be responsible for women’s athletics. Finally, the task force also recommended the creation of a “Women’s Program Group” that would help guide the conference on issues related to women’s sports. This group would also take a leadership role in creating conference schedules and organizing conference championships for women. The creation of this committee was specifically designed to ensure that female administrators would retain significant authority over women’s sports. Ultimately, most of these ideas were designed to ensure gender equity while at the same time creating the most efficient conference structure.¹¹³

After the Council of Ten approved these recommendations, most institutions quickly affiliated their women’s programs with the Big Ten. By July 15, 1981, women’s programs at seven of the ten schools had joined the conference with Illinois, Iowa, and Minnesota as the only holdouts.¹¹⁴ In the case of Iowa, women’s athletic director Christine Grant was the sitting president of the AIAW in 1981 and her experiences with

¹¹³ The task force report also stipulated that the new women’s conference would be created once six of the schools agreed to join. “Report to the Council of Ten from the Special Task Force on Conference Reorganization,” n.d., ca. Spring 1981, Women’s Athletics, Box 33, Indiana University President’s Records (John W. Ryan), c459, IUB-ARM.

¹¹⁴ Both Illinois and Iowa joined in August, but Minnesota waited until October to affiliate its women’s program with the Big Ten. While the hesitation on the part of Iowa and Minnesota will be examined in more detail, the reason that Illinois did not immediately join was due to administrators’ desire to wait until the conference had issued a final ruling regarding sanctions against its men’s program for recruiting violations. Harold Schechter to Faculty Representatives and Athletic Directors, Big Ten Conference, July 29, 1981, Athletics, Intercollegiate, 1981-1982, Box 121, 4/22/1, UW-A. “Gopher Women Wary of Joining Big Ten,” *Minneapolis Tribune*, August 9, 1981, folder: Athletics, Women (folder 3), 1979-1989, Information Files, Uarc 1158, MN-A; Press Release: “Nine Big 10 Schools to Affiliate Women’s Program with the Conference,” August 13, 1981, Athletics, Intercollegiate Athletics for Women, 1973-1974, Box 33, University President’s Records (John W. Ryan), c459, IUB-ARM.

the NCAA caused her to worry about a similar male takeover in a merged Big Ten. Her decision to join the conference was at least partially influenced by the opinions of Iowa student-athletes and coaches who generally supported this action. While she agreed to the affiliation, she did so on a “conditional” basis that was primarily based on concerns about whether the conference would be able set a single set of rules that would accommodate the needs of both men’s and women’s programs.¹¹⁵ While she was still worried about maintaining a female voice in the conference, it is significant to note that Grant’s main concerns at this point were based largely on administrative issues.

While Grant only delayed Iowa’s affiliation for a few weeks, it took several more months for the women’s program at the University of Minnesota to join the Big Ten.¹¹⁶ One reason for the delay was the belief that participating in the Big Ten meant abandoning the AIAW. The director of women’s athletics, Vivian Barfield, scoffed at the NCAA’s supposed dedication to equality, asserting that “there’s nothing wrong with one association governing both men’s and women’s sports. It’s logical. But the NCAA discriminates. It’s not an equal opportunity employer.” Ultimately, Barfield believed that joining the Big Ten would contribute to the NCAA takeover, a position that she believed led to her forced resignation in July. Despite Barfield’s opposition, Minnesota’s faculty committee supported affiliation, stressing that becoming part of the Big Ten did not

¹¹⁵ Christine H.B. Grant to President Boyd, n.d., ca. August 1981, Grant: Professional and Political Involvement, NCAA-AIAW – Women’s Intercollegiate Athletics, University Position Papers, 1980-1982, Box 7, Christine Grant Papers, IA-WA.

¹¹⁶ Part of the delay was also due to a bureaucratic process issue. The “Twin Cities Assembly Committee on Intercollegiate Athletics” included numerous student members who were not in school during the summer. This organization did not meet until October of 1981, at which time they did approve joining the conference. “Gopher Women Wary of Joining Big Ten,” *Minneapolis Tribune*, August 9, 1981, Athletics, Women (folder 3), 1979-1989, Information Files, Uarc 1158, MN-A; “Gopher Women Athletes Last to Join Big Ten,” *St. Paul Dispatch*, October 9, 1981, folder: National Collegiate Athletics Association, n.d.-1988 (folder 1), *ibid.*

necessarily mean the women's program would have to become members of the NCAA as well.¹¹⁷ Additionally, female coaches and administrators supported affiliation, but with reservations. These women clearly articulated the key issue with joining the Big Ten: "the contradictions apparent in the position of the University of Minnesota Women's Athletics staff in regard to the incorporation of women into the Big Ten Conference are a reflection of a very real conflict between philosophy on the one hand and competitive reality for each sport on the other."¹¹⁸ This was the central dilemma that each institution faced: would it try to maintain a distinct, educational philosophy for women's athletics and remain committed to the AIAW? Or would it chart a path into the Big Ten and NCAA that might eventually lead to more efficient administration and better competitive opportunities for women's sports? Ultimately, in October of 1981, the University of Minnesota, believing it could help shape an equitable conference structure from within, affiliated its women's program with the Big Ten.¹¹⁹

Between 1981 and 1985, the Big Ten established a series of committees that were responsible for assisting with the transition of women's athletics into the conference.¹²⁰ These groups were instructed to "assess how well the integration" was progressing, to "identify the major problems" and provide possible solutions to them, and to

¹¹⁷ Ibid.

¹¹⁸ "Position Statement of Women's Intercollegiate Athletics on Membership in the Big Ten Conference," in Catherine Moore to Vice President Nils Hasselmo, et. al., August 12, 1981, Athletics – Intercollegiate Athletic for Women, 1977-1982, Box 203, Office of the President Records, 1945-1980, Uarc 841, MN-A.

¹¹⁹ "Gopher Women Athletes Last to Join Big Ten," *St. Paul Dispatch*, October 9, 1981, folder: National Collegiate Athletics Association, n.d.-1988 (folder 1), Information Files, Uarc 1158, MN-A.

¹²⁰ "Report of the Transition Committee to Develop Policies and Procedures for Participation of Women in the Intercollegiate (Big Ten) Conference of Faculty Representatives," August 25, 1981, Big Ten Transition (Title IX) Committee, 1982, Box 3, Don Canham Papers, UM-BHL; "Progress Report: Integration of Women's Athletics into Big Ten Conference," December 2, 1983, Women's Athletics (Athletics), 1983-1984, Box 33, Indiana University President's Records (John W. Ryan), c459, IUB-ARM; "Report of the Committee to Evaluate the Integration of Women's Athletics into the Big Ten Conference," February 12, 1985, OSU-A, Women's Athletics Records (9/e-5a), Box 4, "Nordby Report, Evaluate Integration of Women's Athletics into Big Ten Conference, 1985."

“recommend a permanent structure for the representation of women in the Conference.”

The evaluation report of the 1985 committee focused particularly on this last point. By then the AIAW was gone and Big Ten leaders pushed to define the conference as a dual-gendered organization without major differences between the rules for men’s sports and those for women. While the committee stressed that the conference continue “to allow a voice, leadership, responsibility, and authority for women,” its overarching concern was to develop solutions that “[led] in the direction of integration, rather than segregation.”¹²¹ In other words, by 1985 the conference clearly articulated its desire that there be as few differences between men and women’s athletics as possible. This report highlights how far the discussion of women joining the Big Ten had come from its beginnings as a voluntary association to this new focus on minimizing distinctions between the men’s and women’s programs.

The process of incorporating women into the Big Ten was complex and involved more conflicting opinions than the development of women’s sports on each individual campus. Big Ten conference decisions lay at least partially with the faculty representatives who often brought a completely different perspective to the issue. And, in this case, the faculty reps took the lead in pushing the conference towards a merger. One of the biggest challenges in the conference debate was how to include female voices in the process to ensure that a single Big Ten conference spoke to the unique needs of women’s athletics. Conference leaders initially sought to create a unified system, but one that allowed the women’s sports to still operate under the AIAW rules. However, as

¹²¹ “Report of the Committee to Evaluate the Integration of Women’s Athletics into the Big Ten Conference,” February 12, 1985, OSU-A, Women’s Athletics Records (9/e-5a), Box 4, “Nordby Report, Evaluate Integration of Women’s Athletics into Big Ten Conference, 1985.”

much as they tried, conference leaders and administrators discovered that this was a near impossibility. While it was true that joining the Big Ten did *not* mean automatically joining the NCAA, by the time women joined the Big Ten in 1981 the NCAA takeover of women's sports was nearly complete and the AIAW was nearing the end of its existence.¹²² While Big Ten leaders attempted to distinguish between the national controversy and the conference debate, ultimately both the conference and the NCAA added women at approximately the same time. In other words, while the Big Ten was focused more on the practical issues and the NCAA and AIAW dealt with philosophical considerations, the issues were nearly simultaneously resolved in the same manner: with a merged structure that generally favored the existing male point of view.

Ultimately, the creation of a single Big Ten conference revealed the manner in which male administrators used logistical and financial arguments to justify taking control of women's sports. In the case of the Big Ten, the pragmatic rationale for a single conference took precedence over any ideological concerns regarding women's leadership roles in the conference structure. To put it another way, while the women fought their battles largely philosophically, the men countered with practicality and, in this case, pragmatism trumped ideology.

¹²² "Gopher women Wary of Joining Big Ten," *Minneapolis Tribune*, August 9, 1981, Athletics, Women (folder 3), 1979-1989, Information Files, Uarc 1158, MN-A.

Chapter 5

The Impact of Administrative Attitude on Women's Sports:

Three Examples from the Big Ten: Northwestern, Michigan, and Indiana

As should be evident by now, the process of developing women's athletics programs in the wake of Title IX was a complex process. While each institution had some form of women's athletics prior to Title IX, the passage of this legislation and the subsequent regulations issued by the Department of Health, Education, and Welfare (HEW) forced universities to rapidly increase support for women's sports. The task of establishing gender equality was challenging enough, but most university administrators also chafed under what they saw as HEW's overly burdensome rules. The development of women's sports between 1972 and 1982 at the institutional, conference, and national level was marked by disagreements over the philosophy of athletics and questions regarding the practical challenges of administering and funding these fledgling women's sports programs. Despite these common themes, each school's approach to women's athletics was unique.

To highlight these distinctive institutional responses to Title IX, this chapter will more closely analyze the process at three Big Ten institutions: Northwestern University, the University of Michigan, and Indiana University. These three schools represented various points on the continuum of acceptance for women's athletics and Title IX. Northwestern officials were generally supportive of women's sports and Title IX and rarely condemned HEW's guidelines. On the other hand, administrators at Michigan repeatedly resisted change and worked to limit the scope of Title IX. Finally, Indiana's

athletic administration was one of the first in the Big Ten to encourage support for women's athletics, yet in many cases actively resisted the HEW regulations. By examining each university in detail, it is possible to more clearly understand the process that an institution went through when dealing with women's sports after Title IX.

Of most importance in this discussion is the attitude of university officials. As scholar Gail Maloney has suggested, supportive administrators, especially those at the president or chancellor level, often aided the process of improving women's sports.¹ In other words, the speed and ease with which each school developed its women's program was, at least in part, connected with the attitude of administrators towards women's sports and Title IX. In a broad sense, the more open the school was to the *idea* of women's sports, the easier it was for them to bring women's athletics into the fold. The examination of these three specific institutions highlights the connection between administrative attitudes and the development of women's sports. It also assesses the validity of the contention that reaction against Title IX did not necessarily mean opposition to women's sports. While most Big Ten administrators adopted this perspective, some university leaders were unable to sustain this point of view because their anti-Title IX stance created an anti-equality climate on campus. That said, certain officials were able to walk this line and were quite successful in supporting women's sports while at the same time opposing HEW's enforcement of Title IX. Ultimately, however, while attitudes towards Title IX and women's sports certainly correlated to the university's ability to develop its women's program, this was not the sole factor that affected the growth of women's athletics. To assume that a negative attitude necessarily

¹ Gail F. Maloney, "The Impact of Title IX on Women's Intercollegiate Athletics" (Ph.D. dissertation, State University of New York, Buffalo, 1995).

meant that women's athletics were going to be permanently relegated to a position of inequality ignores the very real logistical and financial challenges that accompanied the Title IX gender equality mandate. To put it another way, even the most supportive institutions, like Northwestern, struggled to negotiate the practical issues related to women's athletics and the most vehemently anti-Title IX schools, like Michigan, had still created thriving women's sports programs by the end of the Title IX Era.

Northwestern

Northwestern was somewhat different from the other Big Ten institutions and this uniqueness certainly played a role in administrative attitudes towards Title IX. In one sense, the fact that Northwestern was a private institution meant that it had more maneuverability. While other Big Ten institutions had to deal with state bureaucracies related to funding and other administrative problems, Northwestern was free from those restrictions. More importantly, Northwestern also prided itself on having higher academic standards than the rest of the Big Ten. This educational emphasis led to Northwestern administrators adopting a different perspective on the role of intercollegiate athletics. Athletic Director John Pont, for example, argued that the importance of sports should not supersede the academic mission of the institution. He asserted that if "a young man is going to be a football player first and a student second, I'm certainly not for that."² University President Robert Strotz echoed this belief, stating in a 1978 *Sports Illustrated* article that Northwestern saw "sports as a wholesome aspect of our total university and not as a big business. We don't think the idea of athletics is to make a profit. If we did,

² *Northwestern University Syllabus*, 1973, p. 156, NU-A.

we wouldn't be in it."³ Thus, for Northwestern officials, intercollegiate athletics was part of the educational environment of the university and not a semi-professional activity that demanded winning above all else. This perspective certainly contributed to Northwestern's support for women's athletics, in part, because this point of view was almost identical to the educational philosophy of the Association of Intercollegiate Athletics for Women (AIAW). This national women's sports organization consistently railed against the commercialization of men's sports and fought to keep women's athletics from adopting the same model.⁴

Northwestern's reaction to Title IX was also impacted by the fact that its revenue-producing sports (football and men's basketball) were in the midst of an abysmal stretch of futility during the Title IX Era. Aside from two successful campaigns in 1970 and 1971 (with twin records of 7-4), between 1965 and 1985 Northwestern football won no more than four games in a single season and between 1976 and 1981, the Wildcats won a total of three games (and tied one).⁵ The men's basketball team similarly struggled, boasting only three winning seasons during that 20-year period and following the 1968-1969 season never finished higher than seventh in the Big Ten conference standings. From 1968-1969 through 1981-1982, the men's basketball team finished either last or next-to-last in the Big Ten every year except 1975-1976 and 1976-1977 when they

³ Jerry Kirshenbaum, "WAA-MU! WAA-WHO?" *Sports Illustrated*, October 30, 1978. Interestingly, this article led to a very negative response from some NU alumni who believed that Strotz and Pont's perspectives revealed a lack of support for athletics. They suggested that the educational mission of sports meant that Northwestern did not care about winning or being successful in football or men's basketball. Athletics Correspondence, 9/1/76-79, Box 6, Robert H. Strotz Papers, NU-A.

⁴ Christine Grant, "Philosophical Principles, 1979 AIAW Presidential Address," Presidential Address, Philosophical Principles, 1979; AIAW Presidential Address, Box 23, Christine Grant Papers, IA-WA.

⁵ "A History of Football at Northwestern, 1973-1985," Northwestern University On-Line Archives, accessed January 22, 2013, <http://exhibits.library.northwestern.edu/archives/exhibits/football/8.html>.

finished seventh.⁶ This is an important point since one of the primary arguments against Title IX was the fear that it would harm football and men's basketball. In the case of Northwestern, the futility in these marquee men's sports made them less inclined to worry about the impact of women's sports. In fact, Northwestern's response was quite the opposite. University historian Jay Pridmore discovered that after Title IX "Big Ten officials often joked that Northwestern's athletic director Douglas Single . . . was diverting the University's football budget to build a volleyball empire."⁷ Ultimately the lack of success in traditional men's sports contributed to Northwestern's openness to supporting women's athletics.

While the educational philosophy and the poor performance of their football and men's basketball teams contributed to Northwestern's supportive attitude, the realities of adding women's sports presented numerous logistical problems. One of the main issues was the fact that Northwestern's sports program for women prior to Title IX was severely underdeveloped. Prior to 1972, women's athletics at NU were conducted under the auspices of the Women's Athletic Association (WAA), a student-led organization that was responsible for both intramural and varsity (or extramural) sports on campus.⁸ In a letter to incoming freshmen in the fall of 1971, the WAA Board emphasized that intramural participation could be "a great way to meet guys." In this same letter the board

⁶ Their three winning years were '67-'68 (13-10), '68-'69 (14-10), and '82-'83 (18-12). "Northwestern University Men's Basketball, Individual Records," Northwestern Wildcats, Men's Basketball, accessed January 24, 2013, http://grfx.cstv.com/photos/schools/nw/sports/m-baskbl/auto_pdf/2012-13/misc_non_event/MBBRecords.pdf.

⁷ Jay Pridmore, *Northwestern University: Celebrating 150 Years*, (Evanston, IL: Northwestern University Press, 2000), 243.

⁸ "Extramural" often used to refer to women's varsity sports prior to Title IX at most colleges and universities. While it applied to what might be seen as intercollegiate athletics, it had a less competitive connotation and referred to any athletic activity that included students from other institutions, including those related to totally non-competitive play-days as well as tournaments that featured teams with a mixture of athletes from different institutions. The pre-Title IX development of women's sports is discussed more fully in Chapter One.

also revealed the limited priority of varsity sports, encouraging new students to participate in one of the eight varsity sports for women—even those offered in the fall quarter.⁹ The fact that early women’s sports at Northwestern were largely run by a student organization that emphasized the social aspects of athletics contributed to minimal undergraduate involvement in these programs and a general lack of organization. When evaluating the state of the women’s athletics in 1975, the Title IX Northwestern’s Ad Hoc Advisory Committee on Women’s Sports found that the program was “carried out in a highly informal manner with a rather casual approach to organization of teams, practice sessions, seasonal schedules, and the intensity of competitive play itself.” Additionally, the women’s teams often limited their competitive seasons to only a few games, and these were often against other colleges and universities in the greater Chicago area.¹⁰ The Director of Physical Education and Health Walter Gregg noted that “girls just aren’t in the groove yet when it comes to competitive athletics,” suggesting that this issue was due to “uncounted years of tradition which told girls that sports were for men.”¹¹ This lack of interest and poor organization stunted the initial development of women’s athletics after Title IX. From both an administrative and philosophical position, Northwestern was essentially starting its women’s program from scratch.

⁹ WAA Board, “The Women’s Athletic Association: better known as WAA,” 1971, WAA General I, General Files, NU-A.

¹⁰ “Report of the Ad Hoc Advisory Committee on Women’s Sports, Northwestern University,” January 22, 1975, p. 2, Advisory Committee on Women’s Sports, Records of the Vice President for Student Affairs, Box 1, Accession 96-226, NU-A.

¹¹ Kathy Kastilahn, “New Rules for Women’s Sports,” *Northwestern Report*, January 1975, Volume 5, Number 1: 33-36, 34.

The creation of the Ad Hoc Committee on Women's Sports at Northwestern in 1974 led a new direction for women's athletics.¹² President Strotz charged this committee to make recommendations for the administration of women's intercollegiate athletics "that would meet the needs and interests of Northwestern Women . . . and at the same time meet the directives and spirit of the legal mandates relative to development of programs of competitive sports for women."¹³ This statement revealed Strotz's belief that Northwestern should develop a program that adhered to the spirit of gender equity as well as following the letter of the law. The chairman of this committee, Walter Gregg, concurred stating that Northwestern "would have had this committee whether or not there was a Title IX."¹⁴ The final report, submitted to President Strotz on January 22, 1975, shed light on the historical situation of women's varsity athletics at Northwestern and provided recommendations for the future.

In general, the committee's recommendations displayed an attitude that welcomed women's athletics and was also determined to ensure that they develop differently than the men's program. They expressed a commitment to the Association for Intercollegiate Athletics for Women (AIAW), by quoting the AIAW handbook from 1974-1975 in which it stated the purpose of women's athletics: "We believe sport is an important aspect of our culture and a fertile ground for learning . . . the enrichment of the life of the participant is the focus and reason for the existence of any athletic program. All decisions

¹² "Report of the Ad Hoc Advisory Committee on Women's Sports, Northwestern University," January 22, 1975, p. 1, Folder: Advisory Committee on Women's Sports, Records of the Vice President for Student Affairs, Box 1, Accession 96-226, NU-A.

¹³ Ibid.

¹⁴ Kathy Kastilahn, "New Rules for Women's Sports," *Northwestern Report*, January 1975, Volume 5, Number 1: 33-36, 35.

should be made with [that] fact in mind.”¹⁵ In this sense, Northwestern shared the AIAW’s belief that women’s sports should be educational and always have the best interests of the student athlete in mind. This is in contrast to the emphasis of other institutions on the revenue sports.¹⁶

In addition to this philosophical perspective, the Northwestern committee also addressed the administrative structure of the women’s program. Their first recommendation was to create a new position of women’s athletic director, a suggestion that was quickly followed with the hiring of Dr. Joanne Fortunato in July 1975.¹⁷ President Strotz and Athletic Director John Pont both praised Fortunato. Strotz believed that she was “a woman who can really develop an outstanding program at Northwestern” and Pont believed that during the development of women’s athletics Northwestern “will be fortunate to have a woman with Dr. Fortunato’s background and experience to provide the direction.”¹⁸

Even with this support, Fortunato had a major task ahead of her. After arriving on campus, she acknowledged that the women’s program was “a few years behind most of the earlier Big Ten programs” and hiring “young” and “enthusiastic” coaches became her first priority.¹⁹ These coaches needed enthusiasm since they were tasked with building

¹⁵ “Report of the Ad Hoc Advisory Committee on Women’s Sports, Northwestern University,” January 22, 1975, p. 4, Folder: Advisory Committee on Women’s Sports, Records of the Vice President for Student Affairs, Box 1, Accession 96-226, NU-A.

¹⁶ See Chapters One and Two for further discussion on this development. In the Big Ten, the clearest examples of this commercial mindset were at Michigan and Ohio State.

¹⁷ “Report of the Ad Hoc Advisory Committee on Women’s Sports, Northwestern University,” January 22, 1975, p. 4, Folder: Advisory Committee on Women’s Sports, Records of the Vice President for Student Affairs, Box 1, Accession 96-226, NU-A, 8; “Fortunato Named NU Women’s AD,” *Evanston Review*, July 3, 1975, Athletic Department Correspondence, Box 6, Robert H. Strotz Papers, NU-A.

¹⁸ Robert H. Strotz to All Member of the Women’s Search Committee, July 7, 1975, *ibid.*; “A New Look for Northwestern Athletic Department,” Northwestern University Football Program, Football Programs Files, September 13, 1975, NU-A.

¹⁹ Joan Halm, “Women Athletes Shoot to Win,” *Northwestern Memo*, March 1977, Title IX, General Files, NU-A.

practically brand new programs. In describing the prospects for the 1976 season, volleyball coach Mary Conway noted they were coming off “a learning year for most of the girls” implying that the student-athletes lacked basic knowledge or experience in the game.²⁰ At Northwestern, Fortunato, Conway, and the other women’s sports leaders found a supportive administration, but, at least initially, this was not enough to make up for the fact that women’s intercollegiate sports prior to Title IX were almost nonexistent at Northwestern.

While the university hired a capable women’s athletic director, its choice of administrative structure did not follow the committee’s suggestion. There were three possible options for the administration of the women’s athletic program: remaining within the Department of Physical and Health Education, joining the men’s athletic department, or creating a separate administrative structure for women’s varsity sports.²¹ The committee ultimately recommended that the women’s athletic program be housed in its own department, reporting directly to the Vice President for Student Affairs. Their explanation for this choice was based on ensuring that women’s sports were treated equally to men’s. They believed that “by being independent and separate, the Women’s Athletic Department has the freedom to establish its own philosophy, create its own identity, and design its own program. Additionally, it would acquire the same privilege that the Men’s Athletic Department has in reporting directly to the President of the University.”²² Despite its support for this independent structure for women, the

²⁰ “Women’s Varsity Volleyball,” Press Release, October 5, 1976, Box 50, Athletic Media Services, Box 50, NU-A.

²¹ “Report of the Ad Hoc Advisory Committee on Women’s Sports, Northwestern University,” 22 January 1975, p. 9, Advisory Committee on Women’s Sports, Records of the Vice President for Student Affairs, Box 1, Accession 96-226, NU-A.

²² *Ibid.*, 11.

committee acknowledged that there were limitations to this option, noting that the women's program "might lack a certain amount of 'institutional strength' that could be gained by affiliating itself with an already existing department."²³

Ultimately, President Strotz and the university administration believed that these limitations outweighed the potential benefits and chose to add women's sports to the already existing men's athletic department.²⁴ This system placed Fortunato in a subordinate administrative position to that of the male athletic director, a move that was quite similar to the actions at most of the other Big Ten schools.²⁵ While a single athletic department for both men and women did include additional administrative support for women's sports, this structure also limited Fortunato's autonomy. The question of female control over women's athletics was a major part of the controversy surrounding Title IX. While male administrators suggested that joining the existing men's intercollegiate athletic department was more beneficial from a financial and logistical standpoint, female leaders questioned the move, believing that they were being stripped of authority over women's athletics. Despite Northwestern's alignment with the educational philosophy of women's sports, its administrative structure, like those at most other Big Ten institutions, placed women's sports into a secondary position in the athletic department.²⁶

In contrast, Northwestern's financial plans reflected its more supportive attitude towards women's athletics. The advisory committee proposed several budgets that ranged between approximately \$99,000 and \$103,000, a dramatic increase for the women's

²³ Ibid.

²⁴ Laurence H. Nobles to Ms. Valjeanne Jones, July 21, 1976, Title IX (beginning 9/75), Box 42, Robert H. Strotz Papers, NU-A.

²⁵ The only two exceptions to this structure were at the University of Iowa and University of Minnesota where the schools established a separate women's athletics department. See Chapter Two for more information about these institutions and this structure.

²⁶ Again, the only exceptions this pattern were Iowa and Minnesota.

program. While this dollar figure was important, the source of funding for women's sports at Northwestern was unique among the Big Ten. Whereas other institutions relied on income from the revenue sports to support the women's program, Northwestern's administration argued that since intercollegiate sports were a part of the educational mission of the school the university should support the program just as it would any other educational program.²⁷ This revealed Northwestern's commitment to the educational philosophy of women's athletics. That said, despite adhering to this model, the university again diverged from the committee recommendations and agreed to provide women's athletics with only a "contingency type of budgeting" in the first year of the new program.²⁸ Ultimately, Northwestern's financial plans for the program reflected a supportive attitude towards women's sports, but highlighted some of the financial difficulties of adding an entirely new program.

In addition to operational funding, Northwestern also grappled with the question of providing athletic scholarships for women. A primary goal of the AIAW was to keep women's sports from developing into a win-at-all costs, revenue-driven, commercialized system similar to men's sports. One of the ways they attempted to do this was by banning athletic scholarships for women. The publication of the Department of Health Education and Welfare Title IX guidelines for college athletics created controversy at the university level because administrators were torn between following the law by providing athletic scholarships for both sexes and following the AIAW guidelines forbidding athletic

²⁷ "Report of the Ad Hoc Advisory Committee on Women's Sports, Northwestern University," January 22, 1975, p. 20-22, Advisory Committee on Women's Sports, Records of the Vice President for Student Affairs, Box 1, Accession 96-226, NU-A. The specific budget recommendations ranged from \$99,063.81 to \$103,572.05. The fluctuation was based on estimated expenses associated with participation in national tournaments and meets.

²⁸ Laurence H. Nobles to Ms. Valjeanne Jones, July 21, 1976, Title IX (beginning 9/75), Box 42, Robert H. Strotz Papers, NU-A.

scholarships for women.²⁹ HEW's position was quite clear, demanding that a university's first responsibility was to the Title IX regulations and that "discrimination cannot be excused by different rules of men's and women's athletic associations."³⁰ Throughout debates over the scholarship issue, Northwestern emphasized the importance of ensuring equality over adhering to the AIAW's standards:

It is University policy that we should not adhere to any strictures from the AIAW that would encourage a less favorable treatment in recruiting or financing for women than for men. The Director of Women's Athletics has been instructed that she is to work for AIAW regulations which will not interfere with our effort to produce equivalence of treatment between men and women in accordance with the policy laid down above. Until such regulations are achieved, Northwestern may have to violate AIAW regulations rather than be in violation of federal law as it intends to do everything possible to provide opportunity for intercollegiate competition in athletics that will be commensurate with the opportunities provided for men.³¹

After the AIAW amended its anti-scholarship rule in 1976, Northwestern established a program in which "any woman high school athlete whom we can recruit, and who is admissible by our normal scholastic admissions standards, can be offered a 'full-ride' scholarship."³² Additionally, Northwestern boasted that in this first year they were providing more financial assistance to female athletes than to male athletes in the non-revenue sports. Obviously, if Northwestern had included football and men's basketball in their comparisons, many more male athletes would have received scholarships than women. However, the fact that Northwestern's achieved equality when

²⁹ The AIAW adjusted this rule in 1976, but still limited scholarships for women to tuition only. "Report on the AIAW Delegate Assembly: January 2-6, 1977," Minutes, Board in Control of Athletics, January 25, 1977, Permanent Record, July 1, 1972-n.d., Box 5, Board in Control of Athletics, IA-A.

³⁰ Martha P. Mandle to R.H. Strotz, December 21, 1978, p. 7, Title IX (beginning 9/75), Box 42, Robert H. Strotz Papers, NU-A.

³¹ "Statement of on Women's Intercollegiate Athletics," January 24, 1979, *ibid.*

³² *Ibid.*

excluding the revenue sports was an important step as most other Big Ten institutions could not claim similar comparative parity.³³

While the growth of women's sports at Northwestern reflected logistical challenges, Northwestern's development of women's athletics was aided by a supportive attitude from university officials. One of the clearest indications of this perspective came during the debates over adding women to the Big Ten conference and in the controversy between the national governing organizations (NCAA and AIAW).³⁴ Based on financial limitations prior to Title IX, women's teams throughout the nation generally remained unaffiliated with the conference structure of their institution's men's programs. In most cases, the women's teams competed with other institutions in their geographic area and took part in regional AIAW tournaments.³⁵ However, throughout the mid-1970s, Big Ten leaders began to discuss in earnest the process by which women's athletics could be incorporated into the Big Ten governance structure. In 1980, Northwestern's faculty representative Laurence Nobles issued a proposal for incorporating women's athletics into the Big Ten that focused on establishing a new conference where male and female leaders had an equal voice in making decisions. He contended that creating a single conference would help the individual institutions develop more equitable programs. More importantly, Nobles suggested that "providing comparable opportunity for women in intercollegiate athletics at our individual institutions can be facilitated by providing

³³ William Ihlanfeldt to Joanne Fortunato, September 16, 1976, Need Based Scholarships, Box 8, Faculty Committee on Athletics, NU-A.

³⁴ See Chapter Four for a more specific analysis of these issues.

³⁵ In general, this was done as a cost saving method. For example, Northwestern's women's teams could easily drive to schools like the University of Chicago, University of Wisconsin, or the University of Illinois. But, the cost of playing a "Big Ten" schedule which would have required trips to places like Iowa or Ohio State was prohibitive.

comparable governance structures at a Conference level.”³⁶ Nobles was cognizant of the fact that women’s athletic administrators were concerned that joining the Big Ten would erode the authority of women to oversee their own programs.³⁷ Thus, his plan was designed to bring women’s athletics into the Big Ten under a system of gender equality.

The concern of women’s sports leaders was at least partially based on the incursion of the male-led NCAA into women’s sports. Advocates of women’s athletics generally saw this move as an attempt by the NCAA to take control of women’s athletics and to undermine the authority of the AIAW.³⁸ However Northwestern administrators made a clear distinction between joining the Big Ten and supporting and NCAA takeover. In a letter to Big Ten Commissioner Wayne Duke, Nobles asserted that Northwestern was “committed to [the AIAW], and to its philosophies for the governance of women’s intercollegiate athletics at the national level.” Additionally, he argued that they would “strongly resist any action by the NCAA that appears to threaten the existence of the AIAW” and further vowed that Northwestern would oppose any effort by the NCAA to institute women’s championships.³⁹ He made it clear that the proposal to add women’s athletics to the Big Ten Conference structure was in no way an endorsement of an NCAA takeover of women’s athletics at the national level.

Women’s sports advocates also resisted the NCAA takeover at least partially due to the fact that the NCAA had repeatedly attempted to limit the scope of HEW’s Title IX

³⁶ Laurence Nobles, “A Possible Structure for Women’s Intercollegiate Athletics in the Big Ten,” June 25, 1980, Task Force, 1980-1981, Box 8, Faculty Committee on Athletics, NU-A.

³⁷ As noted in Chapter Four, Minnesota (which had a separate women’s program) opposed the notion of a single Big Ten Conference and was the last to join in 1981. “Gopher Women Athletes Last to Join Big Ten,” *St. Paul Dispatch*, October 9, 1981, National Collegiate Athletics Association, n.d.-1988 (Folder 1), Information Files, MN-A.

³⁸ For a full account of this controversy, see Ying Wushanley, *Playing Nice and Losing: The Struggle for Control of Women’s Intercollegiate Athletics, 1960-2000* (Syracuse: Syracuse University Press, 2004).

³⁹ Laurence H. Nobles to Mr. Wayne Duke, Commissioner, July 21, 1980, Correspondence, 1970-1981, Box 8, Faculty Committee on Athletics, NU-A.

guidelines. In 1976, the NCAA filed a lawsuit against the Department of Health, Education, and Welfare that “[challenged] the validity of the regulations issued under Title IX.” Again, Northwestern came to the aid of women’s sports. In a letter to NCAA President John Fuzak, Nobles condemned the lawsuit as “ill-conceived, unfortunate, and exceedingly untimely.” Despite the NCAA’s contention that the suit was not a rejection of gender equity, Nobles argued that this legal action would “be regarded as a negative step, both by women at Northwestern and elsewhere across the country” [emphasis in original].⁴⁰ Northwestern concurred with the AIAW that the NCAA’s opposition to Title IX signaled that organization’s fundamental lack of support for women’s athletics. In fact, Northwestern continued to support the AIAW through 1981 when it became clear that the NCAA would be successful in its takeover attempt. That said, by 1981 Northwestern Athletic Director Doug Single urged President Strotz to support the NCAA’s incorporation of women’s athletics due to the fact that it would make the administration of varsity athletics much easier.⁴¹ Northwestern’s traditionally supportive attitude towards gender equality had its limits when it came to the logistical challenges of developing women’s sports—and to the changing times.

While most Northwestern administrators supported women’s athletics, the campus struggled to break free of traditional gender stereotypes regarding women in sports. Two separate advertisements for women’s athletics in Northwestern publications revealed a somewhat less progressive attitude towards female athletic participation. The title page for women’s sports in the 1975 Northwestern yearbook was a cartoon drawing of a woman in a football helmet (Figure 1). Rather than using an actual picture of a

⁴⁰ Laurence Nobles to Professor John A. Fuzak, Associate Dean, Draft, March 3, 1976, *ibid*.

⁴¹ Doug Single to Robert Strotz, n.d. ca. December-January 1980-81, Women’s Athletics, General Files, NU-A.

female athlete, the editors chose use a drawing of a woman in gear from a male sport, suggesting that she did not belong. A more obvious example of this type of attitude towards female athletes appeared in a 1977 football program (Figure 2). Alongside a schedule for women's fall sports appears an illustration of a woman in a variety of sports gear looking dumbfounded. This expression gives the appearance that the woman is shocked to be there, signifying that maybe she should not be. These images imply that women were out of their element as athletes and suggest that despite having a supportive administration, Northwestern had not totally eliminated chauvinistic attitudes on campus.

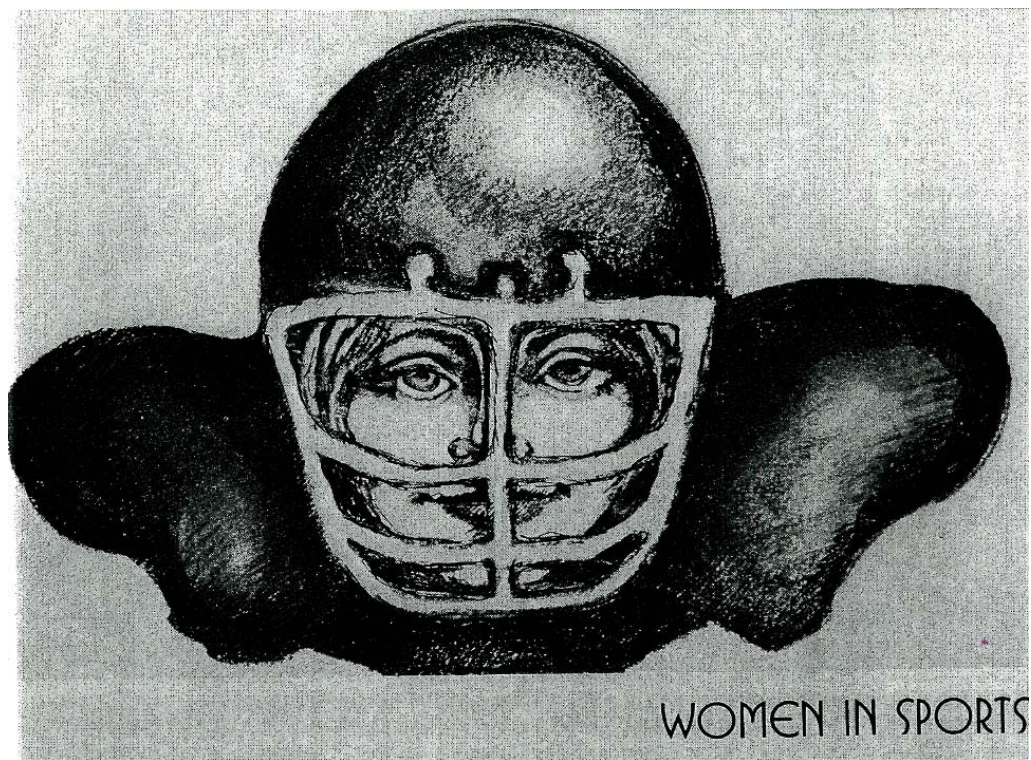


Figure 1: *Women in Sports*, 1975 Northwestern Syllabus⁴²

⁴² *Northwestern Syllabus*, 1975, p. 169, NU-A.

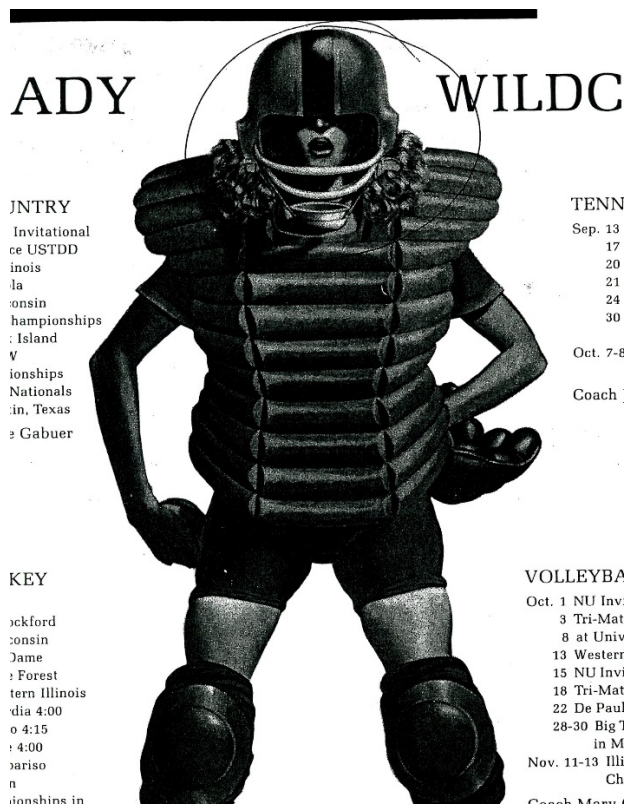


Figure 2: Women's Sports, Northwestern Football Program, 1977⁴³

Despite these sexist perspectives, women's sports at Northwestern grew exponentially in the wake of Title IX. In 1978, the Illinois Commission on the Status of Women asserted that despite Northwestern's less than exemplary record of Title IX compliance in other areas, "even the university's most strident critics admit that its women's athletic program is exemplary."⁴⁴ Additionally, because there had never been a discrimination complaint filed against Northwestern, it was not subject to a Title IX investigation and in 1980 the government deemed Northwestern to be Title IX

⁴³ Northwestern University Football Program, October 8, 1977, Football Programs Files NU-A.

⁴⁴ John Heilman, "Title IX: Women's Athletic Directors Say They'll Meet Deadline," *Mountain Moving*, Winter 1978, Vol. 3, No. 2, p. 9, Mountain Moving, General Files, NU-A.

compliant.⁴⁵ Part of this success was certainly due to the supportive attitude of many Northwestern administrators, built largely on its shared belief in the educational value of varsity sports. However, the fact that Northwestern started its women's program basically from scratch led to numerous administrative and financial challenges. Ultimately, these problems contributed to Northwestern's desire to create an administratively stable structure for women, despite the fact that this plan might lead to a loss of control for female administrators. Considering Northwestern's educational philosophy on athletics, it is ironic that one of the pieces of evidence used to prove the success of Northwestern's women's program was the fact that "[our] teams are winners."⁴⁶ While Northwestern displayed a more favorable attitude towards women's athletics compared to many of its Big Ten brethren, the institution struggled with many of the same challenges as the other schools and, ultimately, judged success by the same criteria—wins and losses.

Michigan

Rather than seeing sports as an integral part of the educational environment of the university, Michigan instead considered intercollegiate athletics to be a quasi-professional department that was justifiably separate from the institution as a whole. In some ways, Northwestern looked down on Michigan for this perspective. Faculty Representative Laurence Nobles referred to Michigan Athletic Director Don Canham as "blankety-blank Canham" and accused him of focusing on nothing but "dollars, dollars,

⁴⁵ Frances Dodson Rhome to Peter Fraenkel, September 2, 1980, NCAA 1980, Box 22, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

⁴⁶ John Heilman, "Title IX: Women's Athletic Directors Say They'll Meet Deadline," *Mountain Moving*, Winter 1978, Vol. 3, No. 2, p. 9, Mountain Moving, General Files, NU-A.

dollars.”⁴⁷ Michigan’s focus on the revenue-producing sports led to a different perspective regarding women’s athletics. Michigan administrators often displayed resistance to the emergence of women’s athletics and outright hostility towards Title IX and the guidelines imposed by the Department of Health, Education, and Welfare (HEW). In order to protect revenue sports, Michigan fought to limit the scope of the regulations and to control the women’s athletic program.⁴⁸ Certainly this oppositional attitude impacted Michigan’s ability to develop women’s sports. However, despite its anti-Title IX stance, by the end of the era Michigan had developed a thriving women’s varsity sports program. Northwestern’s progressive view of women’s athletics did not protect it from the administrative and financial challenges of adding a new program. Conversely, Michigan’s negative perspective did not stop it from eventually creating an active women’s athletics program.

One advantage that Michigan had in developing women’s sports was the fact that its women’s intercollegiate sports program was well established prior to Title IX. Throughout the 1960s, the Women’s Athletic Association (WAA) took responsibility for women’s extramural sports. However, in 1970 Michigan recognized that the student-led WAA lacked sufficient revenue and administrative control to develop a strong program for women. As a result, the school moved women’s athletics into the newly created Department of Physical Education and Athletics, suggesting Michigan’s willingness to provide administrative support for women’s athletics even prior to Title IX.⁴⁹ This new

⁴⁷ Joe LaPointe, “U-M at Northwestern,” *Detroit Free Press*, November 11, 1978, Athletics Correspondence, 9/1/76-79, Box 6, Robert Strotz Papers, NU-A.

⁴⁸ Again, to understand the NCAA vs. AIAW controversy, see Ying Wushanley, *Playing Nice and Losing: The Struggle for Control of Women’s Intercollegiate Athletics, 1960-2000* (Syracuse: Syracuse University Press, 2004).

⁴⁹ Report to the Board In Control of Athletics, December 3, 1970, Box 2, Eunice Burns Papers, UM-BHL.

unit was responsible for both men's and women's varsity athletics and the physical education department. Significantly, at a time when most institutions continued to offer sex-segregated physical education classes, Michigan had merged all athletic programs into a single, gender-neutral program.⁵⁰ While this structure certainly raised questions regarding female control over athletics, it is important that two years prior to the passage of Title IX, Michigan had already created a system that, at least on the surface level, ensured consistent administrative support for women's athletics.

At the same time it was establishing this new administrative structure, the University of Michigan also grappled with financial concerns. The Title IX mandate to increase support for women's sports came at a time when men's athletic programs were already facing a financial crunch and, in the spring of 1971, Athletic Director Don Canham proposed limits on the number of scholarships given to non-revenue sports. This money-saving tactic had been used previously when, in September of 1969, the Big Ten athletic directors agreed to limit non-revenue sports to twenty-two full scholarships and twelve partial scholarships. However, Canham still believed that the financial situation was so dire that "aid for sports other than revenue producing sports, [should] be limited to tuition, and the number of these tuition grants [should] be strictly limited."⁵¹ Canham's solution to these fiscal issues did not affect the revenue sports of football, basketball, and hockey which he believed should be the only ones to receive full scholarships.⁵² His plan to solve the financial problems in athletics highlighted the fact that Canham's top priority was the revenue sports. This suggested that perhaps women's sports at Michigan would also be relegated to a second tier of support behind the revenue-producing sports.

⁵⁰ Janice L. White, Assistant Director to Dr. Rodney J. Grambeau, Director, 18 April 1973, *ibid*.

⁵¹ Don Canham to President R.W. Fleming, March 29, 1971, Box 17, President's Records, UM-BHL.

⁵² Don Canham to President R.W. Fleming, April 8, 1971, *ibid*.

While Canham's actions suggested that Michigan was opposed to women's athletics, in reality he displayed a willingness to support campus-wide athletics beyond just the revenue sports. In a 1972 letter to President Robben Fleming, Canham revealed his desire to use the extra money gained from limiting scholarships for non-revenue sports to support a broader athletic program. Canham argued in favor of "attempting to expand our programs rather than reducing them" and believed that funds should be made available for club sports and campus recreation. Even more significantly, he asserted that all institutions of higher education should be "providing funds for women's intercollegiate teams, an area with great potential for growth." Canham was concerned that not enough was being done to reduce costs and that they would continue to spiral out of control.⁵³ But in the spring of 1972, Canham was not simply trying to stabilize the finances of college athletics or to protect football and basketball and hockey, but to expand all athletics programs even for women.

While Canham's words may have showed a desire to improve women's intercollegiate athletics, in reality women's sports received minimal administrative backing at Michigan in 1972 and 1973. Female athletes faced numerous problems including inadequate facilities, limited financial support, and a general lack of administrative support from the University. In 1973, Michigan had only six women's teams and these squads dealt with a "miniscule locker room" that had a "sauna-like atmosphere" and games that were held in the Intramural Building or Barbour Gym "where they [competed] with the noise from the IM games." Additionally, the budget for women's teams at Michigan "[ranged] from \$150 to \$500" each, compared with an

⁵³ Don Canham to President Robben W. Fleming, April 13, 1972, Correspondence, 1970-81, Box 8, Faculty Committee on Athletics, NU-A. President Fleming circulated Canham's letter to the other Big Ten presidents in an effort to spark discussion regarding the financial issues of intercollegiate athletics.

allocation of \$2.6 million for men's sports. This miniscule institutional allotment forced the teams to travel to competitions in "private cars" and pay for their own meals while on athletic trips. Additionally, most female athletes had to pay for their uniforms and pay dues to play on the team.⁵⁴

In April of 1973, Sheryl Szady and Linda Laird, two Michigan athletes, drafted a memo to the executive officers of Michigan in which they highlighted these numerous problems. Of most concern was the fact that women's intercollegiate athletics were not recognized as a varsity program at Michigan and that their funding was only secured year-to-year as opposed to having a recognized and consistent operational budget.⁵⁵ Janice White, Coordinator of Women's Sports Clubs, recommended additional support and urged the university to establish women's sports as a varsity activity, to hire a Director of Women's Intercollegiate Athletics, and to increase the budget for the women's program.⁵⁶ Ultimately, despite Canham's outward support for women's athletics, Michigan had made minimal improvements to its women's program in the year immediately following passage of Title IX. But with this legislation and the subsequent HEW regulations Michigan would be faced with increased pressure to do so.

In response to Title IX and the complaints from Szady, Laird, White, and others, University of Michigan President Robben Fleming created a "Committee for Study of Intercollegiate Athletics for Women." Chaired by Eunice Burns, this committee was charged with addressing questions regarding the administrative structure and financial

⁵⁴ Leslie Riester, "Cramped Quarters: Women Take a Back Seat to Men in Intercollegiate Athletic Facilities," *Michigan Daily*, March 12, 1973, Box 4, Affirmative Action Office Records, UM-BHL.

⁵⁵ Minutes of the Meeting of the Board in Control of Intercollegiate Athletics, May 14, 1973, Appendix: Sheryl Szady and Linda Laird to Executive Officers, April 11, 1973, Box 50, Board in Control of Athletics Records, 1879-1997, UM-BHL.

⁵⁶ Janice L. White, Assistant Director to Dr. Rodney J. Grambeau, Director, April 18, 1973, Box 2, Eunice Burns Papers, UM-BHL.

needs of women's athletics. Fleming asked the "Burns Committee" to investigate the current status of the women's sports program and to make recommendations about how the university could enhance support for women's athletics with existing resources.⁵⁷ In August 1973, the committee initially urged the university to elevate women's sports as a varsity program, provide administrative stability and support for women's athletics, develop a consistent budget for the program, and hire qualified, full-time, university-employed coaches. The committee suggested that these basic steps were necessary for the women's teams to be able to compete on an even playing field with other women's teams in the nation and considered these items to be the necessary starting point for developing a strong women's program.⁵⁸

Even though these requests were somewhat basic, university administrators seemed reluctant to address them expeditiously. Vice President of Academic Affairs Allan Smith argued that "it [was] simply too late to create much of a budget for 1973-1974."⁵⁹ When in the fall of 1973, Paul Hunsicker, director of the department of physical education, recommended that the University hire Marie Hartwig as the Director of Women's Intercollegiate Sports, Smith again revealed his desire for a deliberate pace, contending that "we aren't yet ready to create a position of Director of Women's Intercollegiate Sports."⁶⁰ While Smith argued that he wanted to establish the women's program structure on firm footing, his response showed a hesitancy to make immediate improvements to women's athletics. Athletic director Don Canham also expressed reservations about the development of women's sports. In a September 1973 letter to

⁵⁷ R.W. Fleming to Mrs. Eunice L. Burns, June 13, 1973, Box 2, Eunice Burns Papers, UM-BHL.

⁵⁸ Eunice L. Burns, Chairperson to President Robben Fleming, August 6, 1973, *ibid.*

⁵⁹ Allan F. Smith to Eunice L. Burns, Chairperson, 15 August 1973, *ibid.*

⁶⁰ Allan F. Smith to Professor Paul A. Hunsicker, September 14, 1973, *ibid.*

Smith, Canham suggested that Michigan hire “an associate director for campus recreation which would encompass both men’s and women’s intramurals and women’s athletics.” While this recommendation suggested an increase in administrative support for women’s athletics, it also revealed the fact that Canham equated women’s sports with campus recreation and intramurals. In other words, he did not yet see women’s intercollegiate athletics as equivalent in any way to the men’s varsity program. Canham also believed that moving campus recreation and women’s sports out of the athletic department might alleviate some of the financial strain on the department.⁶¹ While Canham and Smith both outwardly claimed to support women’s athletics, their actions revealed an unwillingness to rapidly improve the women’s program as Title IX demanded.

Initially administrators justified this tentativeness based on their desire to wait for the final Burns Committee recommendations. Released in November 1973, the committee report included several important suggestions designed to create a stronger women’s sports program at Michigan. While some parts were fairly self-evident and easily addressed, there were others that called for major changes. The committee recommended “that a new position be created entitled Associate Director of Athletics with specific responsibilities for women’s intercollegiate athletics . . . [which, in turn,] would report to the Director of Athletics.”⁶² Unlike at Northwestern, the Burns Committee did not seem to consider creating a separate women’s department and were content to keep women’s sports in a secondary position to that of the men. The committee also proposed increasing the budget for women’s athletics to approximately \$80,000. Of

⁶¹ Don Canham to Mr. Allan F. Smith, 4 September 1973, Box 40, President’s Records, UM-BHL.

⁶² Eunice L. Burns, Chairperson, “Report of the Committee to Study Intercollegiate Athletics for Women,” University of Michigan, November 1, 1973, p. 4-5, Box 1, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

this money, over half (\$45,000) would come from the general fund rather than from the athletic department or even from the Department of Physical Education. In fact, they suggested that the bulk of the expense to field the women's teams would come from the general fund.⁶³ While establishing a consistent budget was a big step forward, minimizing the amount that would come from the athletic department likely pleased Canham who seemed determined to avoid financial responsibility for the new program.

In addition to these recommendations, the committee also articulated Michigan's philosophy regarding intercollegiate athletics. In some ways, the Michigan report echoed that of Northwestern regarding the importance of the educational model for women's athletics. The Burns Committee stipulated that female "participants are to be students first, athletes second" and that Michigan should refrain from recruiting female athletes or offering them athletic scholarships.⁶⁴ Like Northwestern, Michigan upheld the standards of the AIAW in this regard. However, the committee differed on the role of athletics in the life of the institution. They asserted that

Intercollegiate athletic competition is a valuable part of an education at the University . . . It can bring a healthy release of emotions to participant and spectator alike. The performance of a trained body gives satisfaction to the individual who competes as well as to the spectator. Both competitor and watcher can find pleasure in the well-coordinated effort of a team . . . Sports provide a social cohesiveness few other activities can—for spectators as well as for participants.⁶⁵

In some sense, this philosophy suggested that perhaps women could enjoy the spectator value of athletics just as men could. However, it also emphasized Michigan's commitment to a commercialized, spectator-driven athletics program. Rather than focusing solely on the value of sports for the participant, the fact that the committee

⁶³ Ibid, 6-7.

⁶⁴ Ibid, 2.

⁶⁵ Ibid, 1.

addressed the spectator value implied that the focus of Michigan's athletic program was, and would remain, the major revenue sports of football and men's basketball.

Response to the Burns report once again revealed the administration's desire to employ a deliberate pace in the development of women's athletics. Despite the fact that the report was sent to the university president in November of 1973, the women's varsity program at Michigan was not firmly established until the fall of 1974.⁶⁶ Even after the university finally created its women's intercollegiate program, female athletes still dealt with multiple problems including the fact that women's teams had to share facilities with other groups such as the marching band and ROTC. This problem came to a head in October of 1974 when a field hockey game against Michigan State was delayed due to the staff not having the field properly lined for the game.⁶⁷ There was also a distinct lack of publicity for women's sports as Eunice Burns noted in her criticism of Sports Information Director Will Perry for the lack of attention he paid to women's sports.⁶⁸ Women's athletics also continued to struggle with inadequate locker room facilities.⁶⁹ Even after receiving the committee recommendations, the Michigan administration pursued a cautious strategy that meant women's athletics still faced many of the same problems in 1975 that they had in 1972.

While these issues certainly could be chalked up to natural growing pains, Michigan's 1976 self-assessment of the women's program revealed additional deficiencies. Nearly three years after the Burns report, Michigan supported only seven

⁶⁶ Richard L. Kennedy to Executive Officers, April 1974, Box 1, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

⁶⁷ Marie Hartwig to Don Canham and Charles Harris, November 1, 1974, Box 2, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

⁶⁸ Eunice L. Burns to Will A. Perry, February 10, 1975, Box 4, Affirmative Action Records, UM-BHL.

⁶⁹ Don Canham to R.W. Fleming, April 14, 1975, Box 47, President's Records, UM-BHL.

women's varsity sports (just one new sport had been added since 1973) and 151 participants compared with eleven sports for men and 511 participants. In the intervening years, funding for women's sports increased from \$80,000 to \$160,000, but remained over a million dollars less than the men's budget. In its self-assessment, Michigan also emphasized the necessity of exempting football from any Title IX equality comparisons. While administrators acknowledged that men received 88% of the total money spent on intercollegiate athletics, they emphasized the fact that this percentage dropped to 66% when they excluded football and was only 56% when all revenue sports (including men's basketball and hockey) were excluded.⁷⁰ In this example, it is clear that not only was Michigan pursuing a methodical course of action in developing women's athletics, but was also determined to define equality on its own terms and in such a way that caused minimal disruption to the revenue sports programs.

Not every Michigan administrator shared this perspective on women's athletics. Michigan's Affirmative Action Coordinator Virginia Nordby lamented that portions of the 1976 self-assessment were merely "self-serving [and] conclusionary [sic]." She specifically disagreed with the department's contention that a lack of interest in women's track justified the decision to not elevate this team to varsity status. Instead Nordby suggested that it was perhaps a lack of departmental support that led to minimal student interest. Nordby believed that a procedure that "[required] a sport to go through a period of time as a club sport before it [would] be approved as an intercollegiate sport" should be eliminated for women's sports due to the fact that "we have a Title IX mandate to bring women's sports into equity. The mandate is on the University and it cannot fulfill

⁷⁰ Title IX Evaluation as of September 1, 1976, p. 1-2, Box 6, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

its responsibilities by shifting the onus to the students.” While the self-assessment report perhaps highlighted the positive steps Michigan had taken for women’s athletics, Nordby asserted that even after three years of work the university still did “not have generally comparable opportunities for men and women to compete in intercollegiate athletics.”⁷¹

Ultimately the slow development of women’s athletics was at least partially due to the hostile view of administrators towards Title IX and women’s athletics. Head football coach Bo Schembechler was adamantly opposed to Title IX and specifically to the 1975 HEW guidelines.⁷² In July of 1975, Schembechler along with Texas coach Darrell Royal and Oklahoma coach Barry Switzer visited Washington D.C. to urge President Ford to limit the scope of Title IX. These men argued that increasing support for women’s athletics might hurt men’s sports and that “diverting those dollars into women’s sports . . . would weaken revenue-producing sports and endanger both men’s and women’s programs.”⁷³ These coaches tried to justify their rejection of the HEW regulations based on a desire to save all intercollegiate teams, including those for women. They contended that exempting revenue sports would help “assure that strong intercollegiate athletic programs for men and women [would] be permitted to survive and prosper.”⁷⁴ On the surface at least, Schembechler implied that his opposition to HEW’s enforcement of Title IX did not mean a similar rejection of women’s sports in general.

⁷¹ Virginia R. Nordby to Vice President Rhodes, September 10, 1976, p. 1, *ibid.*

⁷² The most onerous parts of the guidelines suggested that schools needed to provide equal opportunities for women which Schembechler and others believed meant weakening the support they could provide for revenue sports like football. While in 1975 HEW did not mandate equal expenditures, administrators believed that their requirement to provide equal scholarships (for example) would ultimately lead to an expectation of equal expenditures. For more details on the HEW guidelines, see Chapter Two.

⁷³ Nancy Dunn, “Easing of Sex Discrimination Guidelines Urged,” *Ann Arbor News*, July 8, 1975, Box 7, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

⁷⁴ Glenn E. Schembechler to The President, July 14, 1975, p. 2, Box 3, Don Canham Papers, UM-BHL.

At least in the case of Schembechler, his attempt to make this distinction rang hollow because many of his public statements on the issue revealed a more typically chauvinistic point of view. In a 1974 interview criticizing Title IX, Schembechler emphasized that immediate equality was impossible since the men's programs had been in operation for "hundreds of years." More significantly, he also suggested that the notion of gender equality was flawed, asserting:

You don't arbitrarily say "50-50, men and women" just because we want equal opportunity for women. That's ridiculous. That's like me saying that I want 50-50 with the kitchen or the housework or things that have been predominantly women's things. I want all fashion shows to be 50-50; that's ridiculous.

He went on to assert that he would "love to see a gifted woman athlete . . . [It's] great to see one participate in basketball, gymnastics, field hockey, or whatever."⁷⁵ Schembechler deigned to allow some exceptional, token women to participate in athletics, but basically believed that women were supposed to stay in their own roles: cooking and cleaning.

Schembechler's sexist attitude was most evident in 1975 when Michigan's Board in Control of Athletics proposed giving the "Block M" award to varsity female athletes. Schembechler, men's basketball coach Johnny Orr, and William Mazer, Jr., president of the University of Michigan's alumni "M" Club, reacted quite negatively to this possibility. In lobbying for alumni support to reject this plan, Schembechler lamented that "what we are now faced with is the possibility of the same football "M" being earned by the women's synchronized swimming team for instance. If that comes to pass, it will minimize the value of the "M" in the eyes of not only our players but the public who

⁷⁵ "Interview: Bo Schembechler," *University News, UM-Flint*, n.d. ca. 1975, p. 3, Box 16, Athletic Department Individual Files, UM-BHL.

place such a high value on it.”⁷⁶ Some alumni agreed with Schembechler’s position: “The block M has been a symbol of great achievement to athletes at the University of Michigan . . . I, therefore, ask that you not take any steps which will dilute the value of this award by making the same award available to our female athletes.”⁷⁷ Others, however, disagreed with the notion that female athletes were not entitled to the same award. Board of Regents member Paul Brown logically stipulated that “having recognized a varsity sport for women, there is no alternative other than to give them a varsity ‘M.’”⁷⁸ Michigan alumnus Robert Miller condemned Michigan’s attitude, asserting that by resisting Title IX, administrators were simply making “asses of [themselves].”⁷⁹ In June 1975, over the objections of Schembechler, Orr, and Mazur, Michigan’s athletic board approved the proposal to grant the block “M” to female athletes as well as male.⁸⁰

Ultimately, Athletic Director Don Canham held the power in Michigan athletics throughout the Title IX Era. While Schembechler had some influence and the Board in Control of Intercollegiate Athletics had nominal authority, “when Canham makes up his mind, that’s it.”⁸¹ Unlike Schembechler, Canham’s public position on women’s athletics appeared a bit more supportive of gender equality. He often asserted a commitment to the new program and claimed to “treat [women’s sports] just the way we treat the men.” While perhaps not as openly chauvinistic as Schembechler, Canham held traditional views regarding gender. Canham referred to Michigan’s women’s athletic director as “a

⁷⁶ Glenn E. Schembechler to Mr. Don Canham, May 1, 1975, Box 1, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

⁷⁷ John S. Dobson to The Board in Control of Intercollegiate Athletics, May 8, 1975, Box 1, *ibid.*

⁷⁸ Paul W. Brown to President Robben W. Fleming, June 4, 1975, Box 1, *ibid.*

⁷⁹ Robert L. Miller to Mr. Donald B. Canham, Chairman, May 23, 1975, Box 1, *ibid.*

⁸⁰ Bill Anderson, “Michigan Women Will Get that ‘M,’” *Ann Arbor News*, n.d. ca. June 1975, Box 7, *ibid.*

⁸¹ Mike Clary, “The Big Blue \$\$ Machine,” *Monthly Detroit*, Vol. 2, no. 11, November 1979, p. 55, Box 2, Athletic Department Individual Files, UM-BHL.

doll” and HEW lawyer Gwen Gregory, pejoratively as “the woman lawyer,” implying that she was on a feminist vendetta against men’s athletics.⁸² While Canham rarely minimized women’s athletics, Canham’s use of language clearly revealed his traditional notions about the proper roles for men and women in American society.

In addition to a chauvinistic perspective, Canham also became quite defensive when responding to critics and was quick to assert all of the benefits that women’s sports enjoyed at Michigan. In response to Eunice Burns’ criticism regarding the lack of publicity for women’s sports, Canham asserted that Sports Information Director Will Perry had “bent over backwards” to support women’s athletics. Canham also told Burns to confirm this perspective with women’s athletic director Marie Hartwig, essentially arguing that female leaders were happy with the program.⁸³ In the fall of 1975 when Hartwig complained about the department’s treatment of women’s sports, Canham emphasized the level of authority that he had granted to Hartwig over her program, noting that “we do not attempt to tell you how to spend your money.”⁸⁴ In these instances, perhaps Canham “doth protest too much.” His defensive attitude ultimately did not change the fact that Michigan’s program was slow to develop.

While Canham’s attitude partially limited the development of women’s sports at Michigan, he consistently claimed to support women’s athletics. He made no such assertion in regards to Title IX. He vehemently rejected the audacity of the federal government to make rules for *his* department and others like it. He maintained that “Title

⁸² “The Issue,” *Ann Arbor News*, July 6, 1975, p. 20, Box 1, Athletic Department Individual Files, UM-BHL.

⁸³ Don Canham to Ms. Eunice L. Burns, February 12, 1975, Box 4, Affirmative Action Records, UM-BHL.

⁸⁴ Don Canham to Marie Hartwig, November 13, 1975, Box 3, Don Canham Papers, UM-BHL.

9 is a good bill as Congress passed it. The problem is the guidelines HEW passed.”⁸⁵ Canham believed that HEW’s Title IX regulations would “ruin intercollegiate athletics” and referred to them as “ridiculous,” “dumb,” “an absolute disaster,” and “sheer nonsense.”⁸⁶ He also questioned HEW’s focus on intercollegiate athletics when nursing (predominantly female) and engineering programs (predominantly male) were not being held to the same Title IX standard.⁸⁷ While he was careful not to criticize women’s athletics in general, these responses revealed Canham’s vehement opposition to HEW’s efforts to enforce its specific Title IX regulations.

Ultimately, Canham’s resistance followed a familiar pattern that marked criticism of Title IX nationwide. His first major complaint was focused on the inability of HEW administrators to establish realistic guidelines for intercollegiate athletics. Canham took particular issue with the expectation that schools conduct an annual student poll to determine which sports to sponsor “means that someone is simply out of touch with reality.”⁸⁸ When describing a meeting he had with representatives from HEW, Canham stated that they “didn’t know what the hell was going on.”⁸⁹ That said, even if HEW officials did understand intercollegiate athletics, Canham believed that the regulations

⁸⁵ Beth Nissen, “Scene Interview: Don Canham,” *Ann Arbor Magazine*, vol. 3, no. 3, Fall 1975, p. 20, Box 1, Athletic Department Individual Files, UM-BHL.

⁸⁶ Don Canham to Mr. Caspar W. Weinberger, April 4, 1974, Box 3, Don Canham Papers, UM-BHL; Don Canham to Joint Group, 20 May 1975, Box 3, *ibid*; Don Canham to Mr. R.L. Kennedy, April 18, 1974, Box 40, President’s Records, UM-BHL; Don Canham to Ms. Elaine Donnelly, May 20, 1975, Box 3, Don Canham Papers, UM-BHL; “The Issue,” *Ann Arbor News*, July 6, 1975, p. 20, Box 1, Athletic Department Individual Files, UM-BHL; Beth Nissen, “Scene Interview: Don Canham,” *Ann Arbor Magazine*, vol. 3, no. 3, Fall 1975, p. 20, Box 1, *ibid*.

⁸⁷ Don Canham to Mr. Caspar W. Weinberger, April 4, 1974, Box 3, Don Canham Papers, UM-BHL; Beth Nissen, “Scene Interview: Don Canham,” *Ann Arbor Magazine*, vol. 3, no. 3, Fall 1975, p. 20, Box 1, Athletic Department Individual Files, UM-BHL.; Don Canham to Professor Wilbur Cohen, December 19, 1978, Box 3, Don Canham Papers, UM-BHL; Don Canham, “Title IX: No,” *New York Daily News*, January 21, 1979, Box 7, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

⁸⁸ Don Canham to Mr. Caspar W. Weinberger, April 4, 1974, Box 3, Don Canham Papers, UM-BHL.

⁸⁹ Jeff Mortimer, “Inside Dope: HEW Drive Grieves Canham,” *Ann Arbor News*, n.d. ca. 1975, Box 7, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

would not be “based on logic, but something based on political expediency.” In other words, Canham assumed that HEW was influenced by a feminist agenda. Canham also contended that HEW had no jurisdiction over intercollegiate athletics. He asserted that Title IX applied only to programs that received federal funding and since Michigan’s athletic department was self-supporting, Title IX did not apply.⁹⁰ Fundamentally, Canham’s complaints about HEW boiled down to his desire for independence from government oversight:

We have no problems at all on this campus. But now what’s happening is we have somebody from outside coming in over our heads, trying to tell us what to do. And they’ll put us into bankruptcy in the process. . . . What right does some lawyer in HEW have to tell us what we have to do in athletics at Michigan.⁹¹

He further stressed that “if the federal government (namely HEW) can dictate to intercollegiate athletic departments of given institutions where they spend their money, how much is spent and when it shall be spent, it could set a precedent that would be intolerable for all of education” [emphasis in original].⁹² In Canham’s view, HEW’s policies were developed by people with no understanding of college sports, were overly influenced by feminists, should not apply to self-supporting intercollegiate athletic departments, and were an example of an overly intrusive federal government.

Canham believed that HEW’s regulations created serious financial difficulties that would harm not only men’s sports, but women’s as well. For Canham, the issue of spending was at the crux of the matter and “that he was ultimately most “concerned about equal expenditures.”⁹³ While HEW did not mandate equal funding for men’s and

⁹⁰ Don Canham to Joint Group, May 20, 1975, Box 3, Don Canham Papers, UM-BHL.

⁹¹ “The Issue,” *Ann Arbor News*, July 6, 1975, p. 20, Box 1, Athletic Department Individual Files, UM-BHL.

⁹² Don Canham to Mr. Allan Smith, March 2, 1979, Box 3, Don Canham Papers, UM-BHL.

⁹³ Don Canham to Mr. Allan Smith, April 2, 1979, Box 88, President’s Records, UM-BHL.

women's sports, Canham believed that requiring equality in travel, facilities, and equipment would essentially mean equal spending. For example, if HEW required equal travel opportunities for women, it would be financially impossible for Michigan to spend the same \$70,000 on women's sports that it did for the football team.⁹⁴ Canham also opposed the expectation that the department spend equal amounts on scholarships for men and women. In his view, if the university provided the same number of scholarships for women, it "would be disastrous [sic]." Due to the size of the football team, equalizing scholarships would mean adding many more sports for women at a cost that would not be feasible.⁹⁵ Canham's solution was to make revenue-producing sports exempt from the regulations. Because the \$6,000,000 brought in by football provided the funding for every other sport, including those for women, Canham asserted that failing to protect that revenue would hurt the athletic department as a whole.⁹⁶ He argued that despite Michigan's relative financial stability, "we couldn't spend another \$1.5 million on women's athletics."⁹⁷ Thus, while Canham's chauvinistic perspective on gender equality and his constant opposition to Title IX certainly stunted the growth of women's sports, he also dealt with very serious financial difficulties in attempting to comply with the HEW regulations. The combination of Canham's attitude and these financial challenges contributed to the Michigan women's sports program falling behind its Big Ten counterparts during the mid-1970s.⁹⁸

⁹⁴ "The Issue," *Ann Arbor News*, July 6, 1975, p. 20, Box 1, Athletic Department Individual Files, UM-BHL.

⁹⁵ Don Canham to Joint Group, May 20, 1975, Box 3, Don Canham Papers, UM-BHL.

⁹⁶ Don Canham to Professor Wilbur Cohen, December 19, 1978, Box 3, *ibid.*

⁹⁷ "Canham Slams Title IX Rules," *Detroit Free Press*, February 7, 1979, Box 2, Athletic Department Individual Files, UM-BHL.

⁹⁸ "Women's Sports Languished under Canham, Many Say," *Ann Arbor News*, December 20, 1987, p. A4, Box 7, Women's Athletics (University of Michigan) Records, 1972-1990, UM-BHL.

Despite Canham's influence on intercollegiate athletics, Michigan President Robben Fleming held the final authority in the Michigan administration. Fleming shared Canham's opposition to the HEW guidelines, arguing that "many regulations these days are overly prescriptive." Fleming asserted that "the resulting detail [of government regulations] is stifling and often irrelevant" and suggested that federal rules should be "more skeletal and general in character."⁹⁹ Fleming urged the government to allow institutions to determine their own path without intrusive oversight from HEW. In his efforts to lobby HEW to make changes to its regulations, Fleming used an educational argument, suggesting that in order to maintain high academic standards Michigan needed to "be able to finance our intercollegiate athletic program on a self-sustaining basis," meaning the protection of revenue sports. Like Canham, Fleming believed that achieving gender equality hinged on the exemption of revenue sports from any Title IX comparisons. However, unlike Canham, when Fleming realized that HEW did not agree, he adopted a more conciliatory rather than oppositional stance. While Fleming may not have liked HEW's regulations, he recognized that they were going to govern college sports and it would behoove Michigan to adhere to them.¹⁰⁰

President Fleming's successor, Allan Smith, emphasized Michigan's support for the spirit of equality. Yet he also rejected HEW's enforcement methods. In 1979, Smith highlighted the differences between fighting Title IX and fighting women's athletics, stating that "I think it not only proper, but desirable, that some of these legal issues [regarding HEW's regulations] be litigated, even though I also believe strongly in providing equal opportunity and in developing a strong program in Women's

⁹⁹ R.W. Fleming to The Honorable Joseph A. Califano, Jr., October 27, 1977, Box 86, President's Records, UM-BHL.

¹⁰⁰ R.W. Fleming to Mr. Donald B. Canham, June 14, 1978, Box 67, President's Records, UM-BHL.

Intercollegiate sports here at Michigan.”¹⁰¹ However, Smith also recognized that perception was reality, a point he emphasized to Canham:

Our actual progress in supporting the development of women’s intercollegiate athletics is probably unrivaled in the United States . . . the reason we have done well is that we believe that we should support women’s sports as well as men’s sports. And, I believe that your actions and decisions led to those results. . . . Since this is the case, I very much hope that we can find a way to present what I believe to be a better posture for The University of Michigan in connection with Title IX. . . . We must not be perceived as being brought into compliance screaming and protesting all the way. . . . What I propose is that we tell our good story rather than being publically branded as opposing Title IX [emphasis in original].¹⁰²

This is perhaps the biggest lesson from Michigan’s experience with Title IX. Despite their best efforts at distinguishing between the two, UM leaders were ultimately unsuccessful in proving that their rejection of Title IX did not mean they were hostile to women’s sports in general. The public perception of Michigan’s program was based largely on Canham’s frequent and vitriolic rants against Title IX and the HEW regulations. This attitude undoubtedly created a campus climate in which women’s athletics were not seen as equal, perhaps contributing to the fact that Michigan was the final Big Ten University that the government deemed to be Title IX compliant.¹⁰³

While Canham’s negative attitude undoubtedly delayed the development of women’s sports, it did not completely halt its growth. By the time HEW investigated Michigan’s program in the early 1980s, Wolverine women’s athletics included eleven teams supported by a budget of over \$675,000 and boasted some of the best facilities for

¹⁰¹ Interview with interim President Allan Smith, n.d., ca. 1979, Box 88, *ibid*.

¹⁰² Allan F. Smith, Interim President to Donald B. Canham, February 22, 1979, Box 3, Don Canham Papers, UM-BHL.

¹⁰³ Michigan received government approval of its program in August 1982. See Chapter Three for more details about HEW’s Title IX review of Michigan. Harold T. Shapiro to Regents of the University of Michigan, August 31, 1982, Title IX, 1982-1983, Box 132, President’s Records, UM-BHL.

women in the Big Ten.¹⁰⁴ Throughout the 1980s, Canham remained defensive of his successes in this area. In response to a “less than enthusiastic interview concerning women’s athletics” given by Women’s Athletic Director Phyllis Ocker December 1987, Canham highlighted the progress women’s sports at Michigan. He asserted that the program had “the best facilities of anyone in the country,” Ocker and her staff had “the best offices in the nation,” and that they “continually added coaches and increased scholarships.” He also emphasized the fact that Michigan did not have the same problems as some of the other Big Ten institutions, including Ohio State which had recently fired coaches for losing and Northwestern which was forced to drop four sports for budgetary reasons. He asserted that the administrative challenges in the women’s program were based on the fact that “Michigan conducts more sports for women than most schools in the country” [emphasis in original].¹⁰⁵ Canham’s defensiveness again implied that there were deeper problems that he refused to acknowledge. But, this attitude obscured the fact that by the early 1980s Michigan had developed a thriving women’s athletic program.

While Michigan had dramatically improved women’s sports by the mid-1980s, its consistent opposition to Title IX was equated with a similar rejection of women’s sports. Northwestern and Michigan both faced logistical and financial challenges in developing women’s sports and ultimately created quite similar administrative structures for women’s athletics. That said, the attitudes of administrators at each institution ultimately painted one as supportive of women’s athletics and the other as oppositional. And,

¹⁰⁴ Coaching: Don Canham to All Staff, April 3, 1983, Box 3, Don Canham Papers, UM-BHL; Facilities: Chronology and Summary of Women’s Athletics, Box 2, Women’s Athletics (University of Michigan) Records, 1972-1990 Records, UM-BHL; Teams and Budget: Chronology and Summary of Title IX, 1979, Box 6, *ibid*.

¹⁰⁵ Don Canham to Phyllis Ocker, December 15, 1987, Box 2, Women’s Athletics (University of Michigan) Records, 1972-1990, UM-BHL. For another example of this, see Canham’s quotes in Barbara Misle and Bill Spindle, “Women’s Sports Languished under Canham, Many Say,” *Ann Arbor News*, 20 December 1987, p. A1, A4, Box 7, *ibid*.

despite Northwestern's philosophical alignment and supportive attitude, it struggled initially to create its women's athletics program. On the other hand, while Michigan's opposition to Title IX certainly delayed the growth of women's sports, it was not halted altogether and by the end of the Title IX Era, Michigan's program was on par with, if not superior to, those at the other Big Ten universities.

Indiana

While Northwestern and Michigan represented extremes in administrative attitudes towards Title IX, Indiana fell in the middle. Unlike Northwestern officials who made virtually no criticism of HEW's Title IX regulations, Indiana leaders were quite vocal in their opposition to the HEW standards. Conversely, while Michigan's adamant rejection of HEW's authority contributed to a stilted development of women's athletics, Indiana's program grew quickly and dramatically. In fact, while Michigan faced a Title IX investigation, Indiana joined Northwestern as the only two Big Ten institutions not subject to a government inspection.¹⁰⁶ There is no question that Indiana faced its share of challenges in developing a women's athletic program. But, Indiana officials were able to negotiate these problems without allowing them to dramatically slow the progress towards gender equality in sports. Ultimately, Indiana leaders were able to do what those at Michigan could not: actively resist government intrusion into intercollegiate athletics while at the same time develop a thriving athletics program for women.

¹⁰⁶ Frances Dodson Rhome to Peter Fraenkel, September 2, 1980, NCAA 1980, Box 22, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

Indiana's perspective on women's sports was in some sense shaped by administrators' experiences with black athletes during the late 1960s. During this period, Indiana officials became concerned with the potential impact of racial protests on campus and especially within the athletic program. In a 1968 letter to University President Elvis Stahr, Athletic Director Bill Orwig outlined his policy regarding racial equality in athletics, asserting that his goal was to "conduct a program based on fairness and integrity permitting an equal opportunity for participation by each athlete regardless of his race or color." However he also suggested that "if there is no substance to the demands [made by black athletes] and my conscience dictates that there has been no unfairness to the black athlete, I shall not equivocate for the sake of just appeasing them, but shall stand firm on my convictions. . . . [I]f there is to be a fight, then let it begin."¹⁰⁷ This communication highlighted Orwig's perspective on issues of equality in athletics. While he would do everything possible to ensure a fair and equal athletics program, he refused to give in to pressure tactics. Orwig's view on racial issues would be replicated when it came to women's athletics during the 1970s: Indiana leaders would work hard to develop gender equity, but would not give in to outside (i.e. government) pressure.

Similar to other institutions, Indiana faced budget issues in the years prior to Title IX. These monetary challenges came at least partially from rising costs and the increasing

¹⁰⁷ Bill Orwig to Dr. Elvis Stahr, June 3, 1968, Athletics, 12/68-5/69, Box 6, Indiana University President's Records (Joseph Sutton), c268, INB-ARM. Orwig and football coach John Pont faced a racial protest in 1969 when fourteen black players walked out of practice on November 5 and ten of them refused to return for the rest of the season. For more information about the black player walk-out, see *Indiana University Arbutus*, 1970, p. 106-107 and "Black Gridgers Ouster at I.U. Draws NAACP Fire," *The Indianapolis Recorder*, November 15, 1969, Athletics, Football, Boycott by Black Students, Nov 1969-April 1970, Box 6, Indiana University President's Records (Joseph Sutton), c268, INB-ARM. IU football coach John Pont went on to coach at Northwestern and serve as NU's Athletic Director. Ironically, NU President Robert Strotz fired Pont in 1980 over an incident regarding black football players. Gregory Huckisson, "NU Black Players say: 'Venturi brought it on himself,'" *The North Shore Examiner*, November 24, 1980, Athletics (1980), Box 6, Robert H. Strotz Papers, NU-A.

need to enhance revenue-producing sports. According to Orwig, the best solution was having the university fund the entire athletic program. Orwig stipulated that since the “athletic program is an integral part of the university, part of the educational process and the learning process of the total university,” the institution should bear the responsibility for financing athletics.¹⁰⁸ Somewhat dramatically, Orwig asserted that without implementing some kind of institutional funding for athletics “it could well come to the point where all of the so-called non-revenue sports move over into the club sports area and the only varsity program we have are the income sports.”¹⁰⁹ To Orwig, this would be tragic since he favored a broad varsity sports program. More importantly, his proposed funding method solidified the connection between the athletic department and the educational mission of the university.

As an alternate solution to this problem, some Big Ten administrators proposed limiting athletic scholarships for athletes in non-revenue sports, an action that Indiana officials generally opposed.¹¹⁰ Professor Rudy Pozzatti, a member of Indiana’s faculty-athletic council, connected the issue with American performance in international competitions, arguing that eliminating scholarships “will deal a serious blow to what little interest we now have in [Olympic] sports.”¹¹¹ Faculty representative Dan Miller believed that reducing scholarships for non-revenue sports would prove to skeptical faculty members that “the athletics program is a business function and has nothing to do with the

¹⁰⁸ Bill Orwig, interviewed by Scott Peterson, April 22, 1974, p. 57-58, CSHM Accession #74-15, Oral History Project, INB-ARM.

¹⁰⁹ Ibid, 59.

¹¹⁰ For more information on this proposal, see Chapter Four. Don Canham to President R.W. Fleming, March 29, 1971, Box 17, President’s Records, UM-BHL.

¹¹¹ Rudy Pozzatti, Distinguished Professor of Fine Arts, September 1, 1972, “Indiana University: Athletic Committee Statements on Proposed Reductions in Athletic Grants-in-Aid for ‘Non-Revenue’ Sports,” Athletics Committee, 1972-73, Box 72, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

central academic purpose of the university.”¹¹² Finally, Anita Aldrich suggested that sponsoring a wide range of competitive sports helped students develop their talents and was an asset to the university.¹¹³ Ultimately, over Indiana’s objection, in 1972 the Big Ten chose to reduce athletic “tenders” (i.e. scholarships) for non-revenue sports from thirty-four to fifteen.¹¹⁴ However, administrative support for a broad program of non-revenue sports implied that Indiana officials perhaps would be similarly open to the development of women’s athletics.

This supposition proved to be correct when Indiana began the development of women’s sports even prior to Title IX. In the summer of 1971, Athletic Director Bill Orwig encouraged Indiana President John Ryan to “move immediately toward the development of an intercollegiate sports program for women,” noting the “increasing ‘ground swell’” for women’s sports at the time. Orwig suggested that “women would get tremendous support” for participation in athletics and “if the University provides an intercollegiate athletics program for men, and it is good for a University, then certainly a sports program for women should be provided.”¹¹⁵ The support from Indiana administrators was not merely empty rhetoric. In April of 1972, before Title IX was passed, the Faculty Athletics Committee proposed the creation of a “Co-ordinator [sic] for Women’s Intercollegiate Athletics” to begin specific plans for women’s varsity

¹¹² Dan W. Miller, Professor of Physics, September 5, 1972, “Indiana University: Athletic Committee Statements on Proposed Reductions in Athletic Grants-in-Aid for ‘Non-Revenue’ Sports,” *ibid*.

¹¹³ Anita Aldrich, Professor, Physical Education for Women, August 30, 1972, “Indiana University: Athletic Committee Statements on Proposed Reductions in Athletic Grants-in-Aid for ‘Non-Revenue’ Sports,” *ibid*.

¹¹⁴ Orwig was eventually “proven” correct as this reduction ultimately did not save much money and hurt programs more than it helped them. In 1974, his efforts to increase the number of scholarships for non-revenue sports from fifteen to twenty met very little resistance from other Big Ten schools. Bill Orwig, interviewed by Scott Peterson, April 22, 1974, CSHM Accession #74-15, Oral History Project, p. 44, INB-ARM.

¹¹⁵ Bill Orwig to Dr. John Ryan, July 27, 1971, Athletics, 1971-1972, Box 26, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

athletics. Edwin Cady, chairperson of that committee, summed up the sentiment at Indiana by stipulating that “[as] hitherto defined . . . the student-athlete is male, but nothing could be more obvious (and welcome, as I shall later suggest) than the fact that she [the student-athlete] is also female.”¹¹⁶ Thus, prior to Title IX, administrative support for women’s athletics was already gaining momentum at Indiana.

Despite this early support for women’s athletics, Indiana still struggled to make rapid gains in women’s athletics. At Indiana, women’s sports were housed in the Health, Physical Education, and Recreation (HPER) Department and, like those at Northwestern, were limited in scope prior to Title IX, having only two “extramural” teams as late as 1966.¹¹⁷ In 1972-1973, IU provided a budget of just over \$33,000 for women’s sports, all of which came from HPER or the Chancellor’s office. However, administrators believed that in the future the women’s intercollegiate athletics budget “should be a responsibility of the Director of Athletics.”¹¹⁸ By April of 1973, most of Indiana’s administrators were “in favor of elevating a sizable portion of the women’s extramural program to the intercollegiate level.” Beyond supporting women’s athletics for its intrinsic value, Vice President Edgar Williams argued that “by moving this way now, we will be able to capitalize on some very positive publicity in connection with promotion of Women’s Intercollegiate Sports which will enable us to do more than to react—as we have to do so often.”¹¹⁹ In this sense, IU’s early support for women’s athletics was an attempt to

¹¹⁶ Edwin Cady, “Report of the Athletics Committee,” April 4, 1972, Circulars 44-72, Box 9, Indiana University Faculty Council Records, c180, INB-ARM.

¹¹⁷ Tracy Dodds, “Women’s Sports Expands at I.U.” Indiana University Football Program, September 29, 1973, Athletics/Football Programs 1973, Football Programs, 1971-1975, INB-ARM.

¹¹⁸ Dr. Edgar G. Williams to Chancellor Byrum Carter, March 1, 1973, Intercollegiate Athletics for Women, 1972-1973, Box 33, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

¹¹⁹ Dr. Ed Williams to President Ryan, April 17, 1973, Intercollegiate Athletics for Women, 1972-1973, Box 33, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

develop the program on their own terms without simply reacting to outside pressures from women's rights advocates or the government.

Between 1973 and 1975, Indiana made a variety of administrative and financial changes designed to provide more support for women's intercollegiate athletics. In 1973, Leanne Grotke, a professor in the HPER Department since 1966, was appointed as the first associate director for women's intercollegiate athletics. The position was housed in the athletic department and was initially supported by both this department and HPER before becoming a fully funded part of the athletic department in 1974.¹²⁰

Administratively, Indiana, like Northwestern and Michigan, chose to place women's athletics into the men's department. However, while Northwestern contemplated alternate organizational models that might insure female administrators control over the women's program, Indiana officials "did not consider [other plans]" when implementing this structure.¹²¹

Despite Indiana's rapid improvements for women's athletics, as of 1974 the women's program at IU still "[lagged] woefully behind the men's." While the 1973-1974 budget (\$35,000) was significantly more than they had in the past (only \$5,000 in 1971), it was still miniscule compared with the \$2 million dollar budget for men's sports.

Despite these financial discrepancies, Indiana's supportive attitude towards women's sports contributed to a lack of campus protest in regards to these issues. Women's

Athletic Director Leanne Grotke stated as much, noting that "I don't think the fact that a

¹²⁰ Tracy Dodds, "Women's Sports Expands at I.U." Indiana University Football Program, September 29, 1973, Athletics/Football Programs 1973, Football Programs, 1971-1975, INB-ARM; Liz Ullman, "At I.U., Women Have Place in Sun," Indiana University Football Program, September 27, 1975, Athletics/Football Programs 1975, Football Programs, 1971-1975, INB-ARM.

¹²¹ James W. Orwig to Dr. Delbert M. Shankel, April 10, 1974, Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

woman is aggressive on the court means that our athletes are aggressive-type people. . . . If they were, this whole campus would be in a storm about what women don't have in athletics."¹²² In other words, Grotke believed that the women's program at Indiana faced serious deficiencies, but these problems were not widely known, partially due to the fact that the female student-athletes were not willing to rock the proverbial boat. That said, even without student protests Indiana increased its budget for women's sports to \$185,000 by 1975.¹²³ In some ways, the supportive attitude from Indiana administrators helped ensure that female athletes, students, coaches, and administrators would not raise Title IX complaints against the athletic department.

While Indiana leaders believed in improving women's sports, they were not supportive of HEW's efforts to legislate equality. In February of 1974, Athletic Director Bill Orwig joined several athletic directors and NCAA administrators in a trip to Washington DC to "educate Ms. [Gwen] Gregory [of HEW] as to the implications of Title IX" and how the NCAA could go about changing HEW's regulations. Orwig's report from the meeting indicated perhaps some willingness on the part of Gregory to alter the regulations, noting that "her final summation was to the effect that individual teams may use revenue generated by that sport, but the overage would be used on a non-discriminatory basis." However Orwig worried that the regulations would "bring about a real watering-down of the non-revenue sports program at Indiana" because he believed they would force institutions to develop women's sports at the expense of the non-

¹²² *Indiana University Arbutus*, 1974, p. 222-223, INB-ARM.

¹²³ Leanne Grotke, "In the Beginning: A Brief History of Women's Athletics: Tracking the Development of Women's Athletic Programs from 1966-1978," in Title IX Compliance Report, compiled by Frances Dodson Rhome, University Affirmative Action Officer, July 21, 1978, p. 4, 6, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

revenue men's teams.¹²⁴ Although Orwig's impression of Gregory was more positive than Canham's, he still believed that HEW's 1975 regulations could have a negative effect on the ability of universities to create well-rounded athletic programs.

Orwig felt strongly enough about the potential devastating effects of these regulations to publically plead his case. In a letter to Ed Williams, assistant to Indiana President John Ryan, Orwig emphasized the fact that the regulations were impossible to follow. His arguments against the guidelines mirrored those of Michigan's athletic director, Don Canham. Orwig, like Canham, believed the requirement of an annual poll was completely unfeasible and pushed HEW to exempt revenue sports. Ultimately, however, Orwig was most concerned that the regulations "would force universities to develop full-blown athletics programs for women practically overnight. This would be destructive financially to a university's entire athletic program and would be counter-productive to the very objectives of Title IX." While Indiana had already begun the process of improving women's athletics, Orwig contended that for HEW to force immediate equality with men's programs that took "over 75 years" to grow would put an unbearable financial burden on the university.¹²⁵ Orwig urged Indiana's leadership to lobby HEW for a more gradual approach to Title IX enforcement.

Orwig was not content to rely solely on Indiana President John Ryan to advocate for his department and in March of 1974, he made similar arguments in a letter to Vice President Gerald Ford. In Orwig's view, passing HEW's regulations would require athletic departments to choose between "incurring huge new costs or substantially reducing the quality and variety of their sports programs." He emphasized that due to the

¹²⁴ Bill Orwig to Dr. Ed Williams, February 14, 1974, Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

¹²⁵ Bill Orwig to Dr. Ed Williams, February 28, 1974, *ibid.*

importance of revenue sports like football and basketball, institutions would be unwilling to cut from those sports. In the likely absence of another revenue source, Title IX would force schools to reduce support for non-revenue sports, resulting in “poorer—not better—athletic programs for both men and women.” In addition to these arguments, Orwig also contended that HEW went beyond the scope of the law by applying it to athletic programs that “[received] no Federal funds.”¹²⁶ Thus, while Orwig was one of the most active supporters of women’s athletics, this positive attitude did not equate to a similar level of agreement with HEW’s enforcement policies.

Orwig’s perspective was certainly an indication of the administrative attitude at Indiana, but other campus officials also addressed the Title IX regulations. Cliff Travis, the university’s legal counsel, argued that the section of the regulations that focused on athletics was “an unwarranted administrative extension of the law.” He also disagreed with the expectation that schools provide “instruction and activities in sports” in which both men and women were interested, suggesting that it seemed to be “an effort of the federal government to mandate schools to instruct certain subjects.” His opposition extended to the clause that mandated “separate competitive teams,” believing it required universities to “set up the sport or ‘other sports’ for the inept sex,” an expectation that he found burdensome. Ultimately, he referred to the regulations as “patently absurd” and argued that the guidelines were created by “over-reaching bureaucrats.”¹²⁷ Travis’s perspective highlighted some of the main reactions against the HEW regulations, suggesting that they were an example of an over-intrusive federal government.

¹²⁶ Bill Orwig to The Honorable Gerald R. Ford, March 11, 1974, Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

¹²⁷ Cliff K. Travis to Terry A.M. Mumford, March 8, 1974, *ibid.* Travis was the University Counsel and Mumford was the Associate University Counsel.

While the substance of Indiana's critique was quite similar to that at Michigan, it is clear that IU administrators approached the issues in a much more political fashion. While Michigan's athletic director Don Canham belligerently condemned the HEW regulations, Orwig generally lobbied behind-the-scenes. This is not to say that he did not make public statements about the regulations. In a 1975 article that appeared in the *Indiana Daily Student*, Orwig noted how confusing the regulations were and that, while women's sports needed more money and more support, "it should not be forced on to the universities by legislation."¹²⁸ But, even in this public criticism of the regulations, Orwig resisted attacking HEW directly and emphasized his support for women's athletics.

In addition to adopting this more accommodating perspective, Orwig recognized the need prepare to follow the regulations in case they were passed. In February of 1974, Indiana administrators began to discuss plans for constructing female locker rooms in the basketball arena.¹²⁹ Additionally, officials developed a feasibility study and proposed budget for the renovation project, arguing that regardless of what might happen with the HEW regulations it would be helpful to "get something on drafting paper so [they wouldn't] be caught off-base." Orwig recognized the issues involved, but that, ultimately, "when the Federal Government states that the women must have equal opportunity to utilize all facilities . . . we are in a jam."¹³⁰ In other words, Orwig advocated that Indiana work to adhere to the regulations even though he did not agree with them. Instead, he

¹²⁸ Mark Montieth, "Equal Opportunity Ruling: A Matter of Interpretation," *Indiana Daily Student*, June 5, 1975, p. 19, 21.

¹²⁹ When the building was originally built, the community rose in protest to the idea that the university would spend so much money on a building that would just be used for varsity sports. R.E. Burton to E.G. Williams, February 5, 1974, Women's Intercollegiate Athletics, Box 28, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

¹³⁰ Bill Orwig to Bob Burton, February 12, 1974, *ibid.*

approached the issue pragmatically, attempting to combine support for the spirit of gender equality with opposition to the specific letter of the law as defined by HEW.

While Orwig's attitude helped establish Indiana's initial perspective on Title IX, he retired in June 1975 and his replacement, Paul Dietzel, started in March 1976.¹³¹ Like Orwig, Dietzel favored a broad-range of varsity sports, stating: "I like the idea of a balanced program. . . . I really believe every sport is important to the person participating. If you're running cross country, to you, when you're coming up that last hill, it isn't very minor to you." He even took the unique position that Indiana could "cut back a little bit (from the high revenue sports) and keep *all* the sports than cut any sports from the program completely" [emphasis in original], contending that "you don't have to have 75 football players."¹³² However, in 1977, Dietzel pushed to install new artificial turf and a new scoreboard in the football stadium, and established a policy whereby the football team would be the only one to use the stadium despite the fact that the soccer teams had used that facility in the past.¹³³ Thus, despite Dietzel's claims to support a broad athletics program, his actions suggested that the revenue sports were his first priority.

In addition to Dietzel's commitment to the revenue sports, he also advocated a "wait and see" approach to the issue of women's athletics. In response to a series of questions that Michigan President Robben Fleming directed towards conference leaders, Dietzel suggested that departments should let "the women's program drift along and

¹³¹ Bob Hamel, "Dietzel Introduced as New Indiana A.D." *Bloomington Daily Herald-Telephone*, September 19, 1975, Athletic Department, 1972-1975, Box 1, Indiana University, University Relations, Director, Records of Claude T. Rich, 1968-1976, c19, INB-ARM. Dietzel began part time as his contract as Commissioner of the Ohio Valley Conference ran through June of 1976 or until the OVC hired his replacement.

¹³² Mark Montieth, "Dietzel: A Supporter of Non-Revenue Sports," *Indiana Daily Student*, September 12, 1975, *ibid*.

¹³³ Stu Courtney, "Talkative A.D. Dietzel Explains Dollar Dilemma, Facility Improvements," *Indiana Daily Student*, July 25, 1977, Folder: Dietzel, Paul, Clippings Files, INB-ARM.

helping them on occasion” as a way to “keep the peace within the Athletic Department.”¹³⁴ In one of his first messages to the athletics staff in 1976, Dietzel addressed the fact that women’s teams were now offering scholarships: “the new word in Women’ Athletics is the explosion into ‘The Win Syndrome.’ With scholarships the accompanying recruiting and all that goes with it . . . like winning! This again takes dollars and time. Welcome, ladies, to the world of recruiting” [emphasis in original].¹³⁵ In Dietzel’s view, the decision to develop a scholarship program for women would lead to financial challenges and the pressure to consistently field winning teams. In contrast to Orwig’s more progressive stance, Dietzel’s course of action was based on the assumption that women’s administrators would automatically struggle to deal with some of the problems that men’s athletics had already solved. In this perspective, Dietzel’s “wait and see” approach implied that he was waiting for women’s athletics to stumble, forcing them to abandon any pretense of a separate philosophy or administrative structure and come to rely on male leaders to survive.

This perspective also drove Dietzel’s actions in regards to incorporating women’s sports into the Big Ten. While some Big Ten administrators advocated the creation of two separate administrative bodies at the conference level in order to ensure equal voice for women in conference decisions, this was a proposal that Dietzel adamantly rejected. Indiana’s faculty representative Dan Miller tentatively favored this idea believing that the separate structures could perhaps help the conference deal with the different national rules established by the NCAA and AIAW. At the very least, Miller was open to the

¹³⁴ Paul F. Dietzel to President John W. Ryan, August 29, 1977, Athletics, 1977-1978, Box 26, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

¹³⁵ Paul Dietzel, “Remarks to Department of Athletics,” February 13, 1976, Athletics, 1975-1976, Box 26, Indiana University President’s Records (John W. Ryan), c459, INB-ARM.

possibility of this model and suggested that the conference implement the proposal for a “trial period.”¹³⁶ In contrast, Dietzel believed that a divided conference meant that each institution would be forced to separate their men’s and women’s programs. If this happened, he found it “incomprehensible . . . that the men’s department would continue to finance the women’s department.”¹³⁷ He also feared the “chaos” that would ensue if there were two of every position (e.g. faculty representative, athletic director, etc.) represented at the conference. Indiana followed Dietzel’s lead in 1978 choosing to support a single conference for both men and women. However, they also divided faculty responsibility over athletics, establishing separate positions for conference faculty representative and chairperson of the faculty athletics committee. In an example of Indiana’s supportive attitude towards women’s sports, President John Ryan appointed Anita Aldrich as the chair of the athletics committee, becoming the first woman at a Big Ten school to assume that role.¹³⁸

Dietzel’s less than supportive attitude regarding women’s athletics was also on display in his views on the debate between the AIAW and NCAA. In referring to the AIAW’s leadership, Dietzel lamented that this women’s organization “has no reluctance whatsoever in whether women’s athletics must be completely at the expense of men’s present athletics; i.e. ‘if we must do away with all but four sports for men in order to have four sports for women, that is perfectly alright.’” He suggested that many male athletic

¹³⁶ Dan W. Miller to President John W. Ryan, June 30, 1978, Intercollegiate Athletics for Women, 1978, Box 33, Indiana University President’s Records (John W. Ryan), c459, INB-ARM. Purdue President Arthur Hansen and Minnesota President Peter Magrath originally made the proposal.

¹³⁷ Paul F. Dietzel to President John Ryan, May 17, 1978, *ibid.*

¹³⁸ In the previous structure, these two roles were combined. Miller’s support for creating two separate conferences was in part related to feeling overburdened with both the chairmanship of the campus athletic committee and the role of faculty representative to the Big Ten. John W. Ryan to Dr. Anita Aldrich, July 25, 1978, Athletics Committee, Box 73, Indiana University President’s Records (John W. Ryan), c459, INB-ARM; Bob Hamel, “Aldrich to Head IU Athletic Committee,” *Bloomington Herald-Times*, Folder: Aldrich, Anita, Clippings Files, INB-ARM.

directors who were eager to develop strong women's programs were "getting more and more 'turned off' by the belligerent attitude of a great number of people in high places involved in AIAW."¹³⁹ Dietzel's attitude in these statements is certainly antagonistic towards certain female leaders and he even implies that the AIAW is controlled by overbearing feminists. Ultimately, Dietzel believed that Indiana, along with several other schools, had already made progress for women's sports and it was unrealistic for women's groups to expect more. While Indiana's proactive approach helped it build a strong program, Dietzel's attitude indicated that IU was unwilling to give in to external pressure, either in the form of government regulators or from women's sports leaders.¹⁴⁰

Dietzel's antagonistic view of the AIAW appeared to bleed over into his relationship with female administrators at Indiana. In November of 1976, Women's Athletic Director Leanne Grotke gave an interview with the *Indiana Daily Student* in which she made several comments that, to Dietzel, appeared to be demeaning men's athletics at Indiana. She observed that Indiana's female athletes were not "dumb jocks," perhaps implying the male athletes were.¹⁴¹ Dietzel's reaction was swift and direct. In a November 16 memo to Grotke, Dietzel questioned her loyalty and dedication to the department and to Indiana. In the letter, Dietzel referred to a number of other situations where he felt Grotke had stepped out of line.¹⁴² In Grotke's response, she attempted to

¹³⁹ Paul Dietzel to President John Ryan, March 8, 1978, Folder: Intercollegiate Athletics for Women, 1978, Box 33, *ibid*.

¹⁴⁰ In many ways, Dietzel's refusal to accede to pressure to improve women's sports was reminiscent of Orwig's stance on the status of black athletes discussed previously. Both Orwig and Dietzel declared their support for equality, but absolutely refused to give in to pressure or protest tactics. Bill Orwig to Dr. Elvis Stahr, June 3, 1968, Athletics, 12/68-5/69, Box 6, Indiana University President's Records (Joseph Sutton), c268, INB-ARM.

¹⁴¹ Mike Siroky, "Equality Closer for Women," *Indiana Daily Student*, November 11, 1976, p. 18.

¹⁴² Some examples included Grotke's request for a raise for the women's sports publicist and another memo to the affirmative action office questioning why the final Title IX report had been submitted while Grotke

explain these concerns and took issue with Dietzel's implication that she was disloyal or did not have the best interests of Indiana athletics at heart. In a meeting with Grotke and Indiana's affirmative action officer, Dietzel allegedly stated that "in order to do what you are demanding, Leanne, we may have to do away with all but about six men's sports and then have six men's and six women's teams." This statement is nearly identical to the previous one he made regarding the AIAW, contending that AIAW leaders would be perfectly fine with only four men's teams as long as there were four women's teams too.¹⁴³ Grotke took Dietzel's tone as an indication that he was unwilling to discuss these problems with her, suggesting a confrontational view of the issue. Thus, it appeared that Dietzel's perspective on women's athletics was more akin to Don Canham's (Michigan athletic director) than that of his predecessor at Indiana (Bill Orwig).

Despite Dietzel's frustration with Grotke and AIAW leaders, his public persona suggested a much more cooperative attitude. In 1978, Dietzel announced that he would be leaving to serve as the athletic director at Louisiana State University. In response to this announcement, the *Indiana Daily Student* praised his support for non-revenue sports and expressed concern that his departure might cause a loss of momentum in the progress he had made with the women's program. The columnist also worried that the next "athletic director might not have the same sympathetic attitude."¹⁴⁴ While just one opinion, it seems that Dietzel's short tenure would be remembered at least partially for

was out of the office. Ironically, Dietzel used this against her, questioning her commitment to Indiana's program because she was out of town so frequently.

¹⁴³ Unfortunately, the researcher was unable to locate the original letter to Grotke, thus Dietzel's statements were taken second-hand from Grotke's response. However, the question of attitude is as much about reception of the message as it is about intent. Even if Dietzel was fully supportive of women's sports, it is clear that Grotke did not feel that he adequately supported her or her program. Leanne Grotke to Paul Dietzel, January 27, 1977, Athletics, 1976-1977, Box 26, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

¹⁴⁴ Curt Smith, "Dietzel's Decision Regrettable," *Indiana Daily Student*, July 14, 1978, Folder: Dietzel, Paul, Clippings Files, INB-ARM.

his advocacy of non-revenue sports and his work in the development of women's athletics, despite the more antagonistic attitude he displayed in private correspondence.

Dietzel's successor, Ralph Floyd, appeared every bit as supportive of women's and non-revenue sports at Orwig had been.¹⁴⁵ However, Floyd also shared his predecessors' concerns regarding the development of Title IX and HEW's enforcement procedures. In many ways, Floyd's perspective mirrored Indiana's historical approach to Title IX: work for changes to the HEW regulations, but develop women's sports as if the government rules were in effect. Floyd was most concerned about the lack of clarity in HEW's regulations, complaining that "[no] one in the United States has been able to explain exactly what Title IX means." However, instead of waiting for clarification, Floyd declared that "I.U. will proceed with its own Title IX program."¹⁴⁶ More importantly, Floyd quickly realized the futility of fighting against the Title IX regulations. While administrators claimed to be confused about HEW's policies, Floyd asserted that "the HEW Office of Civil Rights staff is not confused," admitting that gaining an exemption for revenue producing sports was unlikely under current policies.¹⁴⁷ In this sense, Floyd charted the most pragmatic course, recognizing that not only was a protracted fight with HEW likely to be unsuccessful, but that it would ultimately not help Indiana focus on improving its women's sports program.

When HEW's three-year adjustment period for complying with its 1975 Title IX regulations concluded in the summer of 1978, Indiana emphasized its progress in

¹⁴⁵ "IU's Ralph Floyd Dies," *Bloomington Herald-Times*, December 16, 1990, Folder: Floyd, Ralph, Clippings Files, INB-ARM.

¹⁴⁶ Bill Koenig, "It's Unclear: Title IX Causes Nationwide Athletic Confusion," *Indiana Daily Student*, January 4, 1979, Athletic Department, General, 1974-1980, Box 1, Indiana University, Vice-President for University Relations, Records of Thaddeus M. Bonus, 1962-1980, c16, INB-ARM.

¹⁴⁷ Athletic Department Report, "We believe there are some things that are clear now:" n.d. ca. 1978, *ibid*.

women's athletics. Indiana's affirmative action officer, Frances Rhome, compiled the final Title IX report and served as an advisor to Ryan in his communication with HEW.¹⁴⁸ In the fall of 1978, Rhome prepared a draft of a letter that President Ryan planned to send to HEW Secretary Joseph Califano, detailing Indiana's successes in the area of women's sports. In her draft, Rhome included a section that outlined the problems that still existed at IU and the school's plans to address these issues. However, the final version that Ryan sent to Califano omitted this section entirely and was universally positive in its assessment of Indiana's women's athletic program.¹⁴⁹ Ryan's communications with the government also consistently focused on the fact that Indiana "affirms the desirability for equity in all of our educational programs including athletics." He also emphasized that any gender inequality was due to the fact that the revenue sports, specifically football, supplied "83 1/2 percent of the total income for our entire intercollegiate athletic program."¹⁵⁰ Ryan's interactions with HEW followed a familiar pattern: emphasize the growth of women's sports and omit any mention of the fact that men's and women's athletics are still not equal. But, if you must acknowledge the inequities, be sure to justify them based on the need to support the revenue sports since those teams provided the bulk of the operating budget for the entire athletics program.

President Ryan's response to HEW's 1978 Policy Interpretation was also illustrative of IU's stance on Title IX and women's athletics. While Ryan critiqued multiple parts of the interpretation, he particularly emphasized the question of timing:

¹⁴⁸ Title IX Compliance Report, compiled by Frances Dodson Rhome, University Affirmative Action Officer, July 21, 1978, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

¹⁴⁹ John W. Ryan to The Honorable Joseph A. Califano, Jr., September 15, 1978, Intercollegiate Athletics for Women, 1978, Box 33, Indiana University President's Records (John W. Ryan), c459, INB-ARM; Frances Dodson Rhome to Peter Fraenkel, August 8, 1978, *ibid.*

¹⁵⁰ John W. Ryan to Director David S. Tatel, February 20, 1979, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

To develop overnight an emerging course into a full blown program equal to the one which took some decades to build especially now when revenues are expected to “plateau” requires precise and careful planning. We are not starting from equal circumstances with males and females, or even within men’s programs, but from a history of certain developed and traditional single-sex programs.¹⁵¹

It is significant that, while Ryan acknowledged the challenges in rapidly creating an equal program for women, he did not reject the notion entirely. To do so would require “precise and careful planning,” but it was not impossible. In this manner, Ryan again displayed a supportive attitude regarding women’s sports, but clearly articulated his concerns about the government’s enforcement procedures.

One response to HEW’s 1978 Policy Interpretation came from Duke University President, Terry Sanford, who as previously noted suggested that institutions should take more responsibility for establishing their own Title IX compliance procedures.¹⁵² Sanford believed that the time for debate was over and asserted that his plan would help schools “get on with the job of improving athletic opportunities for women.”¹⁵³ Indiana’s primary affirmative action officer Frances Dodson Rhome urged President Ryan to reject the plan. She agreed that while “self-policing is always preferable to outside agency supervision . . . problems arise . . . when vested interests crowd the picture.” She contended that government enforcement of Title IX ultimately forced improvements for women’s sports. The progress that had happened by 1979 came through “means of wrenching, groaning, complaining, resisting actions.” Rhome asserted that “I admire the vision of full and voluntary compliance, but I live in a more pragmatic world of established bureaucracies .

¹⁵¹ Ibid.

¹⁵² Sixty-one university presidents and chancellors signed the Sanford Plan including Willard Boyd (Iowa), Harold Enarson (Ohio State), and Arthur Hansen (Purdue) from the Big Ten. See Chapter Three for more details about this proposal. Terry Sanford to Mr. E. Peter Libassi, May 22, 1979, Title IX: Compliance Report, 1978-1979, Box 26, Indiana University Vice President for Administration Records, 1974-1990, c47d, INB-ARM.

¹⁵³ Terry Sanford to Mr. John W. Ryan, July 10, 1979, *ibid*.

.. change in this slowly turning world requires oiled machinery.” Despite its challenges, Rhome asserted that government pressure was the best way to ensure that women’s sports would continue to thrive.¹⁵⁴ While Rhome was proud of Indiana’s progress, there was no guarantee that schools, including Indiana, would continue to support women’s athletics without the external pressure of HEW’s Title IX oversight.¹⁵⁵

Rhome’s picture of the reality of university organization, and the slow and sometimes stilted process by which change happens is a perfect example of the approach generally employed by Indiana. Throughout the development of women’s athletics at Indiana, the school and its administrators generally encouraged women’s athletics as part of its overall mission to support a broad athletics program including non-revenue sports. But they were also willing to criticize HEW’s regulations and the government’s involvement in athletics. They contended that their support for Title IX was based on a desire to adhere to the spirit of equality inherent in the legislation, but that HEW’s proscriptive regulations created an overly burdensome situation that could endanger both men’s and women’s programs. But Indiana administrators ultimately recognized the authority of the federal government and attempted to work with HEW to improve the women’s athletics program at IU.

Ultimately, these case studies reveal the impact that administrative attitude had on the development of women’s sports after Title IX. In the case of Northwestern,

¹⁵⁴ Frances Dodson Rhome to President John Ryan, August 10, 1979, *ibid*.

¹⁵⁵ Incidentally, this fear came to pass in 1984 after the Supreme Court ruled in *Grove City v. Bell* that Title IX should not be applied to athletics. In the following years, university support for women’s athletics dropped significantly leading to the enactment of the Civil Rights Restoration Act of 1987. Title IX History, 1980s, Title IX, Retrieved February 27, 2013 from <http://www.titleix.info/History/The-Living-Law/Living-Law-in-the-80s.aspx>.

administrators seemed reluctant to criticize the government or the AIAW. While this stance certainly helped create a supportive climate for women's sports, it also hid some of the challenges Northwestern had in developing women's sports. Michigan's vendetta against Title IX undoubtedly caused delays in the development of women's sports, but this negative attitude also often caused the public to overlook the successes at Michigan. Ultimately, Indiana established a middle ground that was more pragmatic and, in many ways, more effective. Indiana officials were able to successfully implement a comprehensive women's athletics program while at the same time criticizing elements of HEW's definition of Title IX compliance. However, unlike Michigan, Indiana generally maintained a supportive attitude towards women's athletics and refrained from condemning HEW and Title IX. Officials at these three universities all attempted to distinguish between their support for the ideal of gender equality in sports and their opposition to the government's involvement in intercollegiate athletics. While HEW's Title IX regulations undoubtedly forced many schools to rapidly increase support for women's athletics, it is equally clear that most Big Ten leaders made at least good faith efforts to comply with the spirit of Title IX. And, more importantly, while administrative attitudes certainly impacted the growth of women's athletics, this was not the only factor that dictated the success or failure of these new programs.

Conclusion

In August of 1982, the University of Michigan became the final Big Ten institution to receive the government's "seal of approval" for its women's athletic program, thus ending a decade-long struggle that radically altered intercollegiate athletics within the Big Ten conference.¹ The process of changing women's sports from extramural activities with virtually no administrative support to full-fledged varsity teams was challenging on many levels. Administrators faced philosophical issues regarding the nature of women's athletics. Should women's sports shun the commercial male model and establish an educational mission for the program? Or should female athletes have the same benefits and support that male athletes enjoyed, including scholarships which women's sports leaders feared would lead to unhealthy competition? University officials also dealt with legitimate logistical and financial questions. At a time when athletic departments already faced deficits, adding a new line item in the budget for women's sports, not to mention the initial capital outlay for facilities and equipment, was difficult to bear. From a structural standpoint, administrators had to determine whether women's athletics would be housed in a separate unit or if it would become part of the existing department of athletics. Over all of these issues hung concerns over the government's enforcement methods. Arguments with the Department of Health, Education, and Welfare (HEW) addressed everything from the specific regulations to fundamental questions regarding the role of the federal government in intercollegiate athletics and in

¹ By 1980, the Office of Civil Rights had taken responsibility for Title IX enforcement and finally approved Michigan's program in 1982. See Chapter Three for more details about the review process and Chapter Five for more information about the development of Michigan's program. Harold T. Shapiro to Regents of the University of Michigan, August 31, 1982, Title IX, 1982-1983, Box 132, President's Records, UM-BHL.

higher education. Throughout this entire process, university leaders insisted that the struggles to develop women's intercollegiate athletics were based on these concerns and not a chauvinistic rejection of women as athletes. This was the key component of Big Ten administrative response during the Title IX Era: university leaders supported the spirit of equality, yet believed that the government mandate to immediately create new women's programs—and sometimes completely from scratch—was a nearly impossible task.

Of course, the story did not end in 1982. Big Ten leaders continued to develop their women's sports programs over the coming years. Upon being declared Title IX-compliant in 1979, Purdue University implemented a plan to elevate the women's volleyball and basketball programs to revenue sports. These teams were officially classified as revenue sports in 1980 and 1982 respectively. According to Purdue's athletic structure, teams that generated net revenue over the course of a year were provided additional financial and administrative support.² In other words, Purdue worked to protect and enhance sports that generated income for the department. Prior to Title IX, football and men's basketball were the only sports to be considered revenue, but Purdue's proposal revealed its commitment to enhancing its women's sports program. Institutional reports at Ohio State and Michigan State also revealed impressive progress for women's athletics following passage of Title IX. By 1980, Ohio State's women's athletics program had an operating budget of over \$800,000 and women's sports at Michigan State had a budget of over \$1.1 million by 1982.³ While financial strength was not the only measure

² Athletics Affairs Committee, "Purdue University Institutional Plan for Intercollegiate Athletics," May 1980, Athletics and Academic Progress, Frederick L. Hovde Papers, Box 24, PU-KA; "Women's Revenue Volleyball," Women's Volleyball Program, September 19, 1979, Drawer 1979-1980, Purdue University Athletic Department Archives; "Year-by-Year," Women's Basketball Program, 1997-1998, p. 78, Women's Basketball Programs, PU-KA.

³ Master Plan: Department of Intercollegiate Athletics, Women's Intercollegiate Athletic Program, December 4, 1980, OSU-A, Women's Athletics (9/e-5a), Box 2, "OSU: Correspondence, January-July

of equality, these numbers suggested that, despite complaints about HEW's demands, most universities were able to meet and even exceed the government's requirements.

After 1982, some Big Ten schools merely continued the positive momentum they had built during the Title IX Era. At both Iowa and Minnesota, administrative support and the creation of separate men's and women's athletic departments helped improve women's sports at those institutions. Iowa women's athletic director Christine Grant noted that President Sandy Boyd's "degree of support for women has been unique" in comparison to other institutions.⁴ Additionally, she praised men's athletic director, Chalmers Elliott, calling him "a man of quality who has not been threatened by women for equality."⁵ Grant believed that improvement of women's sports at Iowa during the 1970s was partially due to this administrative support and the fact she was allowed to retain control over the women's program instead of being relegated to a secondary position in the men's athletic department.⁶

Throughout the 1980s and 1990s, the University of Minnesota continued to resist the urge to combine its men's and women's athletics programs. In studying the possibility of a merger in 1980, officials at the University of Minnesota discovered that a single department would not create any "significant savings" and that a merger was "not

1981;" Michigan State University Response to Title IX Athletic Audit, March 17, 1982, Response to Title IX Athletic Audit, Box 1311, General Academic Administration, Office of the Provost, UA 3.6, MSU-AHC.

⁴ Christine H.B. Grant to Willard L. Boyd, March 11, 1981, Biographical Information and Correspondence, 1981, Christine Grant Papers, Box 2, IA-WA.

⁵ Christine H.B. Grant, "At Iowa, Harmony Through Partnership," n.d. ca. 1987, Christine Grant: Gender Equity in Athletics, Publications, Grant, At Iowa, Harmony Through Partnership, Christine Grant Papers, Box 22, IA-WA.

⁶ As of 1987, Iowa was one of only nine institutions in the country to have a separate women's athletic department. Christine H.B. Grant, "At Iowa, Harmony Through Partnership," n.d. ca. 1987, Christine Grant: Gender Equity in Athletics, Publications, Grant, At Iowa, Harmony Through Partnership, Christine Grant Papers, Box 22, IA-WA.

conducive to promoting or protecting the rights of women.”⁷ Both Iowa and Minnesota would maintain separate women’s athletics departments for two more decades.

Eventually, Iowa merged its men’s and women’s programs in 2000 after women’s athletic director Christine Grant retired and Minnesota followed suit two years later.⁸ The positive steps taken at many Big Ten schools suggested that women’s athletics would continue to thrive during the 1980s and beyond.

Conversely, however, some administrators continued to erect barriers to the development of women’s athletics. In 1981, Wisconsin Athletic Director Elroy Hirsch pleaded for the university to provide the athletic department with additional financial support. In his view, the culprit was clearly Title IX, a government mandate that “was just thrown on us” and created multiple financial problems for his department.⁹ Similarly, despite the claims of support from Michigan Athletic Director Don Canham, UM continued to face complaints about the lack of equality for women’s sports. In 1984, the parent of a female athlete outlined multiple examples of inequality in Michigan’s program including issues related to funding, proper equipment, travel, coaching, and adequate medical attention.¹⁰ In addition to these administrative roadblocks, publications from some athletic departments also reinforced the perceived inadequacy of female athletes. For example, the cover page of a 1981 brochure about women’s athletics at Michigan State included a photograph of a female student wearing a softball chest

⁷ The Ad Hoc Committee on Athletic Department Merger: Report, May 2, 1980, Athletic Department Merger & Ad Hoc Committee Report, 1980 Title IX, Box 4, Athletics, Women, Uarc 2003-0011, MN-A; Gary Engstrand to Vice President Nils Hasselmo, January 14, 1980, *ibid*.

⁸ Guide to the Christine Grant Papers, University of Iowa Libraries, accessed January 13, 2014, <http://collguides.lib.uiowa.edu/?IWA0329>; Chris Voelz, Minnesota Golden Gophers Hall of Fame, accessed January 13, 2014, <http://www.gophersports.com/genrel/090607abg.html>.

⁹ Elroy L. Hirsch to Len Van Ess, February 3, 1981, Athletics, Intercollegiate, 1980-1981, Box 81, 4/22/1, UW-A.

¹⁰ Francie Kraker Goodridge to Harold Shapiro, March 16, 1984, Athletics, 1983-1984, Box 133, President’s Records, UM-BHL.

protector—and smelling a flower (Figure 3). Similarly, a 1980 athletic department guide for female athletes at the University of Wisconsin (titled “Things Your Mother Never Told You...Answers to the Woman Athlete’s Questions”) featured several cartoon images of confused women looking more like pin-up models than athletes (Figures 4-5). Even more interesting was the title page for the section on sports medicine, subtitled “Taking Care of Ow-eyes [sic]” (Figure 6). Despite gains for women’s sports, these images suggested that perhaps some administrators were still not prepared to treat women as real athletes.



Figure 3: 1981 Michigan State Women's Athletics¹¹

¹¹ Women’s Athletics at Michigan State University, n.d. ca. 1981, Title IX Files, Michigan State Data Request letter, 1C, January 14, 1981, Box 1308, General Academic Administration, Office of the Provost, UA 3.6, MSU-AHC.



COUNSELING SERVICES

Figure 4: Wisconsin Guide to Women's Athletics: Counseling¹²

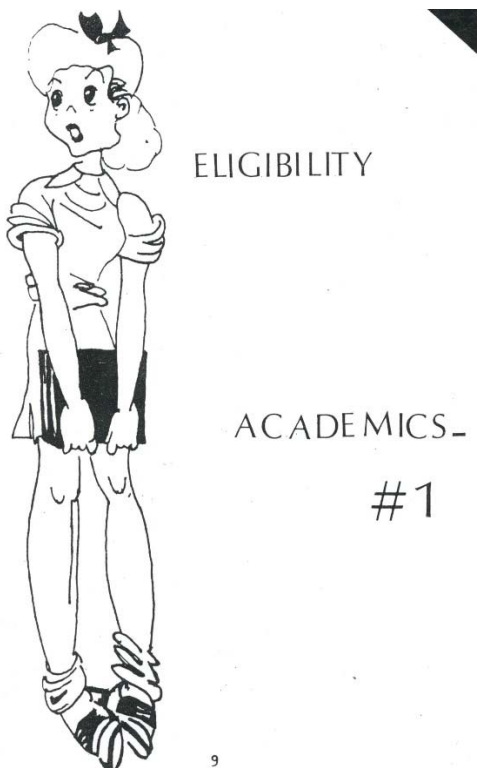


Figure 5: Wisconsin Guide to Women's Athletics: Eligibility¹³

¹² "Things Your Mother Never Told You . . . Answers to the Woman Athlete's Questions!," University of Wisconsin, 1980-1981, Women's Sports, Box 1, Accession 86/49, UW-A, p. 5.

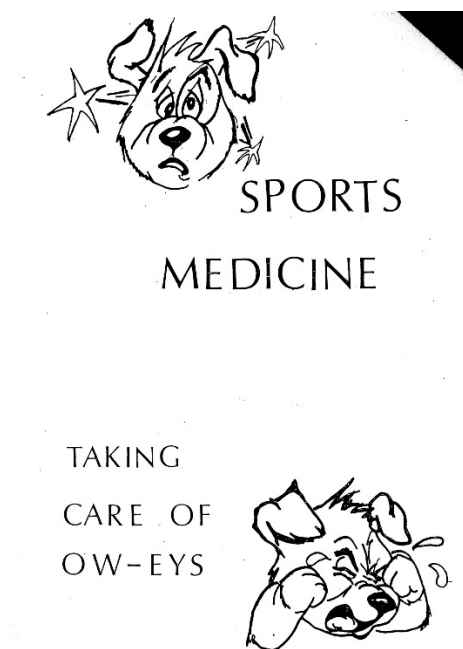


Figure 6: Wisconsin Guide to Women's Athletics: Sports Medicine¹⁴

Opponents of Title IX were partially vindicated in 1984 with the Supreme Court's ruling in *Grove City College v. Bell*. In 1976, Grove City College, a small, private school in Pennsylvania, received a document, titled "Assurance of Compliance" from the HEW. Administrators were directed to sign this form which would confirm that they agreed to would "abide by all federal regulations" that "existed in 1976 and forevermore." Campus leaders refused to sign this pledge and appealed their case to the Supreme Court. The college's central argument was that it received no federal funds and therefore was not subject to government regulations. In a 6-3 decision, the Supreme Court rejected this contention, determining that the Pell Grants that Grove City students received constituted federal funding. This meant that the college was subject to federal legislation. That said, the court's decision also included the assertion that only Grove City's admissions and

¹³ Ibid., p. 9.

¹⁴ Ibid., p. 19.

financial aid departments were subject to Title IX because those were the only college programs that used federal funding (Pell Grants). In other words, the court ruled that only those *programs* that received federal assistance were subject to Title IX and *not* the entire institution.¹⁵ This was essentially confirmation of the argument that athletic directors had made throughout the Title IX Era. Since athletic departments were self-supporting and did not receive any federal money, these administrators believed that intercollegiate athletics should not be subject to Title IX. The Supreme Court's ruling in *Grove City* provided federal sanction for this point of view.

However, this ruling was temporary. The 1987 Civil Rights Restoration Act, passed over President Ronald Reagan's veto, was designed to "overturn the Supreme Court's 1984 decision in *Grove City College v. Bell*, . . . and to restore the effectiveness and vitality of the four major civil rights statutes," including Title IX.¹⁶ The new statute reestablished the government's position that Title IX would apply to all activities at an institution that received federal funds, even if the specific program did not directly take money from the government. After implementation in 1988, the Office of Civil Rights (OCR) again became responsible for enforcing Title IX. Ever since that time, the OCR has assessed Title IX compliance based primarily on the three methods established in the 1978 "Policy Interpretation": financial equality in athletic scholarships, substantive equality in a series of areas including equipment, facilities, and coaching, and finally

¹⁵ David M. Lascell, "Grove City College v. Bell: What the Case Means Today," *Grove City College: Journal of Law and Public Policy*, Spring 2010, accessed January 12, 2014
<http://www2.gcc.edu/orgs/GCLawJournal/articles/spring%202010/Grove%20City%20v%20Bell.pdf>.

¹⁶ The other laws under this act were Title VI, Section 504, and the Age Discrimination Act of 1975. U.S. Department of Justice, Civil Rights Division, "Title VI Legal Manual: Civil Rights Restoration Act," United States Department of Justice, September 1998, accessed January 12, 2014,
http://www.justice.gov/crt/grants_statutes/legalman.php#Restoration.

proof that institutions were meeting the needs of both its female and male students.¹⁷

Subsequent interpretations of these rules further divided the third method and to comply with Title IX at the present time, schools can do one of three things: ensure that the ratio of male to female athletes matches the ratio of male to female students on campus, demonstrate historical and continuing enhancement of women's sports, or show that it is meeting students' interests.¹⁸

In many ways, the impact of Title IX has been transformative. As former Indiana women's athletic director Leanne Grotke noted "Title IX has made all the difference nationally for the speed and rate of things occurring for women. The law became a friendly reminder to provide equal opportunity."¹⁹ Essentially, Grotke argued that without government pressure in the form of Title IX, women's sports would not have evolved nearly as far or nearly as fast. From a statistical standpoint, the success of Title IX in creating more opportunities for female athletic participation is undeniable. According to a study by R. Vivian Acosta and Linda Jean Carpenter, female participation in varsity athletics exceeded 200,000 in 2012, a staggering increase over the approximately 16,000 varsity female athletes in 1970. Additionally, as of 2012, colleges and universities offered a total of 9,274 intercollegiate teams for women or an average of 8.73 per institution compared with only 2.5 teams per school in 1970.²⁰ Despite the controversy over this

¹⁷ See Chapter Three for more details on these standards. "A Policy Interpretation: Title IX and Intercollegiate Athletics," Federal Register, Vol. 44, No. 239, December 11, 1979, Office for Civil Rights, U.S. Department of Education, accessed January 12, 2013:

<http://www2.ed.gov/about/offices/list/ocr/docs/t9interp.html>.

¹⁸ "Title IX & Issues: What is Title IX: Standard Language of Title IX," Women's Sports Foundation, 2011, retrieved January 12, 2014, <http://www.womenssportsfoundation.org/en/home/advocate/title-ix-and-issues/what-is-title-ix/standard-language-of-title-ix>.

¹⁹ "Title IX Forces College Athletics to Recognize New Family Member," *Indiana Arbutus*, 1979, p. 229, INB-ARM.

²⁰ R. Vivian Acosta and Linda Jean Carpenter, "Women in Intercollegiate Sport: A Longitudinal, National Study, Thirty-Five Year Update" (West Brookfield, MA: Acosta/Carpenter: 2012).

piece of legislation, Title IX provided the impetus for colleges and universities to dramatically increase opportunities for women to participate in intercollegiate sports.

Despite the gains for student-athletes, Acosta and Carpenter's study revealed a corresponding drop in female leadership of women's sports. In 1972, approximately 90% of women's teams had female coaches. By 1978 when Title IX compliance was mandatory, that number had fallen to 58.2%. Acosta and Carpenter at least partially attributed this initial decline to the fact that institutions quickly increased the number of sports they offered. However, between 1978 and 2012, this percentage has steadily declined and in 2012 was merely 42.9% and only "about 1 in 5 of all teams (men's and women's) are coached by females." However, during the first decade of the 2000s, the total number of head coaching positions increased from 3,420 to 3,974. On the administrative level, these scholars found that, as of 2012, 20.3% of all athletic directors were women and 91.8% of schools had at least one female administrator in athletics. That said, they also lamented that most schools only had a single female leader in the athletics department, with institutions employing an average of 1.41 female administrators per school.²¹ While Acosta and Carpenter did not provide analysis regarding the reasons for these numbers, their study confirmed the argument that Title IX led to a loss of female leadership in college sports.²²

Despite the fact that Title IX has increased female participation in sports, recent controversy has developed over institutions cutting men's minor sports in order to

²¹ Ibid.

²² Mary A. Boutilier and Lucinda F. San Giovanni, "Sport and Masculine Hegemony," in *Women, Sport, and Culture*, eds. Susan Birrell and Cheryl L. Cole (Champaign, IL: Human Kinetics, 1994), 97-110; Gail F. Maloney, "The Impact of Title IX on Women's Intercollegiate Athletics" (Ph.D. dissertation, State University of New York, Buffalo, 1995); Ying Wushanley, *Playing Nice and Losing: The Struggle for Control of Women's Intercollegiate Athletics, 1960-2000* (Syracuse, NY: Syracuse University Press, 2004).

comply with Title IX. While government regulations allow for multiple methods of compliance, the clearest and most objective standard remains the ratio test. An institution can achieve compliance by matching the percentages of male and female athletes with the ratio of male to female students on campus. Thus, when athletic directors become concerned about Title IX violations, the most straightforward path is to meet this ratio test. And due at least partially to financial issues, instead of increasing the number of teams for women to meet this requirement administrators often choose to eliminate a minor male sport. Examples include the 2011 decision of administrators at the University of Delaware to demote men's track and field from a varsity to a club sport and the 2006 elimination of seven men's sports at James Madison University.²³

While university officials in these cases blamed Title IX for their actions, other athletics leaders have suggested that this legislation is not the real culprit. Rather they argue that decisions to drop men's sports like baseball, wrestling, swimming, or track and field are based mostly on the desire to protect male revenue sports. Donna Lopino, president of Sports Management Resources, argued that the real problem stems from extreme spending on football and men's basketball. She asserted that these sports generally receive about 75% of the total athletic department budget so "men's minor sports are getting squeezed out." She further suggested that "nothing is happening in terms of Title IX compliance, so the women aren't getting equal opportunity either, but [athletic directors are] afraid to cut women's sports because they know they'll get sued."²⁴ In other words, when athletic departments face financial troubles or Title IX

²³ Katie Thomas, "Colleges Cut Men's Programs to Satisfy Title IX," *New York Times*, May 1, 2011, accessed January 12, 2014, http://www.nytimes.com/2011/05/02/sports/02gender.html?_r=0.

²⁴ Donna Lopino quoted in Graham Watson, "Title IX Puts Schools in Conundrum," July 14, 2009, ESPN Website, accessed January 12, 2014, <http://sports.espn.go.com/ncaa/news/story?id=4326021>.

complaints, their primary option tends to be cutting men's minor sports rather than trimming expenses from the football and men's basketball budgets.

Ultimately, the belief that Title IX is to blame for men losing athletic opportunities is convenient, but not entirely accurate. Nancy Hogshead-Makar cited NCAA statistics proving that while women's participation in athletics grew by over 32,000 between 2002 and 2011, male participation rose by over 38,000 during the same time period. If Title IX were reducing opportunities for male athletes, the rate of growth for women should be more than that for men. Hogshead-Makar also noted that during the four-year period between the *Grove City* ruling in 1984 and implementation of the Civil Rights Restoration Act in 1988 (when Title IX did not apply to college athletics programs that did not receive federal funds), NCAA schools eliminated more wrestling teams than they did in the twelve years between 1988 and 2000.²⁵ While administrators often find it easier to blame Title IX, many observers suggest that once again it comes down to priorities. By cutting men's minor sports to save money or achieve Title IX compliance rather than reducing expenses for the revenue sports, administrators are revealing that their top priority remains football and basketball.

This argument suggests that administrative assessments of Title IX have not changed significantly since 1972. When the Department of Health, Education, and Welfare (HEW) developed specific regulations to enforce Title IX in 1974, most university officials immediately worried how these rules would impact the revenue sports. From their perspective, this concern was legitimate. They knew that these teams generated the income that funded the entire athletic department. The possibility of a

²⁵ Kate Fagan and Luke Cyphers, "Five Myths about Title IX," April 20, 2012, ESPNW Website, accessed January 12, 2014, <http://espn.go.com/espnw/title-ix/article/7729603/five-myths-title-ix>.

government mandate that might result in reduced expenditures for these teams would lead to them becoming less successful, driving down fan interest, and ultimately reducing the operating budget for athletics as a whole. While many Big Ten administrators aggressively opposed HEW's regulations, with the benefit of hindsight it is clear that Title IX and the resulting gains for women's athletics have not hurt football or men's basketball. College football rivals the National Football League as one of the most popular sports in America and the NCAA men's basketball tournament, "March Madness," is celebrated as a quasi-holiday in many parts of the United States. Ultimately, former Indiana athletic director Bill Orwig was prescient when, in a 1974 memo, he suggested that HEW's regulations would lead to a "watering-down" of the non-revenue sports program because administrators would be unwilling or unable to sacrifice football or basketball for the sake of women's athletics.²⁶

The desire to protect the revenue generated by football and men's basketball was but one facet of the administrative argument against Title IX. Prior to 1972, American colleges and universities were emerging from the period of immense growth that came after World War II. New students flocked to campuses in the 1940s and 1950s and administrators believed that this marked the beginning of a golden age for higher education. However, by 1972, universities were struggling with student unrest, declining enrollments, and mounting financial challenges caused by a national economic downturn. Additionally, institutions of higher education faced increased pressure from federal and state governments that were taking more of an active role in higher education. Financial issues also hit college athletic departments. Big Ten universities proposed reducing

²⁶ Bill Orwig to Dr. Ed Williams, February 14, 1974, Intercollegiate Athletics for Women, 1973-1974, Box 33, Indiana University President's Records (John W. Ryan), c459, INB-ARM.

scholarships for non-revenue sports in order to deal with these problems. At this time, women's athletics programs at most Big Ten schools were small units housed in departments of physical education or even run by student organizations. The passage of Title IX in 1972 ushered in a period during which athletic departments were forced to pay attention to female athletes in an unprecedented way. Regardless of any chauvinistic attitudes university leaders may have held, from a logistical and financial standpoint the idea of adding an entirely new athletic program for women seemed nearly impossible.

This job became even more daunting when administrators learned of HEW's enforcement methods. Despite assurances that it would not mandate identical expenditures, officials feared that HEW's regulations would eventually require equal funding for men's and women's athletics. Even beyond this issue, administrators grappled with the specific tasks they needed to accomplish to develop the new women's programs. Most athletic directors had never seriously considered women's sports and were now expected to construct new facilities, add new teams, hire coaches, purchase new uniforms and equipment, negotiate equitable practice times for men and women, hire female administrators, and figure out what exactly the AIAW was. Adding to this burden was the fact that the AIAW (Association of Intercollegiate Athletics for Women) and many female athletics leaders on campus envisioned a somewhat idealistic system of athletics for women. Their commitment to an educational philosophy contrasted with the commercial model that the male departments had developed, thus creating questions about the proper way to administer the men's and women's athletics programs.

Hanging over all of this were the HEW regulations. First published in 1974 and signed into law in 1975, these rules expressly stated what universities needed to do to

comply with Title IX. From a proposal that required schools to operate their programs based on the results of an annual student poll to the assertion that women should be given the same benefits (i.e. travel accommodations, equipment, etc.) as male athletes to the requirement of equal scholarship programs for men and women, Big Ten administrators believed that HEW officials were out of touch with the realities of operating major college athletic programs. In the three years between the passage of HEW's regulations and the mandated date of compliance (July 21, 1978), Big Ten leaders engaged in an ongoing battle against these rules and the intrusion of the federal government in higher education. These same administrators simultaneously asserted their support for women's athletics and most schools made significant improvements for women's sports during this period. Ironically, while university officials opposed these government regulations, most of them actually used some of HEW's rules to guide the development of their women's programs.

Despite gains for women's sports at the Big Ten institutions, by 1978 most of the schools found themselves out of compliance and facing the prospect of a government investigation by the Office of Civil Rights (OCR), which had taken over enforcement of Title IX. The OCR inquiries were conducted based on the history of complaints at each institution and on the level of compliance that each school showed towards the specific elements of the government regulations. In addition to these examinations, university officials again faced a new explanation of the rules in the form of HEW's 1978 "Policy Interpretation" that attempted to clarify the expectations for Title IX compliance. Big Ten leaders criticized this plan in much the same way that they had condemned HEW's original 1975 regulations. Their consistent disapproval of HEW's methods of

enforcement centered on two primary factors: that intercollegiate athletics did not receive federal funds and therefore should not be subject to Title IX, and the argument that HEW needed to provide an exemption for revenue sports. Administrators believed that the income generated by football and men's basketball was necessary to support the entire athletic program for both men and women. In their view, exempting these sports from Title IX comparisons was necessary to ensure protection of this revenue stream, making it possible to support women's athletics. Ultimately, while denying any exemption, the government determined that institutions could spend more money on certain sports assuming that this practice was non-discriminatory. By 1982, all the Big Ten institutions had achieved Title IX compliance and were continuing to develop their women's athletics programs.

One of the major Title IX issues that institutions confronted revolved around the level of authority female leaders would have over women's sports. In most cases, Big Ten institutions created single athletic departments that included both men and women.²⁷ In these structures, female administrators were generally placed in a subordinate position to the male athletic director. In no instance was the concern over female leadership more pronounced than in the addition of women to the Big Ten Conference and the national debate between the NCAA and AIAW. Women's sports leaders were justifiably worried that joining the Big Ten and the NCAA would rob them of the freedom to control their own programs. Debates over adding women to the Big Ten were generally divided between women who wanted to maintain control and men who favored the logistical simplicity of a single conference structure. Despite efforts to incorporate women into the conference, most Big Ten leaders opposed the NCAA's takeover of women's athletics,

²⁷ Iowa and Minnesota were the lone exceptions to establish separate women's athletic departments.

remaining loyal to the AIAW until its final demise in 1982. In this sense, it appears that at least some male leaders genuinely *did* support women's sports and delays in developing these new programs were related to genuine financial and logistical challenges rather than being based on male chauvinism.

Undoubtedly, the attitudes of Big Ten administrators formed an important component of the history of the Title IX Era in the Big Ten. The environment that officials created on campus contributed to the ease with which women's sports developed at a particular institution. For example, the consistent support for women's sports and Title IX from Northwestern administrators fostered an open and positive environment on campus that helped women's sports to grow and seemed to minimize any problems they faced. The apparent willingness of Northwestern administrators to work on problem areas led to a greater level of acceptance of these deficiencies from both government officials and women on campus. Conversely, officials at the University of Michigan aggressively opposed not only HEW's specific regulations, but Title IX and women's sports in general. While athletic director Don Canham claimed to support women's athletics, his actions often told a different story. His adamant rejection of the Title IX regulations and their application to athletics obscured many of the positive steps that Michigan took to improve its women's program. While Michigan officials generally failed to convince many people that their hostility towards Title IX did not mean opposition to women's sports, university leaders at Indiana successfully made this distinction. Early and consistent support for women's athletics at Indiana allowed IU officials to criticize the Title IX regulations without being perceived as unsympathetic towards women's sports in general. In all three cases, administrative attitude mattered. Northwestern could afford to

take its time developing women's sports since its leaders seemed so supportive of Title IX. Michigan's successes were largely ignored in the face of its barrage of attacks on HEW. Ultimately, Indiana's pragmatic course of action in many ways proved to be the most successful. IU officials were not reluctant to criticize HEW's enforcement techniques, but at the same time they worked to build their women's program.

There are certainly important questions missing from this analysis of administrative reaction to Title IX. While it is relatively straightforward to discuss the tangible process of developing women's sports programs, it is much harder to evaluate the state of mind that made administrators respond the way they did. Some university officials were quite comfortable airing their chauvinistic attitudes, but the political nature of Title IX being what it was, this was relatively rare. Considering this fact, what were the gender ideas that undergirded administrative response to Title IX? Were university officials more chauvinistic than they perhaps displayed in their public statements? Did they still fundamentally believe that sports were a male endeavor in which women had no place? Further investigation of the gender ideology that informed opposition to Title IX would provide a more critical understanding of Title IX resistance and the growth of women's sports after 1972.

Perhaps a more interesting line of questioning regarding the mentality of Big Ten administrators would be to assess the connections between Title IX opposition and the broader rise of conservatism throughout American society during the 1970s and 1980s. In 1975, Michigan athletic director Don Canham and Elaine Donnelly from the "Stop ERA" organization exchanged letters essentially expressing support for each other's positions.²⁸

²⁸ Elaine Donnelly to Don Canham, February 28, 1975, Women's Athletic Programs, Title IX, 1974-1979, Box 3, Don Canham Papers, UM-BHL; Don Canham to Elaine Donnelly, May 20, 1975, *ibid*.

This small piece of evidence suggests that there might have been ties between the anti-Title IX stance of university administrators and broader conservative political movements. On the surface, this contention certainly seems plausible. Male athletes have traditionally been more conservative than the general populace and the anti-government rhetoric of the movement against Title IX certainly mirrored the conservative position regarding local control and attempting to minimize the federal government. Additionally, the insistence of Big Ten administrators that their opposition to the letter of the law did not equate to a rejection of the spirit of gender equality in some sense echoes the contention of certain whites who opposed bussing or affirmative action. These conservative protestors often asserted that they did not disagree with the ideal of racial equality, but they differed on the mechanisms that the government was using to enforce desegregation. It is obviously plausible to question the sincerity of anti-bussing protestors and of anti-Title IX administrators, suggesting that their anti-government, rights-based rhetoric was a front for racism or sexism. However, their stated support for the principle of equal opportunity coupled with a rejection of government mandated civil rights measures implied a similar mentality between the new conservatives and athletic administrators who fought against Title IX.

The development of women's sports at Big Ten institutions was a multi-faceted process. Popular narratives of Title IX suggest that women's sports did not exist prior to 1972 and opposition to this legislation was based on a sexist rejection of women as athletes, leading the government to force gender equality on schools that did not really want it. However, the story of Title IX in the Big Ten refuted this perspective. University

officials were often outspoken in their support for women's athletics and the ideal of creating an equal program for women. In many cases, this rhetoric went beyond mere words. Some administrators advocated for women's athletics prior to Title IX and even the most antagonistic officials helped create massive improvements for women's athletics in a short ten years. Administrative opposition to Title IX was not solely based on male chauvinism or a gender-based rejection of women as athletes. Instead, Big Ten leaders resisted the development of women's sports largely due to the logistical and financial difficulties of adding a new program to their athletic departments. Ultimately, arguments against Title IX were *not* based on excluding women, but on keeping the government out of their athletic departments and universities.

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