

TITLE IX IN COLLEGE ATHLETICS
WITH AN HISTORICAL VIRGINIA TECH ATHLETICS CASE STUDY
(1972 - 1992)

by

Scarlett K. Schneider

Dissertation submitted to the Faculty of the
Virginia Polytechnic Institute and State University
in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

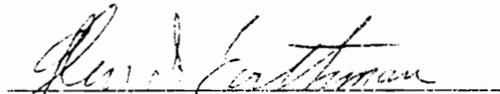
in

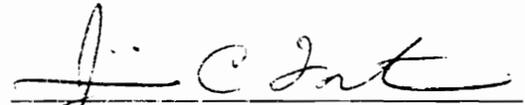
Educational Administration—Higher Education

APPROVED:


M. David Alexander, Co-Chair


Margaret L. Driscoll, Co-Chair


Glen I. Earthman


Jimmie C. Fortune


J. Douglas McAlister

May 1, 1996

Blacksburg, Virginia

Key Words: Title IX, Equality, Civil Rights

**TITLE IX IN COLLEGE ATHLETICS
WITH AN HISTORICAL VIRGINIA TECH ATHLETICS CASE STUDY
(1972 - 1992)**

by

Scarlett K. Schneider

Committee Co-chairs: M. David Alexander and Margaret L. Driscoll
Educational Administration—Higher Education

(ABSTRACT)

The purpose of this study was to investigate how Virginia Polytechnic Institute and State University (VT, Virginia Tech or VPI&SU) had complied with Title IX from 1972-1992. The case study investigated the governing process of the institution's progression of Title IX compliance.

The study explored one prominent question: How had VT complied with Title IX from 1972-1992. Three subquestions relevant to the discussion of gender included: (a) How had VT performed in the three prong test of Title IX? (b) During the period 1972-1992, how did VT adhere to the compliance of the thirteen components of Title IX? and (c) What were the governing processes of VT towards Title IX in both written documentation and verbal interviews.

The instrumentation of the study was two-fold. The first stratum was to review court cases that were relevant to Title IX.

In reporting these cases, a "brief type" system was utilized. The brief of each case included the following: citation, topic, relief sought, issues, facts, finding of the trial, finding of the appellate court, reasoning, and significance.

A case study methodology was used in researching VT Athletic Department compliance with Title IX. Documentation to support the Title IX case study included athletic department correspondence, Athletic Department Title IX studies, University related correspondence, and printed documentation.

The outcome of the study revealed VT's governing process towards Title IX during the twenty year period. The move towards compliance was based upon the philosophy of the athletic director as well as the president of the university.

Prior to 1987 and the passage of the Civil Rights Restoration Act, VT athletics was a corporation and not a department within the university. Also, athletics was not held accountable for Title IX compliance since athletics did not receive direct federal funding.

After the passing of the Civil Rights Restoration Act, all departments were liable for Title IX compliance. In 1992, the VT athletic department was equitable in meeting the following thirteen components: interests and abilities, equipment and supplies, opportunity to receive and compensation of tutoring, housing and dining facilities, and recruitment of student athletes.

ACKNOWLEDGEMENTS

Earning a Ph.D. was a collaborative effort involving many individuals. Without their assistance, encouragement, and support, the progress towards a Ph.D. would prove much more difficult to attain. I was very fortunate and thankful to have individuals who cared for me as a person and then as a student.

To my committee members—Dr. Margaret Driscoll (co-chair), Dr. Glen Earthman, Dr. Jimmie Fortune, and Dr. Doug McAlister—I thank you. Without the assistance of two committee members, Dr. Driscoll (Dr. "D") and Dr. McAlister, I would not have been given the professional encouragement and support to continue. Dr. D and Dr. McAlister gave countless hours of reading, feedback, and advising—thus giving me the guidance to "see the light at the end of the tunnel". To Dr. "D" and Dr. McAlister, I will be forever grateful.

To my family and friends, I appreciate the encouragement and moral support. In particular to my Mom (Sheila Schneider), who at times may have worried about the Ph.D. completion more than I. Mom, you have taught me many positive principles—through your words as well as your life. Thank you for being my best friend!

To my grandparents, Paul and Sue Barron, who, through their acts, taught me the values of work, determination, and character. Even though my Grandfather passed on while going through this dissertation process, I know he was looking down on me proudly on "defense day" and provided the extra confidence and moral support I needed. To both, I love you with all my heart.

To my Dad, Bob Schneider, thanks for caring. At times, I wondered, why continue? Thanks for talking and allowing me to visualize what would be possible upon completion of a Ph.D.

To Jon Schmidt, thank you for your encouragement, motivation, and understanding. You are a special person and friend who came into my life when further encouragement, motivation, and understanding was needed.

Thanks to all the individuals who allowed me to interview them for this dissertation: Carol A. Alfano, Dave Braine, Jeffrey T. Bourne, Dr. Bennet G. Cassell, Vincent Cilimberg, Jr., Dr. James W. Dean, Stephen J. Horton, Jo Kaffer, Dr. William E. Lavery, Sharon M. McCloskey, Dr. James I. Robertson, Jr., Dr. Joseph A. Sgro, and Dr. Jerry N. Via. Thank you for the insightfulness to Virginia Tech Athletics.

And finally, to Paulette Gardner, I owe you so much for your technical support and expertise. Thank you for your patience and professionalism. Whatever I gave you or no matter the manner in which it was given, I never worried. You provided me with great peace of mind that the task would be completed correctly. Thank you.

TABLE OF CONTENTS

	Page
ABSTRACT	ii
ACKNOWLEDGEMENTS	iv
LIST OF TABLES	viii
CHAPTER ONE: INTRODUCTION	1
Purpose of the Study	4
Delimitations	5
Research Questions	5
Assumptions	5
Methodology	6
Need for/Significance of/Implications for the Study	8
Organization of the Study	9
CHAPTER TWO: REVIEW OF THE LITERATURE	11
Introduction to Title IX	11
Overview of Title IX Intercollegiate Athletic Requirements	14
Thirteen Components of Title IX	16
Current Litigation	23
Summary	61
CHAPTER THREE: HISTORY OF VIRGINIA TECH	62
History	62
VPI Athletics (1892-1972)	64
Scholarships/Financial Aid	64
Interests and Abilities	66
Scheduling	67
Coaching	69
Practice and Competitive Facilities	69
Housing	71
Publicity	71
Support Services	72
Recruitment	72
Co-eds at VPI	73
Title IX Chronology at Virginia Tech	78
Non-Revenue Sports Study	121
Summary	131

CHAPTER FOUR: FINDINGS, CONCLUSIONS AND RECOMMENDATIONS 133

- Introduction 133
- Litigation 134
- Recommendations 147

REFERENCES 149

APPENDIX A: Athletics Participation and Scholarships at 257 NCAA
 Division I Institutions, 1990-91 and 1993-94 154

APPENDIX B: Sample Brief 157

APPENDIX C: Virginia Tech Organizational Chart 158

APPENDIX D: Fall Undergraduate Enrollment 1972-1992 160

VITA 161

LIST OF TABLES

Table		Page
1	Virginia Tech Presidents and Administration Years	65
2	Virginia Tech Athletic Association Sample Scheduling Letter	68
3	Virginia Tech Fall Undergraduate Enrollment	76
4	1992 Virginia Tech Male and Female Varsity Athletic Teams	139

CHAPTER ONE

INTRODUCTION

*Athletics is the "front porch of the University".
A university's athletic program is what the normal
public citizen sees most. When you think of Penn
State you do not think of a chemistry lab but rather
the Nittony Lions. The athletic program is the first
part of the house that you see, the first part of the
house of which you are familiar.*

(Robertson, 1996)

In 1990-1991, the National Collegiate Athletic Association (NCAA) conducted an athletic gender equity study with institutional members to analyze expenditures and opportunities in women's and men's athletics. The data from this survey are useful to assess Title IX compliance within institutions. The results of the 1990-1991 survey, based on responses from 253 of the 298 Division I colleges, found that while women accounted for 50.3 percent of the students at responding institutions, women made up 30.9 percent of varsity athletes. The study also reported that average Division I colleges spent 30.4 percent of its scholarship money, 17.2 percent on recruiting dollars, and 22.6 percent on the total sports budget on women's athletic programs (Blum, 1994).

How far has women sports progressed in twenty years since the passage of Title IX? Title IX of 1972 states that "no person in the United States, shall on the basis of sex, be excluded from participating in, be denied the benefits of, or be

subjected to discrimination under any educational program or activity receiving federal assistance" (20 U.S.C.A. § 1681(a)(1990)).

Blum's 1993-1994 survey of the same institutions' performance revealed slight increases in the proportion of athletes who were women and in female athletes' share of athletic scholarships. Of the 301 Division I colleges in 1993-1994, 257 participated in the survey. According to Blum (1994), last academic year, women made up to 50.8 percent of the undergraduates and 33.6 percent of the varsity athletics at the average Division I college. Female athletes received 35.7 percent of the money spent on athletic scholarships. Additional findings in the 1993-1994 Blum survey (Blum, 1994) included:

- (a) Among the 181 Division I respondents to both the 1990-1991 study, and 1993-1994 Division I colleges that provided information to Blum, all but twenty-two, or 159 out of 181 institutions, gave proportionally more scholarship money to their female athletes in 1993-1994 than was given four years prior; 120 out of 181 or all but 61 institutions showed an improvement in the proportion of women among varsity athletes from the 1990-1991 survey to the 1993-1994 survey.
- (b) At 162 Division I institutions in 1993-1994, the proportion of the scholarship money that was received by the female athletes was the same as the 1991-1992 proportion of the female athletes in the varsity program or greater; and

- (c) In 1993-1994, women received less than one quarter of the athletic scholarship money at 23 of 181 Division I colleges. Women made up the majority of the student body at all but 7 of 181 Division I institutions.

The findings of both the 1991-1992 and 1993-1994 Blum studies revealed the unequal state of women's athletics and the slow progress towards gender equity. The charts (Appendix A) were a comparison of the overall student gender enrollment pattern of Virginia Tech's conference affiliates in Big East and A-10 competition. As documented, eight institutions competing in the Big East or Atlantic 10 did not provide any information for the years of 1990-1991. Two institutions, Temple and the University of Miami, did not provide data for both the 1990-1991 NCAA study nor the 1993-1994 Blum survey.

A comparison for male and female athletes' in athletic expenditures, scholarships, operating dollars, recruiting dollars, and male/female athlete spending ratio is reported in Appendix A. As the data revealed, gender equity is a problem facing national higher education institutions. Division I averages for 1990-1991 are based on information provided by the NCAA. The Division I averages for 1990-1991 included:

- (a) Full-time undergraduates of 49.7 percent men compared to 50.3 percent women;
- (b) Athletic participation of 69.1 percent men compared to 30.7 percent women; and

(c) Spending on athletic scholarships total amount included 69.5 percent men compared to 30.4 percent women.

(d) In 1990-1991, 30.9 percent of the participating athletes were female.

These females received 30.4 percent of the funding spent on scholarships.

The averages for 1993-1994 are based on information collected by the

Chronicle of Higher Education and only included those Division I institutions that provided data for that category. The Division I averages for 1993-1994 included:

(a) Full-time undergraduates or 49.2 percent men compared to 50.8 percent women;

(b) Athletic participation of 66.4 percent men compared to 33.6 percent women; and

(c) Spending on athletic scholarships total amount included 64.3 percent men compared to 35.7 percent women.

(d) In 1993-1994, 33.6 percent of the participating athletes were female.

These females received 35.7 percent of the funding spent on scholarships.

Purpose of the Study

The purpose of the study was to describe and analyze how Virginia Tech had complied with Title IX from 1972-1992. The case study investigated the governing process of the institution's progression of Title IX compliance.

Delimitations

Limitations assisted with structuring the boundaries of a research study. This research study was limited by the following: (a) the purpose was to look at Virginia Tech, thus a historical case study was limited to the higher education institution of Virginia Tech; and (b) the study focused on Title IX athletic court cases.

Research Questions

The dissertation researched one question with three subquestions pertinent to Title IX in athletics. These research questions included: How had VT complied with Title IX from 1972 to 1992?

- (1) How had VT met compliance in the three prong test of Title IX?
- (2) During the period of this study, had VT been in compliance with the thirteen (13) Title IX standards?
- (3) What were the university's governing board's responses of VT towards Title IX in both written documentation and verbal interviews?

Assumptions

Assumptions are useful to serve as a general starting point in a research project. Assumptions in this dissertation included: (a) the case study may be vulnerable to subject biases based upon the author's experiences as a fund raiser

for the athletic department; and (b) the use of VT as case study may provide useful anecdotes or examples to illustrate more general findings similar to other institutions of higher education.

Methodology

The following procedure was used as a research aid for this dissertation:

1. to provide an overview of the development of Title IX;
2. to define the three prong Title IX compliance test;
3. to define the 13 components of Title IX;
4. to review Title IX athletic law cases;
5. to conduct a Virginia Tech case study from 1972-1992 by tracking Title IX compliance procedure at VT from 1972-1992, by reviewing VT written documentation and performing interviews of key individuals;
6. to provide VT Title IX chronologued highlight sheet.

The instrumentation of the study was two-fold. The first stratum was to retrieve legal court briefs to be used in the review of Title IX court cases. West Law, lawsuits, Title IX documentation from the Office of Civil Rights (OCR) and the National Collegiate Association (NCAA), and Title IX articles were additional sources utilized to review Title IX rulings.

A "brief type" system was utilized in reporting Title IX law cases. The brief of each case included the following: citation, topic, relief sought, issues, facts,

finding of the trial, finding of the appellate court, reasoning, and significance (Appendix B) (Alexander & Solomon, 1972).

Documentation to support the VT case study included athletic department correspondence, Athletic Department Title IX Study (Lavery, 1986; Holford, 1993), University related correspondence, and printed newspaper documentation. In conducting the case study of VT, the interview method was also used.

Participants interviewed included:

Carol A. Alfano, Women's Basketball Coach (1978-present);

Dave Braine, Athletic Director (1988-present);

Jeffrey T. Bourne, Associate Athletic Director for Administration (1987-present);

Dr. Bennet G. Cassell, VTAA Chair (1989-1993);

Vincent Cilimberg, Jr., Non-Revenue Committee Member (1992);

Dr. James W. Dean, Secretary of VTAA (1964-1988);

Stephen J. Horton, Assistant Athletic Director of Compliance, VT (1988-present);

Jo Kaffer, Assistant Athletic Director (1977-1988);

Dr. William E. Lavery, Virginia Tech President (1975-1987), Executive Vice President (1973-1975), and Vice President (for finance) (1968-1973);

Sharon M. McCloskey, Senior Athletic Administrator (1978-present), Ms.

McCloskey has been on staff since 1978 but has held the position of Senior Women's Administrator since 1994;

Dr. James I. Robertson, Jr., Member of VTAA (1972-1992); VTAA President
(1981-1992);

Dr. Joseph A. Sgro, Women's Basketball Club Sport Coach (1973-1976);
Psychology Department Head (1996);

Dr. Jerry N. Via, Academic Advisor (1987-present).

Need for/Significance of/Implication for the Study

Title IX was a law that was enacted by the U.S. Congress in 1972. Critics of Title IX contended that the law had applied to only those programs within the higher education environment which directly received federal funding. Athletics did not receive direct federal funding. Additionally, critics conferred that it was not until the 1987 Civil Rights Restoration Acts, that athletics was accountable for Title IX compliance between male and female athletic programs.

The study focused research on pre-1987 lawsuits and post-1987 lawsuits. The VT case study revealed institution's compliance and governing process towards Title IX during the twenty year period.

Title IX is the current buzz word in intercollegiate athletics. The study may assist in the efforts to adjust Title IX compliance within the athletic community.

Documentation was included of key university personnel management of Title IX compliance both before and after the enactment of 1987. Finally, the history of Title IX as it related to a specific major research institution's (VT) governance of compliance with federal Title IX mandates was documented.

The case study was useful in pioneering new ground. Consequently, the case also contributed sources of information and hypothesis for further study. Ongoing surveys were conducted by the University to study the needs of the undergraduate female population.

Virginia Tech served as a unique Title IX case study. Virginia Tech was an institution with Division I football; was a corporation prior to 1987; was an institution with an employee who served both as an athletic director and head football coach (1978-1987); was involved in Title IX litigation; was an institution with a sports conference affiliation; had national exposure by being one of twelve schools which had post season play in football, women's basketball and men's basketball in 1995; had 60% men/40% women undergraduate population; was a state school; was a research institution; and one of which the author was employed.

Organization of the Study

The study was conducted in four chapters. The organization is presented below:

Chapter 1 includes the statement of the problem, the purpose, research questions, assumptions, delimitations, definitions, need for study, justification for the study, the significance of the study. Chapter 1 also included the case methodology.

Chapter 2 contains a review of the literature which included court cases, and reports from VT, archives, reports, letters, minutes. The first section includes law reviews and appropriate dissertations, the second section is composed of Title IX cases which included Title IX laws and regulations. In this section, past reports are included.

Chapter 3 is a reporting section of the study. This includes the findings of the VT case study.

Chapter 4 contains the findings in chapter 1 as compared with chapter 3. Also included is the summary, the conclusion of the study and the recommendations.

CHAPTER TWO

REVIEW OF THE LITERATURE

Chapter Two contains Title IX review of literature. The introduction or history of Title IX, overview of Title IX intercollegiate athletic requirements, and Title IX litigation comprise chapter two.

Introduction to Title IX

On May 27, 1975, President Ford signed into law, the Title IX of the Education Amendments Act of 1972, 20 U.S.C. As stated, Title IX of the Education Amendments Act of 1972, 20 U.S.C., provided that: "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."

Proponents of women's athletics used Title IX as a catalyst to achieve gender equity. Gender equity in intercollegiate athletics describes an environment in which fair and equitable distribution of overall athletics opportunities, benefits and resources be available to women and men in which student athletes, coaches and athletic administrators are not subject to gender based discrimination (Howlet & Whalen, Preliminary report of the gender equity task force, 1993, p. 1).

"At an institutional level, gender equity in intercollegiate athletics describes an environment in which fair and equitable distribution of overall athletics opportunities, benefits and resources is available to women and men, and in which student-athletes, coaches and athletics administrators are not subject to gender-based discrimination. An athletics program can be considered gender equitable when the participants in both the men's and women's sports programs would accept as fair and equitable the overall program of the other gender. No individual should be discriminated against on the basis of gender, institutionally or nationally, in intercollegiate athletics" (NCAA News, September 12, 1994).

Since virtually all institutions of higher education received federal financial assistance in one form or another, Title IX had widespread applicability. In 1992-1993, Virginia Tech received \$71 million, or 15 percent of total revenue for the university from federal agencies. Federal appropriations, grants, and contracts in support of sponsored research and student financial aid were the components of technical assistance to Virginia Tech (Killough, 1992).

Title IX, referred to as the "Big Stick," spurred the greatest growth in women's athletics in the history of this country. Although, the applicability to athletic programs was severely hampered by the Supreme Court's 1984 ruling in Grove City v. Bell (Uberstine & Stratos, 1993). Enforcement of Title IX was delayed because the U.S. Supreme Court ruled in the Grove City v. Bell case that Title IX regulations were to be applied only to specific programs directly receiving

federal funds [Grove City v. Bell, 465 U.S. 555 (1984)]. Athletic departments did not receive such funding; therefore, Title IX did not apply to these endeavors.

Without the threat of Title IX and loss of federal funds, various schools responded to financial pressures by eliminating several women's sports teams and reducing the budget for women's athletics (Uberstine & Stratos, 1993).

Conversely, Title IX did not apply to the admission practices of private undergraduate higher education institutions [20 U.S.C. § 1681(a)(1)].

The most pointed question in regards to Title IX litigation had been the range of the statute's applicability. Sides debated whether the original language of Title IX, "program or activity receiving federal financial assistance," meant applicability to all programs and departments within an institution or only programs which directly received federal funding (Uberstine & Stratos, 1993).

On March 22, 1988, Congress enacted the Civil Rights Restoration Act of 1987 which mandated that the receipt of federal funds for any program required compliance with Title IX in all the institution's programs. Specifically, the Act redefined the term "program or activity" to mean a college, university, or other postsecondary institution, or a public system of higher education. Accordingly, Title IX now applied to all operations of any higher education institution, any part of which received any federal financial assistance, or any of whose students receives federal student aid (Kramer, 1988).

The intercollegiate athletics requirements of Title IX were found in the rules and interpretations of the agencies responsible for implementing the statute. The

principle sources of these standards were: (a) the athletic provisions of the Title IX regulation (the regulation); (b) the intercollegiate athletics policy interpretation (the policy interpretation); (c) the intercollegiate investigator's manual (the manual); and (d) the guide for writing intercollegiate athletic letters of findings (the LOF Guide) (Kramer, 1988).

Overview of Title IX Intercollegiate Athletic Requirements

The Title IX regulation and policies of the Department of Education identified three sections that apply specifically to intercollegiate athletic programs at postsecondary institutions. In broad outline, these sections related to the issue of proportionality: (a) that athletic financial assistance (scholarships) be allocated in proportion to the numbers of male and female participants in intercollegiate athletics and undergraduate enrollment, (b) that all other benefits, opportunities, and treatment afforded participants of each sex be equivalent; and (c) that the athletic interests and abilities of women be accommodated to the same degree as those of men, with respect to the number of participation opportunities, team competitive levels, and selection of sports offered. Departures from those requirements were permitted if justified by factors determined by Office of Civil Rights (OCR) to be nondiscriminatory (Kramer, 1988).

The Office of Civil Rights (OCR) in the Department of Education is the primary government office responsible for the enforcement of Title IX. Administrative complaints concerning Title IX violations can be filed with this

office or lawsuits can be filed in court. OCR also has the authority to conduct compliance reviews. The laws enforced by OCR are Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 (Office of Civil Rights, U.S. Department of Education, 1988).

A list of thirteen factors were used by the OCR to determine if equal athletic opportunities were available to members of both sexes (Title IX Investigator's Manual, 1990):

1. financial assistance (scholarships);
2. selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes;
3. provision of equipment and supplies;
4. scheduling of games and practices;
5. travel and per diem;
6. opportunity to receive coaching and academic tutoring;
7. assignment and compensation of coaches and tutors;
8. provision of locker rooms, practice and competitive facilities;
9. provision of medical and training facilities and services;
10. provision of housing and dining facilities and services;
11. publicity;
12. provision of support services; and
13. recruitment of student athletes (p. 1).

Thirteen Components of Title IX

1. Athletic Scholarships and/or Athletic Financial Assistance

Title IX regulation stated, institutions must provide reasonable opportunities for athletic scholarship awards for members of each sex in proportion to the number of students of each sex participating in intercollegiate athletics (Title IX Investigator's Manual, 1990). OCR examined compliance with financial assistance of the regulation primarily by the means of financial comparisons to determine whether proportionally equal amounts of financial assistance/ scholarship aid are available to both men's and women's athletic programs. OCR measured compliance with the standard by dividing the amounts of aid available for the members of each sex by the number of male or female participants in the athletic program and comparing the results (Title IX Investigator's Manual, 1990). Institutions may be found in compliance if this comparison results were substantially equal amounts or if a resulting disparity can be explained by adjustment to take into account legitimate and nondiscriminatory factors.

2. Accommodation of Students Interests and Abilities

Title IX regulation required institutions that offered athletic programs to accommodate effectively the interests and abilities of students to the extent necessary to provide equal opportunity in the selection of sports and levels of competition available to members of both sexes (Title IX Investigator's Manual, 1990). The basic determination for this program component relied on a two-part analysis.

First was the equal opportunity to compete. Levels of competition referred primarily to the quality of competition as evidenced by whether a team competes against other teams at the same division level. Team levels included such levels as varsity and junior varsity for intercollegiate athletics (Title IX Investigator's Manual, 1990).

Secondly, definition of the component was the level of competition for intercollegiate athletics. Level of competition referred to team level such as varsity, junior varsity, and freshmen teams (Title IX Investigator's Manual, 1990).

To effectively accommodate the interests and abilities of male and female athletes, institutions must have provided both opportunities for individuals of each sex to participate in intercollegiate or interscholastic competition. Additionally, athletes of each sex were to have competitive team schedules which equally reflected their abilities (Title IX Investigator's Manual, 1990).

3. Provision of Equipment and Supplies

The policy interpretation stated equipment and supplies were included but were not limited to uniforms, other apparel, sport specific equipment, and supplies, instructional devices and conditioning and weight training equipment. The policy listed five factors to be assessed in determining compliance: (1) quality, (2) amount, (3) suitability, (4) maintenance and replacement, and (5) availability of equipment and supplies (Title IX Investigator's Manual, 1990).

4. Scheduling of Games and Practice Times

The policy interpretation listed the following five factors to be assessed in determining compliance:

1. the number of competitive events per sports;
2. number and length of practice opportunities;
3. time of day competitive events were scheduled;
4. time of day practice opportunities were scheduled; and
5. opportunities to engage in available preseason and postseason competition
(Title IX Investigator's Manual, 1990).

5. Travel and Per Diem Allowance

This policy listed five factors to be assessed in determining compliance:

1. modes of transportation;
2. housing furnished during travel;
3. length of stay before and after competitive events;
4. per diem allowances; and
5. dining arrangements (Title IX Investigator's Manual, 1990).

6. Opportunity to Receive Academic Tutors and Assignment and Compensation of Tutors

The policy interpretation listed two factors to be assessed in determining compliance for the opportunity to receive academic tutoring:

1. the availability of tutoring

2. procedures and criteria for obtaining tutorial assistance (Title IX Investigator's Manual, 1990).

The policy interpretation listed two factors to be assessed in determining compliance for the assignment of tutors.

1. tutor qualifications;
2. training experience and other qualifications (Title IX Investigator's Manual, 1990).

7. Opportunity to Receive Coaching, Assignment and Compensation of Coaches

The policy interpretation listed three factors to be assessed in determining compliance for the opportunity to receive coaching:

1. the relative availability of full time coaches;
2. the relative availability of part time and assistant coaches; and
3. the relative availability of graduate assistants (Title IX Investigator's Manual, 1990).

The policy interpretation listed two factors to be assessed in determining compliance for the assignment of coaches:

1. the training experience and other professional qualifications;
2. their professional standing (Title IX Investigator's Manual, 1990).

The policy interpretation listed seven factors to be assessed in determining compliance for the compensation of the coaches:

1. the rate of compensation (per sport per season);
2. the duration of the contracts;

3. the conditions related to contract renewal;
4. their experience;
5. the nature of coaching duties performed;
6. the working conditions; and
7. other teams and conditions of employment (Title IX Investigator's Manual, 1990).

8. Provision of Locker Rooms, Practice and Competitive Facilities

The policy interpretation listed six factors to be assessed in determining compliance:

1. the quality and availability of the facilities provided for practice and competitive events;
2. the exclusivity of use of facilities provided for practice and competitive events;
3. the availability of locker rooms;
4. the quality of locker rooms;
5. the maintenance of practice and competitive facilities; and
6. the preparation of facilities for practice and competitive events (Title IX Investigator's Manual, 1990).

9. Provision of Medical and Training Facilities and Services

The policy interpretation listed five factors to be assessed in determining compliance in the provision of medical and training facilities and services:

1. the availability of medical personnel and assistants;

2. health, accident, and injury insurance coverages;
3. the availability and quality of weight and training facilities;
4. the availability and quality of conditioning facilities; and
5. the availability and qualifications of athletic trainers (Title IX Investigator's Manual, 1990).

10. Provision of Housing and Dining Facilities and Services

The policy interpretation listed two factors to be assessed in determining compliance in the provision of housing and dining facilities and services:

1. housing provided;
2. special services as part of the housing arrangements (i.e., laundry facilities, parking space, maid service) (Title IX Investigator's Manual, 1990).

11. Publicity

The policy interpretation listed three factors to be assessed in determining compliance:

1. the availability and quality of sports information personnel;
2. the access to other publicity resources for men's and women's programs;
and
3. the quantity and quality of publication and other promotional devices featuring men's and women's athletic programs (Title IX Investigator's Manual, 1990).

12. Provision of Support Services

The policy interpretation stated that the administrative and clerical support provided to an athletic program could affect the overall provision of opportunity to male and female athletes, particularly to the extent that the provided services enabled coaches to perform better their coaching functions. The policy interpretation listed two factors to be assessed in determining the compliance:

1. the amount of administrative assistants provided to men's and women's programs;
2. the amount of secretarial and clerical assistance provided to men's and women's programs (Title IX Investigator's Manual, 1990).

13. Recruitment of Student Athletes

The policy interpretation listed three factors to be assessed in determining compliance:

1. whether coaches or other professional athletic personnel in programs serving male and female athletes were provided with substantially equal opportunities to recruit;
2. whether the financial and other services made available for recruitment in male and female athletic programs were equivalently adequate to meet the needs of each program; and
3. whether the differences in benefits, opportunities, and treatment afforded perspective student athletes of each sex had a disproportionately limiting

effect upon the recruitment of students of either sex (Title IX Investigator's Manual, 1990).

The OCR used a three-prong test to determine whether the required number of participation opportunities were being provided. The three part test included:

1. intercollegiate participation opportunities for students of each sex were substantially proportionate to its male and female undergraduate enrollment, or
2. a history or continued practice of program expansion responsive to develop interests and abilities of members of the "underrepresented sex," or
3. that the interests and abilities of the "underrepresented sex" were fully and effectively accommodated by the existing program.

The major focus of formal complaints had been in response to the regulation regarding opportunities for athletic participation. The OCR, through its policy interpretation of Title IX language, identified three areas of compliance: (a) athletic financial assistance; (b) equivalence of other benefits and opportunities; and (c) effective accommodation of interests and abilities.

Current Litigation

While the Office of Civil Rights was responsible for enforcing and governing Title IX regulations, many litigants had chosen to enter civil suits. Civil suits included injunctions to reinstate women's sports which had been dropped

(Cohen v. Brown University, 1993), court orders which elevated women's club sports to intercollegiate varsity level sports (Haffer v. Temple University, 1987), and specified monetary damages (Tyler v. Howard University, 1994). These monetary awards included out-of-pocket expenses for litigants and scholarship awards related to their participation in club sports as well as punitive damages (Franklin v. Gwinnett County Public Schools, 1990).

The Office of Civil Rights had been criticized for not fully enforcing Title IX regulations. This lack of enforcement coupled with the potential for monetary damages has led to litigation against a number of institutions in higher education (Blum, 1994).

In addition to constitutional challenges, plaintiffs also cited statutory challenges to sex-based categories in sports. Many statutory claims in the educational content were filed under Title IX of the Education Amendments of 1972 to the Civil Rights Act of 1964 (Uberstine & Stratos, 1993).

The twenty Title IX lawsuits were useful in identifying current legal trends in athletics. Institutions were sued by athletes and coaches for reasons of program elimination, program disparity between male and female athletic teams, and monetary rewards. Once the Civil Rights Restoration Act passed, female athletes were given the leverage needed to win a Title IX athletic law case. Institutions, including Virginia Tech has been threatened with a possible Title IX lawsuit if appropriate actions were not taken to make the athletic program more equitable in terms of Title IX and the thirteen components of Title IX. Although gender

equity is required by law, athletic departments nationally have needed prodding, sometimes in court, to add women's programs (Rubin, 1996).

Information from Title IX lawsuits are a vital source of information for a school similar to Virginia Tech. Failure to comply to Title IX may result in the institution finding itself in federal court. At that point, the institution may be in danger of losing control of its athletic department. The judge may impose a timetable for adding women's sports, issue an injunction preventing an elimination of certain female athletic programs, order improvements to women's facilities, and award monetary damages to plaintiffs (Rubin, 1996).

The following twenty cases were Title IX cases. As mentioned, in order to achieve unification in researching the Title IX cases, each case brief included the following: citation, topic, relief sought, issue(s), fact(s), finding of the trial court, finding of the appellate court, reasoning, and significance (Appendix B) (Alexander & Solomon, 1972).

The Title IX cases were grouped together according to common factors in the case. Cases were grouped in five areas: general Title IX cases, private institutional cases, interest and ability cases--women, interest and ability cases--men, and cases seeking monetary damages.

General Title IX Case

Citation: Aiken v. Lieuallen, 39 Or.App. 779, 593 P.2d 1243 (1979)

Topic: Title IX

Relief Sought: "Taxpayers and parents of participants in University of Oregon's women's varsity basketball program appealed from determination of the Chancellor of the State Board of Higher Education that the University was not violating statute prohibiting discrimination by school's receiving funds from the General Assembly." (Westlaw)

Issue(s): (1) Were the women's civil rights violated? (2) Did disparity exist between the men's and women's basketball teams?

Facts: The women's basketball team filed civil rights charges against the University of Oregon. The plaintiffs identified four areas of disparity between the women's and men's basketball teams: transportation to and from events; officiating; coaching; and the lack of university commitment for the growth of women's athletics.

Finding of the Trial Court: On October 17, 1977, the hearing officer determined the University was in violation of Title IX. Findings and recommendations were issued in March 1978 and submitted to the Oregon Chancellor of Higher Education. The Chancellor reversed the hearings and found the University was not in violation of Title IX.

Finding of the Appellate Court: Court of Appeals affirmed the court below.

Reasoning: "The Court of Appeals, Gillette, J., held that: (1) Chancellor's findings were inadequate to permit the Court to determine what criteria were used; (2) relevant statute does not provide for a three-year compliance schedule; (3) in making the determination, Chancellor could consider the revenue-generating ability of a sport, the level of interest and ability of the participants, the nature of transportation provided, the amounts paid to those officiating the contest, the level of coaching provided, and the University's commitment to competitive athletic programs, and (4) different treatment could not be based on conference rules." (Westlaw)

Significance: "Statute prohibiting sex discrimination by schools receiving monies from the Legislature does not authorize the University of Oregon to adopt a three-year compliance schedule with respect to men's and women's athletic programs." (Westlaw)

General Title IX Case

Citation: Pavey v. University of Alaska, the National Athletic Association and the Association for Intercollegiate Athletics for Women, 490 F.Supp. 1011 (1980)

Topic: Title IX of the Education Amendments of 1972 and the Fourteenth Amendment's due process and equal protection clauses.

Relief Sought: "A suit was filed against university charging it with discrimination against female students in its athletic program in violation of Title IX of the Education Amendments of 1972 and the Fourteenth Amendment's due process and equal protection clauses." (Westlaw)

Issue(s): (1) Were the female student athletes subjected to deprivation of rights, privileges, and immunities as compared to the male student athletes? (2) Are the rules and regulations of the NCAA and AIAW combiningly inconsistently which cause university to practice discriminately in relation to female and male athletic programming?

Facts: "The university filed a third-party complaint seeking a judgment declaring that the combined effect of inconsistent rules of the third-party defendants, the National Collegiate Athletic Association and the Association for Intercollegiate Athletics for Women, was to require discrimination by the university in contravention of its duty to comply with the requirements of federal law. The university primarily contends that the university did not possess any relevant protection rights which could be deprived, and the university must establish: (1) the conduct complained of was engaged in under state law, and (2) the conduct subjected the plaintiff to the deprivation of rights, privileges, and immunities licensed by the U.S. Constitution.

Finding of the Trial Court: The motion of the third party defendant (NCAA) to dismiss the third party complainant was denied. The motion of the third party AIAW to dismiss with prejudice the third party complainant was denied.

Reasoning: "The District Court, von der Heydt, J., held that: (1) the university's third-party complaint stated a valid claim under the Civil Rights Act of 1871 and, furthermore, the potential deprivation of the university's right to be free from interference with the performance of its obligations under federal law supplied the injury essential to a

correlative finding of standing; (2) the university was reasonably seeking to avoid a confrontation with the associations' rules and any disruption in its students' participation in intercollegiate athletics, despite the Associations' claim that any sanctions they might apply to the university at a future date were 'speculative'; and (3) the facial neutrality of the Associations' respective rules did not negate the university's claim that those rules, in combined effect, forced the university to discriminate in its own athletic program." (Westlaw)

Significance: Circumstances revealed that the NCAA and the AIAW had two separate sets of rules, each of whose actions constitute state action, and together had the same discriminatory affect. The University of Alaska was left with the decision to break the regulations of the AIAW or lower the quality of opportunities for male athletes.

General Title IX Case

Citation: Bennett v. West Texas State University, 799 F.2d 155, 34 Ed.LawRep. 684 (5th Cir. (Tex.), Sep 05, 1986)

Topic: Title IX

Relief Sought: "Female student athletes brought action alleging discrimination by university in violation of Title IX. The District Court, 526 F.Supp. 77, denied relief." (Westlaw)

Issue(s): (1) Were the female athletes denied from full participation in, denied the benefits of, and were subjected to discrimination within the athletic department? (2) Is the athletic department required to be in Title IX compliance even though the department does not receive federal financial assistance?

Facts: Six female student athletes filed suit against the university for various practices and policies which discriminated against women on the basis of sex and denied women equal opportunity within the athletic department. West Texas argued the athletic department did not accept federal financial assistance directly and therefore was outside the realm of Title IX regulations.

Finding of the Trial Court: The District Court, 526 F.Supp. 77, denied relief.

Finding of the Appellate Court: Court of Appeals affirmed the court below.

Reasoning: "The United States District Court for the Northern District of Texas, Robert W. Porter, J., again denied relief and the female student athletes appealed. The Court of Appeals, Randall, Circuit Judge, held that Title IX did not extend to intercollegiate athletics department either on theory that student athletes received federal funds and used them in part to pay mandatory student fee which supported the department or on theory that discrimination was so infectious as to allow it to be imputed to other departments which did receive federal funds." (Westlaw)

Significance: Court decision assisted in redefining the meaning of Title IX from program or activity to accountability from all operations of an institution which receives federal financial assistance.

General Title IX Case

Citation: Haffer v. Temple University, 524 F.Supp. 531 (E.D.Pa., 1981), aff'd 688 F.2d 14 (3rd Cir. 1982)

Topic: Title IX

Relief Sought: "Women students enrolled at university brought action against university alleging that university discriminated against women in operation of its intercollegiate athletic program in violation of Title IX of the Education Amendments of 1972." (Westlaw)

Issue(s): (1) Did gender equity exist between female and male athletic programs? (2) Does Title IX apply to an athletic department which does not directly receive federal funding?

Facts: Female student athletes sue institution because of lack of participation opportunities within the athletic department. "University sought summary judgment on theory that its intercollegiate athletic program was exempt from requirements of statute in that it received no federal funds earmarked for the use of that program." (Westlaw) Both parties agreed the athletic department did not receive financial assistance but Temple University receives over nineteen million dollars in federal financial grants and contracts while also receiving assistance in term loans and interest subsidies for construction and renovation of university buildings. The plaintiffs further argued Temple's athletic department received direct financial assistance in three forms:

1. as federal grants and loans to its student athletes;
2. as assistance in the renovation of facilities used by the athletic department; and
3. as salaries paid to athletic department employees under federally financed work-study programs (p. 534).

Finding of the Trial Court: District court ruled in favor of plaintiffs that university was within the meaning of statute. U.S. district for Eastern District of Pennsylvania denied the university's motion for summary judgment and the university appealed.

Finding of the Appellate Court: Appellate court found in favor of Temple.

Reasoning: "The District Court, Joseph S. Lord, III, Chief Judge, held that: (1) university received federal financial assistance within meaning of statute, and (2) university's intercollegiate athletic program was subject to statute on grounds that at least some of federal funding going to university was closely connected to intercollegiate athletic program." (Westlaw) Relied on the Grove City appellate decision which ruled the district court in Haffer had found the athletic department within the definition of Title IX because monies were received by the institution and funneled to the athletic department. However, the appellate court expressed no opinion concerning the lower court's alternative holding that the athletic department was covered by Title IX because some of the federal funding was closely connected to the athletic department is consonant with the subsequent decision in Grove City. Therefore the 1984 Grove City case forced Title IX regulations to apply to those programs which directly received federal assistance.

Significance: Appellate court found athletic department within Title IX meaning but alternately did not rule on case until after Grove City, which found athletic departments exempt from Title IX because the athletic department did not receive direct federal assistance.

General Title IX Case

Citation: Haffer v. Temple University, 678 F.Supp. 517 (E.D.Pa. 1987)

Topic: Title IX, equal protection clause, Pennsylvania equal rights amendment

Relief Sought: "Actual and potential female student athletes brought action against university alleging unlawful gender discrimination in university's intercollegiate athletic program." (Westlaw)

Issue(s): (1) Is Title IX program specific or institutional specific?

Facts: The Civil Rights Restoration Act of 1987 overturned the earlier ruling of Grove City v. Bell, thus allowing the plaintiffs in the case to bring action against Temple University. Plaintiffs cited the athletic department was within the realm of the Title IX jurisdiction.

Finding of the Trial Court: Ruled in favor of plaintiffs. Title IX is institutional specific, not program specific.

Finding of the Appellate Court: No appellate.

Reasoning: "On university's motion for summary judgment, the District Court, Joseph S. Lord, III, Senior District Judge, held that: (1) material issue of fact as to whether evidence that only one third of participants in university's intercollegiate athletic program were women indicated gender discrimination precluded summary judgment; (2) athletic scholarships were part of university's financial aid program, and were thus within ambit of Title IX; and (3) fact that current university president merged men's and women's intercollegiate athletic programs into common administrative unit for purposes of determining appropriation of athletic scholarships did not preclude court from considering allegedly discriminatory practices of predecessor administration. Ordered accordingly." (Westlaw)

Significance: The first case to challenge intercollegiate athletic programs operations procedures on the basis of federal equal protection clause of the Fourteenth Amendment.

General Title IX Case

Citation: Blair v. Washington State University, 108 Wash.2d 558, 740 P.2d 1379 (Wash. 1987)

Topic: Right Amendment

Relief Sought: "Female student-athletes and coaches brought sex discrimination action under state Equal Rights Amendment against state university." (Westlaw)

Issue(s): (1) Should football be excluded in the equation? (2) Were female athletes treated unequally compared to the male athletes?

Facts: Female student athletes cited sex discrimination in receiving inferior treatment as compared to male student athletes in the thirteen components of Title IX: financial assistance (scholarships); accommodation of interests and abilities; equipment and supplies; scheduling of games and practices; travel and per diem; coach and academic tutoring; facilities; publicity; support services; and recruitment of student athletes. The female athletes also addressed the exclusion of football in the calculation process.

Finding of the Trial Court: The Superior Court, Whitman County, Philip M. Faris, J., found that university had discriminated on basis of sex and awarded damages, injunctive relief, attorney fees, and costs.

Finding of the Appellate Court: Court of Appeals affirmed the court below.

Reasoning: "The Supreme Court, Dolliver, J., held that: (1) trial court was required to include football program in calculations for participation opportunities, scholarships, and distribution of nonrevenue funds in fashioning injunction to remedy university's discriminatory practices; (2) individual sports programs could use revenue generated by particular program for their exclusive benefit; and (3) plaintiffs were required to file tort claim against state as condition precedent to bringing suit under law against discrimination. Affirmed in part, reversed in part and remanded." (Westlaw)

Significance: The Washington Supreme Court disallowed the exclusion of football from the Darity calculus, affirming that such an exemption

violated the state equal rights amendment and state
antidiscrimination law (Uberstine & Stratos, 1993).

Case specifically cited the thirteen components of Title IX.

Private Institution Title IX Case

Citation: University of Richmond v. Bell, 543 F.Supp. 321 (1982)

Topic: Title IX

Relief Sought: "Private university filed action seeking injunctive and declaratory relief to prevent investigation by the Department of Education of its athletic program." (Westlaw)

Issue(s): (1) Does the Department of Education have authority to investigate and regulate the athletic department which does not receive direct federal funding and the university is a private institution?

Facts: A sex discrimination complaint involving the athletic program at Richmond was received by the Office of Civil Rights (OCR). OCR, governing body to investigate Title IX complaints, notified the university of its upcoming Title IX compliance review. Richmond questions OCRs jurisdiction and authority of a private institution which does not receive federal funding directly. The plaintiffs responded (1) Title IX is program specific and applies only to those programs which receive federal financial assistance; and (2) the Department of Education was attempting to regulate and investigate programs not receiving financial assistance. The defendants argued that Title IX applied to all aspects of an institution, regardless of receiving money directly or indirectly. Consequently, students receive the financial assistance directly so he/she may attend the institution, therefore the institution is the beneficiary of federal assistance.

Finding of the Trial Court: Trial court ruled in favor of plaintiffs.

Finding of the Appellate Court: None

Reasoning: "Cross motions for summary judgment were filed. The District Court, Warriner, J., held that Department of Education had no authority under regulations promulgated pursuant to Title IX of the Education Amendments of 1972 to investigate and regulate the athletic program of private university when athletic program itself received no direct federal financial assistance. Ordered accordingly. Department of Education had no authority under regulation promulgated pursuant to Title IX of the Education Amendments of

1972 to investigate and regulate athletic program of a private university, even though university had received a library resource grant, where the athletic program itself received no direct federal financial assistance." (Westlaw)

Significance: Title IX does not apply to private institutions nor does the Department of Education have jurisdiction of Title IX compliance over such institutions.

Private Institution Title IX Case

Citation: Grove City College v. Bell, 687 F.2d 684 (3rd Cir., 1982), 465 U.S. 555, 104 S.Ct. 1211, 79 L.Ed.2d 516 (1984)

Topic: Title IX

Relief Sought: "Private coeducational institution of higher education which received no federal or state financial assistance other than aid to its students and four students filed suit seeking an order to declare void the Department of Education's termination of students' financial assistance based on the institution's failure to comply with Title IX of the Education Amendments of 1972." (Westlaw)

Issue(s): (1) Is a private college, which receives no federal funds but whose students receive federal grants, bound by Title IX jurisdiction? (2) Is Title IX program specific or institution specific?

Facts: Grove City is a private college which has approximately 2200 students of which 480 students receive federal student aid in forms of Basic Educational Opportunity Grants (BEOGs) or Guaranteed Student Loans (GSLs). BEOGs and GSLs are issued by Congress and distributed by the Department of Education. Grove City College does not receive any other forms of federal or state financial assistance.

Grove City refused to sign an assurance of compliance as required by the Department of Education. Consequently, the Department of Education concluded the financial assistance to students at Grove City College could be terminated.

The plaintiffs argued Title IX was unconstitutional because the case focused on the term "educational institutional."

Finding of the Trial Court: "The United States District Court for the Western District of Pennsylvania, Paul A. Simmons, J., granted the institution's motion for summary judgment and refused to permit the termination of financial aid to students at the institution, holding that the Title IX enforcement regulations were invalid." (Westlaw)

Finding of the Appellate Court: Court of Appeals affirmed the court below in part.

Reasoning: "The Court of Appeals, Garth, Circuit Judge, held that: (1) the private coeducational institution was a recipient of federal financial assistance within the meaning of Title IX, even though that assistance was received indirectly through its students; (2) the assurance of compliance form required by the Department of Education was authorized and was valid; and (3) the Department was within its authority in terminating federal financial assistance to the students and to the institution for the institution's failure to execute and file, in accordance with the regulations, an assurance of compliance form. Reversed in part and remanded. Becker, Circuit Judge, concurred in the judgment and in all but Part III of the opinion and filed an opinion." (Westlaw)

Significance: The case focused on the term "educational institution" even though it does not appear in the definition of Title IX. "In the case, the Supreme Court held that a college whose sole source of federal money is in the form of student financial aid is required by Title IX to prohibit discrimination in its students financial aid program only. Under the old ruling the rest of the institution was free to discriminate" (Injustice, author unknown).

Private Institution Title IX Case

Citation: Grove City College v. Bell, 465 U.S. 555, 104 S.Ct. 1211, 79 L.Ed.2d 516, 15 Ed.LawRep 1079 (1984)

Topic: Title IX Sex Discrimination

Relief Sought: "Private college and four of its students filed suit seeking an order to declare void the Department of Education's termination of students' financial assistance based on the college's failure to execute assurance of compliance with statute prohibiting sex discrimination in any educational program receiving federal financial assistance."

Issue(s): (1) Is a private college, which receives no federal funds but whose students receive federal grants, bound by Title IX jurisdiction? (2) Is Title IX program specific or institution specific?

Facts: Grove City is a private college which has approximately 2200 students of which 480 students receive federal student aid in forms of Basic Educational Opportunity Grants (BEOGs) or Guaranteed Student Loans (GSLs). BEOGs and GSLs are issued by Congress and distributed by the Department of Education. Grove City College does not receive any other forms of federal or state financial assistance.

Grove City refused to sign an assurance of compliance as required by the Department of Education. Consequently, the Department of Education concluded the financial assistance to students at Grove City College could be terminated.

The plaintiffs argued Title IX was unconstitutional because the case focused on the term "educational institutional."

In 1984, Grove City College went to the Supreme Court. Again, the focus of the case reflected Title IX jurisdiction—Does Title IX extend to any program in an institution which receives federal funding or only to specific programs which directly receive federal financial assistance.

Supreme Court ruled in favor of the defendant: (1) Department of Education could not terminate federal assistance to Grove City

College students on the basis of Grove City's failure to sign an Assurance of Compliance form; (2) Title IX is program specific, therefore only applying to those programs which directly receive financial assistance.

Finding of the Trial Court: The United States District Court for the Western District of Pennsylvania, Paul A. Simmons, J., ... concluded that the students' receipt of basic educational opportunity grants constituted federal financial assistance to the college but held that the Department could not terminate the students' aid because of the college's refusal to execute the assurance of compliance, and appeals were taken.

Finding of the Appellate Court: The Court of Appeals, Garth, Circuit Judge, ... reversed in part and remanded.

Reasoning: The Supreme Court, Justice White, held that: (1) college was recipient of federal financial assistance and thus subject to the statute prohibiting sex discrimination where some of its students received basic educational opportunity grants even though the college did not receive any direct federal financial assistance, and (2) the receipt of grants by some of the college's students did not trigger institutionwide coverage but only coverage for its financial aid program. Affirmed. Justice Powell, with whom Chief Justice Burger and Justice O'Connor joined, filed a concurring opinion. Justice Stevens filed an opinion concurring in part and concurring in the result. Justice Brennan, with whom Justice Marshall joined, filed an opinion concurring in part and dissenting in part.

Significance: "Private college was recipient of federal financial assistance and thus subject to statute prohibiting sex discrimination in any educational program receiving federal financial assistance even though the college did not directly receive any federal financial assistance where some of its students received basic educational opportunity grants under Department of Education's alternate disbursement system and used those grants to pay for their education." (Westlaw)

"In the case, the Supreme Court held that a college whose sole source of federal money is in the form of student financial aid is required by Title IX to prohibit discrimination in its students financial aid program only. Under the old ruling the rest of the institution was free to discriminate" (Injustice, author unknown).

Title IX Interest and Ability (Women) Case

Citation: Cook v. Colgate University, 992 F.2d 17 (1993)

Topic: Title IX

Relief Sought: "Students brought action seeking to compel university to elevate women's hockey club to varsity status."

Issue(s): (1) Are the interests and abilities of the female ice hockey players being met by the athletic department? (2) Does "mootness" apply to this case when the playing eligibility of the student athletes is used up?

Facts: Equal treatment cases in which the women athletes and/or coaches assert their male counterparts on the same or similar teams are treated better than the female athletes and demand that equal treatment exists. Colgate University was found to have not provided "equal athletic opportunity" to women athletes when it refused to elevate the women's ice hockey club to varsity status (Bradshaw, 1993).

Finding of the Trial Court: The court concluded in citing disparity in the female's equal opportunity to participate.

Finding of the Appellate Court: The appellate court reversed the earlier decision and declared the suit "moot" because the plaintiffs were no longer students and were not returning to Colgate (Bradshaw, 1993).

Reasoning: The United States District Court for the Northern District of New York, David N. Hurd, United States Magistrate Judge, ordered university to grant varsity status to club, and university appealed. McLaughlin, Circuit Judge, held that action, was rendered moot at end of ice hockey season and graduation of last of the students bringing action. Vacated and remanded.

Significance: "The case did not use the three-part test but rather the court compared women's and men's sports in six different factors: expenditures, equipment, locker rooms, travel expenses, practice time, and coaching. While standing doctrine evaluates personal stake in outcome of case as of outset of litigation, mootness doctrine

insures that litigant's interest in outcome continues to exist throughout life of lawsuit, including pendency of appeal. (Westlaw)

Title IX Interest and Ability (Women) Case

Citation: Favia v. Indiana University of Pennsylvania, 7 F.3d 332 (1993)

Topic: Title IX

Relief Sought: "Members of former women's gymnastics and field hockey teams brought class action suit against university, alleging that university discriminated based on gender when cutting athletic programs, in violation of Title IX of the Education Amendments of 1972."

Issue(s): (1) May an athletic program cite a budget crisis as a reason to cut male/female programs, leaving them unproportional in relation to student athlete participation and undergraduate enrollment?

Facts: Indiana University of Pennsylvania was faced with a severe budget crisis in funding its athletic program. The decision was made to reduce the athletic budget by \$350,000. Before the budget cut there were nine athletic teams each for both male and female athletes. After cutting women's gymnastics/field hockey and men's soccer and tennis, there were seven teams per gender. Although the plaintiffs cited the following inequities: percentage of female athletes 37.77 compared to the female student undergraduate population; of the \$300,171 for scholarships, only 20% or \$61,009 were allotted to female athletes; and inequivalence in practice facilities, locker rooms, promotions, and coaching aspects. Affirmative action type case where four female athletes demand the university reinstate discontinued women's teams as a means of increasing athletes who are women (Thro & Snow, 1991). Indiana University of Pennsylvania was enjoined from cutting women's gymnastics and field hockey and men's teams from the athletic program (Bradshaw, 1993).

Finding of the Trial Court: The United States District Court for the Western District of Pennsylvania, Maurice B. Cohill, Jr., J., 812 F.Supp. 578, granted preliminary injunction. Subsequently, university moved to modify injunction and the District Court denied motion. University appealed.

Finding of the Appellate Court: Court of Appeals affirmed the court below.

Reasoning: "The Court of Appeals, Hutchinson, Circuit Judge, held that District Court did not abuse its discretion in determining that circumstances leading to preliminary injunction requiring university to reinstate women's varsity field hockey and gymnastics programs had not changed enough to require modification of injunction to replace gymnastics with soccer. Affirmed." (Westlaw)

Significance: Court used the three prong test to determine compliance. Noted that the number of teams were equal between the genders (7), but the ratio of male/female athletic teams were not proportional to the male/female undergraduate population.

Title IX Interest and Ability (Women) Case

Citation: Cohen v. Brown University, 879 F.Supp. 185 (1993)

Topic: Title IX

Relief Sought: "Student members of women's gymnastics and volleyball teams which had been demoted from full varsity status to intercollegiate club status by private university brought class action against university and its president and athletic director, alleging Title IX violations."

Issue(s): (1) Were the interests and abilities of the female athletes being met by Brown University athletic department?

Facts: Affirmative action type case where female athletes demand the university reinstate discontinued women's teams as a means of increasing athletes who are women (Thro & Snow, 1993). In 1991, Brown University eliminated four varsity sports as an attempt to reduce the institutional budget. The four sports included men's water polo and golf, and women's volleyball and gymnastics.

Finding of the Trial Court: The United States District Court for the District of Rhode Island, Raymond J. Pettine, Senior District Judge, 809 F.Supp. 978, issued preliminary injunction restoring teams to their former varsity status. Appeal was taken.

Finding of the Appellate Court: Court of Appeals affirmed the court below.

Reasoning: "The Court of Appeals, Selya, Circuit Judge, held that trial judge did not abuse discretion by issuing injunction. Affirmed. Court assessing Title IX compliance may not find violation solely because there is disparity between gender composition of an educational institution's student constituency, on one hand, and its athletic program on other hand." (Westlaw)

Significance: Implications of Brown decision (Thro & Snow, 1993):
a. Accommodation of interests is sufficient to find a violation of Title IX which then strengthens that the other factors may not be used to contradict a weakness in accommodation of interests. Also refer to Colorado State. This assumption

directly contradicts OCRs approach of examining all aspects of an athletic program.

- b. The decision strengthens the usage of the three-prong test utilized by OCR.
- c. Brown establishes that if any one of the three prongs is met there is no need to test the other programs. Also refer to Colorado State. In other words, "Brown empathetically rejects the notion, which has been advocated both explicitly and implicitly by some groups, that Title IX requires that institutions immediately exact or nearly exact alignment between participation rates and enrollment rates."
- d. The decision establishes that satisfaction of the first prong requires athletic opportunities be distributed between the sexes in number as compared to enrollment composition.
- e. The second prong is satisfied "so long as a university is continually expanding athletic opportunities in an ongoing effort to meet the needs of the underrepresented gender and persists on this approach as interest and ability levels in its student body and secondary feeder schools arise."
- f. If at an institution there are students who want to play a sport and who have the ability to play the sport, then the institution must offer the sport regardless of the institution's ability to sustain a team or the availability of competition.
- g. Brown decision forces institution to choose between adding new women's teams over a period of time until proportionality is achieved or immediately elimination male sports achieve proportionality.

Title IX Interest and Ability (Women) Case

Citation: Roberts v. Colorado State Bd. of Agriculture, 998 F.2d 824 (1993)

Topic: Title IX

Relief Sought: "Students and former members of women's varsity fast pitch softball team brought suit challenging university's discontinuation of the program."

Issue(s): (1) Was the proportionality of women's participative opportunities equivalent to the female undergraduate population? (2) Did Colorado State University effectively accommodate the interests and abilities of the female student population? (3) Did Colorado State University athletic department demonstrate a history of promoting women's athletic programs?

Facts: Affirmative action type case where female athletes demand the university reinstate discontinued women's teams as a means of increasing athletes who are women (Thro & Snow, 1993). A case challenging the legality of the decision to eliminate the men's baseball program and women's fast pitch softball program at the institution. Colorado State University was found out of compliance after the athletic department dropped women's softball and men's baseball from the athletic program (Bradshaw, 1993).

Former member of Colorado State University women's varsity softball team sued CSU on grounds of sex discrimination as interpreted by Title IX. The female athletes cite the institution's failure to effectively accommodate the interests and abilities of the university. In the 1992-1993 academic year, female athletes made up 37.7% of the total athletes participating in intercollegiate athletics while also enrolling 48.2% in the undergraduate population. In response, CSU argued (1) softball was eliminated because of budget cuts; (2) Title IX did not provide ample guidance in determining proportionality of student athlete's participation as compared to student enrollment; (3) the Title IX investigator's manual does not define set ratios that defines proportionality or a violation of disparity.

Finding of the Trial Court: The United States District Court for the District of Colorado, 814 F.Supp. 1507, Zita L. Weinshienk, J., issued

permanent injunction reinstating program. Appeal was taken. Title IX manual useful in determining proportion.

OCR investigative experience indicates that where budget restrictions have led a recipient to eliminate sports previously offered, there is frequently a compliance problem with this program component. The tendency is for institutions to eliminate a sport previously offered to women who are already underrepresented in the institution's athletic programs. The result has been that women are now more disadvantaged by the elimination of women's teams despite sufficient interests and abilities to sustain a team. In this situation, the institution may well be in violation of this program component.

Finding of the Appellate Court: Court of Appeals affirmed the court below.

Reasoning: "The Court of Appeals, Logan, Circuit Judge, held that: (1) university violated Title IX of Education Amendments Act of 1972 when it discontinued program; (2) district court correctly ordered equitable remedy; and (3) district court exceeded its authority in demanding that softball team play fall exhibition season. Affirmed in part, reversed in part and remanded with instructions. Court of Appeals reviews district court's interpretations of law de novo, and its findings of fact for clear error." (Westlaw)

Significance: Court significantly looked at OCR's 1983 study which determined the institution's lack of historical progression promoting women's athletics and proportional inequalities between genders.

Title IX Interest and Ability (Men) Case

Citation: Gonyo v. Drake University, 837 F.Supp. 989 (1993)

Topic: Title IX

Relief Sought: Male wrestlers brought action against the institution under Title IX because wrestling had been eliminated.

Issue(s): (1) Are the male wrestlers interests and abilities being met at the institution?

Facts: Drake University eliminated the male wrestling program in an attempt by the athletic department to reduce the budget as well as lack of student and public support. Male student athletes retaliated against the university in an attempt to reverse the university's decision to eliminate wrestling.

Finding of the Trial Court: Ruled in favor of institution.

Finding of the Appellate Court: None.

Reasoning: The District Court, Vietor, J., held that wrestlers failed to establish likelihood of prevailing on merits of their claims, that they would be irreparably harmed, and that balance or hardships tipped in their favor and, thus, they were not entitled to preliminary injunction. Motion denied. Male wrestlers at private university failed to establish threat of irreparable harm required for preliminary injunction requiring university to reinstate intercollegiate wrestling program; wrestlers would not lose their scholarships if program was terminated, they could transfer to other schools, and although their desire to complete their education at university of their choice was understandable. Vietor could not find merit that the plaintiffs interests and abilities are being met.

Significance: "Title IX did not establish right to participate in any particular sport in one's university. Title IX does not establish right of student athlete to participate in any particular sport in one's college and there is no constitutional right to participate in intercollegiate or high school athletics." (Westlaw)

Title IX Interest and Ability (Women) Case

Citation: Kelley v. Board of Trustees, 35 F.3d 265 (1994)

Topic: Title IX/Fourteenth Amendment

Relief Sought: "Members of men's swimming program at university brought civil rights action against university alleging that university violated Title IX and equal protection clause when it terminated their program but retained women's swimming program."

Issue(s): (1) Is the university accommodating the interests and abilities of the male student body population?

Facts: In an attempt to control costs and a budget crisis, the university decides to eliminate swimming for both male and female athletes. Illinois is eliminating men's swimming, diving, fencing, and women's diving. Men represent 56% of the student body and 76.6% of the athletes. The institution decides to retain women's swimming.

Eight members of the men's swimming team sued Illinois of sexual discrimination because the female swim team is not also eliminated.

Finding of the Trial Court: The United States District Court for the Central District of Illinois, Joe Billy McDade, J., ... granted summary judgment in favor of university, equal protection claim dismissed, and members of men's swimming team appealed.

Finding of the Appellate Court: Court of Appeals affirmed the court below.

Reasoning: The Court of Appeals, Cummings, Circuit Judge, held that university's decision to terminate men's swimming program while retaining women's swimming program did not violate Title IX or equal protection clause. Affirmed. Judge upheld decision by institution to reduce the budget by \$300,000.

Significance: "Educational institution may violate Title IX solely by failing to accommodate effectively the interests and abilities of student athletes of both sexes." (Westlaw) Illinois is allowed to eliminate men's swimming because men's interests and abilities are presumptively met when substantial proportionality exists.

Title IX and Monetary Case

Citation: Franklin v. Gwinnett County Public Schools, 112 S.Ct. 1028 (1990)

Topic: Title IX, Title VII

Relief Sought: "A female high school student brought suit against her school district under Title IX because she had been subjected to sexual harassment by a male coach at the school."

Issue(s): (1) Are compensatory damages recoverable under Title VII and Title IX? (2) Was student subjected to sexual discrimination?

Facts: Female student (Christine Franklin) brought action against Gwinnett County Public Schools and Dr. William Prescott contending that she had been intentionally discriminated against because of her gender.

Franklin attended North Gwinnett High School where she and an economics teacher, Coach Andrew Hill, became friends. Franklin graded papers and had private meetings with Hill. Their friendship became one of a sexual nature. School officials as well as other students found out of the affair between Franklin and Hill. Franklin was "admonished" by her peers as well as school officials. Franklin's boyfriend, Douglas Krett) confided with the band director, Dr. William Prescott.

Franklin alleged she reported the involvement with Hill to authorities and that Prescott (band teacher) tried to discourage her from going public with the incident. Gwinnett began an investigation in 1987. By the end, Hill resigned, Prescott retired, and Gwinnett closed the investigation.

In 1988, Franklin filed a complaint against Gwinnett with OCR alleging she had been subjected to sexual discrimination. OCR found Gwinnett on violation of Title IX but stated that due to assurances of affirmative actions designed to prevent any future occurrences, it considered Gwinnett in compliance, investigation closed.

Finding of the Trial Court: District court dismissed claim of civil rights violation.

Finding of the Appellate Court: The Supreme Court reversed the decision of the district court decision.

Reasoning: "The district court dismissed the case on the ground that Title IX does not authorize an award of monetary damages."

The Supreme Court reversed, and held that not only did Title IX create an implied cause of action for the plaintiff, but it also authorized monetary damages as a remedy. The court focused upon the long standing rule that "where legal rights have been invaded, and a federal statute provides for a general right to sue for such an invasion, federal courts may use any available remedy to make good the wrong."

Significance: States may now be sued under Title IX but legislation does not directly address the question whether monetary damages can be had under Title IX, nor does it change the authority under which Congress passes the legislation from that of Spending Clause to the Fourteenth Amendment. The Supreme Court (view of Marshall & Stevens) held that a plaintiff may receive damages in a Title IX action, but their statements do not constitute an intervening rule of law which overrules the precedent. Attainable damages include the expanded damages authorized by Congress in the Civil Rights Act of 1991, which include actual, compensatory, and punitive damages. The court's decision now gives sizeable strength to Title IX enforcement (Uberstine & Stratos, 1993).

Title IX and Monetary Case

Citation: Deli v. University of Minnesota, 863 F.Supp. 958 (1994)

Topic: Title IX, Title VII, Equal Pay Act

Relief Sought: "Former head coach of university's women's gymnastics team brought action against university, alleging that it improperly paid her less than head coaches of men's football, hockey, and basketball teams."

Issue(s): (1) Did university discriminate in Deli salary as compared to other coaches?

Facts: Katalin Delin, former gymnastics coach at the University of Minnesota, claims she should be paid as much as the male coaches at the institution. Deli's salary was \$42,329 compared to \$75,000 for the men's gymnastics coach. Other head coach's salary includes football \$175,000-\$200,000. Deli was seeking \$500,000 in back pay.

Finding of the Trial Court: Court ruled in favor of defendant.

Finding of the Appellate Court: No appellate.

Reasoning: The District Court, Magnuson, J., held that: (1) Title VII and Equal Pay Act did not prohibit salary discrimination based on gender of athletes being coached; (2) coach failed to demonstrate that her position was substantially equal to positions of coaches of men's teams; (3) discrimination claim under Title IX was barred by relevant statute of limitations; and (4) salary discrimination at issue did not violate Title IX in any event.

Significance: "Any discrimination by university in payment of coach salaries on basis of gender of athletics being coached was not within scope of Title VII, which prohibited discrimination based on employee's gender." (Westlaw)

Title IX and Monetary Case

Citation: Tyler v. Howard University (1994)

Topic: Title IX, Equal Pay Act

Relief Sought: Women's basketball coach and assistant athletic director brought suit against university under sex discrimination. Lawsuit filed under Title IX and the Equal Pay Act.

Issue(s): (1) Did Title IX and Equal Pay exist within the athletic department at Howard?

Facts: Sanya Tyler has been the women's basketball coach at Howard since 1980. Tyler also served as associate athletic director for five years. Tyler alleged that a base salary discrimination existed between her and the head men's basketball coach (\$78,000 compared to \$44,000). Tyler claimed she performed the same duties while also existing as the associate athletic director, yet was paid \$16,000 less than her male counterpart. Also, Howard University did not provide Tyler with a car as one was provided for the men's basketball coach (Narol, 1994).

Finding of the Trial Court: In June 1993, Sanya Tyler, women's basketball coach at Howard University, won a sex discrimination suit against the institution and was awarded \$2.4 million (later reduced to \$1.1 million). Tyler was the first plaintiff to win monetary damages in a sex discrimination lawsuit (Uberstine & Stratos, 1993).

Finding of the Appellate Court: None.

Reasoning: Jury's decision discrimination did exist. Award breakdown as follows:

- \$600,000 in Title IX compensation
- 72,000 emotional distress
- 138,000 Equal Pay Act
- 600,000 in back salary under the DC Human Rights statute
- 600,000 in retaliatory damages
- 250,000 emotional distress
- 54,000 defamation of character.

Significance: First time in a Title IX case involving athletics that a jury awarded monetary relief.

Title IX and Monetary Case

Citation: Stanley v. University of Southern California, 13 F.3d 1313 (1991)

Topic: Title IX, Equal Pay Act

Relief Sought: Women's basketball coach brought action suit against university charging it with sex discrimination and retaliation, wrongful discharge, and breach of implied and contract, and conspiracy.

Issue(s): (1) Did Title IX and Equal Pay exist within the athletic department at USC.

Facts: Coach Marianne Stanley claimed employment and salary discrimination at USC. Stanley was earning \$70,000 annually. She contends she was promised a multi-year contract if USC women's basketball team made it to the NCAA tournament. After declining a three-year contract, starting at \$86,000, Stanley was then offered a one-year salary at \$90,000, with a \$6,000 housing allowance. Stanley was seeking a salary comparative to the men's coach (\$130,000-\$150,000). Stanley contends USC withheld her paycheck because she refused to sign the one year deal.

1993 sex discrimination lawsuit filed under Equal Pay Act and Title IX. Stanley is seeking \$8 million and reinstatement as the women's head coach.

Finding of the Trial Court: District Judge John B. Davies rejected Stanley's appeal for reinstatement ruling disparate compensation alone is not clear evidence of sex discrimination.

Finding of the Appellate Court: Upheld district ruling of lower court.

Reasoning: The Ninth Circuit concluded that differences in responsibilities and pressures existed between the men's and women's basketball coaches. The court ruled the higher salary (\$110,000 compared to \$100,000) of Coach George Raveling was due in part to more responsibilities in public relations, dealing with the media, and generating revenue. The court also cited Raveling's longer tenure (three years), more general coaching experience (31 years to 17 years), and greater marketing skills. Also, the court pointed to the

revenue produced by the men's basketball team is 90 percent more than the women's program (Uberstine & Stratos, 1993).

Significance: Compensation alone is not evidence of sex discrimination.

Title IX and Monetary Case

Citation: Pam Bowers v. Baylor University, 862 F.Supp. 142 (1994)

Topic: Title IX

Relief Sought: "Former coach of university's women's basketball team sued university and individual administrators and employees of university, for alleged violations of the prohibition of sex discrimination in education programs which receive federal financial assistance."

Issue(s): (1) Does Baylor University discriminate against women's athletics at the University?

Facts: Pam Bowers, former women's basketball coach at Baylor University, accused the university discriminated against her because she is female. She also claimed the university dismissed her because of her revealing a list of ten alleged rule violations in the men's basketball team.

The suit contends Baylor discriminated against women's athletics in general and women's basketball in particular. Discrepancies in the programs exist in areas of assistant coaches, scholarships, equipment, playing time, practice time, transportation, housing, and road trips.

Bowers was fired and rehired in 1993 after she filed a Title IX complaint and threatened to sue the university. Bowers filed a sex discrimination lawsuit under Title IX asking for \$4 million in damages.

Finding of the Trial Court: Ruled in part for plaintiff, in part for defendant.

Finding of the Appellate Court: None.

Reasoning: "The District Court, Walter S. Smith, Jr., J., held that: (1) private cause of action for damages existed under Title IX, and (2) no cause of action existed against individual administrators or employees of university. Motion denied in part and granted in part."

Significance: "Motion to dismiss for failure to state claim upon which relief can be granted is viewed with disfavor and is rarely granted."

"Complaint should not be dismissed for failure to state claim upon which relief can be granted unless it appears beyond doubt that plaintiff can prove no set of facts in support of claim which would entitle him to relief."

Summary

Chapter two contains the history of Title IX. As reported, Title IX was an amendment in 1972 but was not signed into law until 1975. Title IX was a law for thirteen years with jurisdiction in program specific areas. Thirteen years later, with the passing of 1987 Civil Rights Restoration Act, Title IX became university specific (Uberstine & Stratos, 1993).

Chapter two reviews the thirteen components of Title IX as defined by the Office of Civil Rights. The thirteen components were: financial assistance (scholarships); selection of sports and levels of competition effectively accommodated the interests and abilities of both sexes; provision of equipment and supplies; scheduling of games and practices; travel and per diem; opportunity to receive coaching and academic tutoring; assignment and compensation of coaches and tutors; provision of locker rooms, practice and competitive facilities; provision of medical and training facilities and services; provision of housing and dining facilities and services; publicity; provision of support services; and recruitment of student athletes.

Current Title IX litigations are reviewed. Twenty Title IX cases were cited and researched.

CHAPTER THREE

HISTORY OF VIRGINIA TECH

In order to document and understand the progression of women in Virginia Tech athletics from 1972-1992, it was important to have thorough knowledge of the evolution of Virginia Tech athletics. In addition, the admittance of women within the university was also scripted.

The first half of chapter three includes a brief description of the history of Virginia Tech, including presidential administrations; early athletics as defined by the thirteen components of Title IX; and women's academic admission within the university arena. The second half of chapter three presents a review of Title IX chronologically through Virginia Tech athletics. The data was presented methodologically by listing the date of Title IX activity, VTAA chairman, university president, and Title IX concept.

Thirdly, a review of the findings of a non-revenue sports study is presented. The thirteen components as related to Title IX are addressed.

History

Virginia Polytechnic Institute and State University (Virginia Agricultural and Mechanical College) was established in 1872 as Virginia's first land-grant university. Virginia Tech was founded to operate in three major divisions: instruction, research, and extension. According to Duncan Lyle Kinnear

some disappointment was encountered in the attempt to locate definitive material relating to the historical development of VPI and its component teaching, research, and extension services. Such material is surprisingly meager considering the size of the institution and the contributions of its alumni to the state and the nation. Beyond a shadow of a doubt, VPI in its first century was more concerned with making history by rendering services on all fronts than it was with recording this history once it has been made. (Kinnear, 1972, p. xi)

Virginia Tech continued to operate in the original three divisions in 1992. In the nineties, undergraduate degree programs had advanced and were available in eight academic colleges: Agriculture and Life Sciences, Architecture and Urban Studies, Arts and Sciences, the R. B. Pamplin College of Business, Education, Engineering, Human Resources, and the College of Forestry and Wildlife Resources. Postgraduate level, masters and doctoral, degree programs were available through the Graduate School and the Virginia-Maryland Regional College of Veterinary Medicine (Killough, 1992).

On the research front, Virginia Tech managed approximately \$121 million annually in research, thus ranking the university in the top 50 nationally in 1992. Sponsored programs dispensed more than 3500 research grants on a yearly basis (Killough, 1992).

VPI Athletics (1892-1972)

The early period, 1892-1972, of VPI athletics, was presented by defining through Title IX components. As previously mentioned, the thirteen components of Title IX as defined by OCR (1990) were: scholarships/financial aid; interests and abilities; equipment and supplies; scheduling; travel and per diem; tutoring; coaching; locker room; medical/training facilities; housing and dining; publicity; support services; and recruitment.

The year was 1892. The school colors were Black and Cadet Gray, and the adopted college yell was:

Rip Rah Ree! Va., Va., Vee!

Virginia, Virginia

A. M. C.

(Kinnear, 1972)

Throughout the historical overview of VPI athletics, the author referred to presidential eras. The chart on the following page lists the president of Virginia Tech and administration years.

Scholarships/Financial Aid

Financial assistance in the McBryde era (1891-1907) were in the form of donations from friends, faculty, and students. According to Kinnear (1972), however, in the close of the 1902 season, the caliber of the teams and the caliber

Table 1

Virginia Tech Presidents and Administration Years

President of Virginia Polytechnic Institute and State University	Years in Office
Minor, Buchanan, Conrad Administration	1872-1886
The Lomax Administration (General Lonford L. Lomax)	1886-1891
The McBryde Administration (John McLaren McBryde)	1891-1907
The Barringer Administration (Paul Brandon Barringer)	1907-1913
The Eggleston Administration (Joseph Dupuy Eggleston)	1913-1919
The Burruss Administration (Julian Ashby Burruss)	1919-1929
The Burruss Administration (Julian Ashby Burruss)	1930-1945
The Hutcheson Administration (John Redd Hutcheson)	1945-1947
The Newman Administration (Walter Stephenson Newman)	1947-1962
The Hahn Administration (Thomas Marshall Hahn, Jr.)	1962-1975
The Lavery Administration (William E. Lavery)	1975-1987
The McComas Administration (James McComas)	9/1/1988-10/1/1993
The Torgersen Administration (Paul Torgersen)	Interim 1/1/1988- 8/31/1988 Interim 10/1/1993- 12/31/1994 1995-present

of the opposition played had reached such a level that the "gate was often collected by passing the hat among spectators."

The first full scholarships were offered to athletes in 1925. Whether as a direct result of the importance of a scholarship or recruiting quality athletes, the freshmen teams in 1925-1926 went undefeated in baseball, basketball, football, and track (Kinnear, 1972).

In 1950, the scholarship to male student-athletes provided for free room, board, tuition, books, supplies, laundry, and a cadet uniform. The National Collegiate Athletic Association (NCAA) based a scholarship on a "sanity code" which stipulated that financial assistance given by a college or university to an athlete must be restricted to a job actually performed by the student-athlete and paid for at the wage rate prevailing in the community for similar services (Kinnear, 1972).

The Hokie Club was organized and chartered within the Student Aid Association in 1962 (Kinnear, 1972). The purpose of the Hokie Club was to serve as a fundraising vehicle for athletic scholarships and special projects.

Interests and Abilities

Student based baseball pick-up games started at VPI in 1877. Wearing new school colors of burnt orange and Chicago maroon, VPI defeats Roanoke 53-13 in its first baseball game (Kinnear, 1972).

In September 1891, an athletic association was organized with J. A. Massie (1892) as its president. Organization efforts concentrated on football first and baseball second. Once started, football became the most popular sport. By 1896, two sports associations, tennis and track or "field-day exercises" were formed (Kinnear, 1972).

During President Barringer's administration (1907-1913) fan support for athletic events heightened. Consequently, two sports, track (1906) and basketball (1908) were inaugurated as an intercollegiate sport (Kinnear, 1972).

Scheduling

Scheduling was handled informally and usually not in advance. Table 2 is a sample letter used to schedule an event.

Scheduling miscues often occurred. As an example, Navy was dropped from the 1909 football schedule. After an investigation in the scheduling miscommunication, Dr. Barringer concluded the error was not on the part of Sally Miles (acting graduate manager/athletic director) but rather on a Navy official. According to Kinnear (1972), records explained that Dr. Barringer, while keeping fairly informed as to the athletic developments, declined to intervene in the affairs of the Athletic Association on the ground that "the games are played by the students, not the faculty" (Kinnear, 1972, p. 204).

Table 2

Virginia Tech Athletic Association Sample Scheduling Letter

Emory, Virginia
Dec. 5/92 [1892]

Manager of Football-ball-team
Blacksburg
Virginia

Dear Sir:

We would like to play your team a game of foot ball next Friday the 9th on our grounds.
We will pay half of your expenses, that means half of the expenses of 14 men.
Answer immediately so we can advertise the game.

Your Respt.
Edgar George.
Sec. of Asso.
Emory
Va.

(We expect you to get reduced rates.)
(Kinnear, 1972, p. 152)

Coaching

Coaching duties were assigned to one man. Therefore, in the early 1900s, Coach Branch Boccock was responsible for football, baseball, basketball, as well as track (Kinnear, 1972).

Practice and Competitive Facilities

In 1894, a partially completed playing field was constructed and used in the 1894 season. A portion of the horticultural gardens, located in the eastern end of the drill field, was renovated for athletic and military drill events (Kinnear, 1972). The field was named Sheib Field.

In 1909, Barringer arranged for the playing field to be enlarged, graded, smoothed, and planted in grass. At this time, the field was named in honor of C. P. (Sally) Miles. Miles Field was used for all athletic events until 1926 when Miles Stadium was dedicated (Kinnear, 1972).

In 1919, Governor Westmoreland advised incoming VPI President Burruss to develop long-range plans for additional campus buildings. It was decided to develop and build a western portion made up of stone. In describing the western expansion, Burruss presented

The plan contemplates a central recreation and drillfield, approximately three times the area of the old athletic field, which forms the eastern end. This expanse is to be left open forever, and around it are to be grouped the buildings of the new plant. These structures are [to be] designed in the

modified Tudor type of architecture, with walls of limestone quarried on campus. (Kinnear, 1972, p. 280).

World War Memorial Gymnasium was the first building to be erected with this plan. This building was dedicated on October 23, 1926, and was the culmination efforts of the Alumni Association to memorialize VPI men who had died in World War I (Kinnear, 1972).

Also dedicated on October 23, 1926, was Miles Stadium. Miles Stadium was located south of memorial gym. Miles Stadium was named for C. P. (Sally) Miles ('01). This structure was financed by the Athletic Association (Kinnear, 1972).

An outdoor recreation field and tennis courts were added between 1945-1947. The size of these facilities equalled the regular campus facilities (Kinnear, 1972).

Expansion growth with athletic facilities was prevalent in the sixties under the Hahn administration. The athletic plant expanded to a 10,000 seat coliseum (Cassell Coliseum), a 37,000 seat football stadium (Lane Stadium), and an indoor football field/track field house (Rector Fieldhouse).

Summary of Facilities

- 1954 Baseball diamond
- 1959 College golf course built on experimental plots used by the agronomy department
- 1962 Cassell Coliseum
- 1965 Tennis courts/Rector Tennis Pavilion

1963 Virginia Tech Coliseum
1963 Rector Field House
1965 Lane Stadium

Housing

In the late sixties, early seventies, Hillcrest, formerly known to alumni as the Skirt Barn, a co-ed living quarters, was renovated and enlarged to house student athletes (Kinnear, 1972). Previous to Hillcrest, athletes were housed throughout campus. Thus, Hillcrest became known as the athletic dorm.

Publicity

Listing of VPI Student Publications

Bugle, 1895-1943; 1947-present
Student body yearbook
Cohee, 1897-1898
Irregular weekly publication
Collegiate Times, 1968-present
Gray Jacket, 1875-1906
Issued monthly but missed publication several times
Gridiron Guide
Established as YMCA Handbook in 1894. Taken over by college
1952-1953
The Techgram, 1923-present
The Virginia Tech, 1903-1969
Student newspaper, changed to Collegiate Times in 1969
Tin Horn
Co-ed yearbook published 1929-1931. (Kinnear, 1972, p. 460).

In the fall of 1892, VPI's first football team was organized. In the words of the Bugle, "It was not football and yet we had some fun . . . Suits were ordered,

footballs of various descriptions bought and general enthusiasm prevailed"

(Kinnear, 1972, p. 151).

As the 1970 Tech Gridiron Guide expressed the growth and upcoming years of VPI athletics, "The only thing certain seems to be guaranteed pressure of constant growth of the university, the Blacksburg community, and the athletic budget" (Kinnear, 1972, p. 460).

The Virginia Tech, established in 1903, was a campus paper reporting on campus events. In 1977, the Virginia Tech changed its name to the Collegiate Times.

Early seventies, radio station WUVT and WUVT-FM also reported on campus related events. The stations were operated entirely by students.

Support Services

In 1903-1904, VPI President, McBryde, placed the management of athletic affairs in the control of a permanent manager of athletics. This person was appointed by and answered to an Athletic Council. The original plan, adopted in the early 1900s, had been modified somewhat but was the basic plan for which athletics developed and implemented until 1987 (Kinnear, 1972).

Recruitment

In 1892, recruitment of players to participate in football was a hardship. Likewise, maintaining the morale of these individuals proved to be difficult.

Recruiters filled the barracks each day to entice men to participate. Recruiting in the early 1900s was limited. Equally, the coach "took whatever came his way and did the best he could do with it" (Kinnear, 1972, p. 204).

One player reminisces on how football began in the fall of 1892.

There was no idea of team play; whoever got the ball—by luck—ran with it; no one knew anything about interference, and tho' we had a system of signals, it was a question of luck how each play went . . . the boundaries of the field were marked off with a plough, as also the 25-yard lines. The field was not as smooth as the bed of the new Blacksburg railroad, but ran up and down hill, with interesting little hollows which hid the play from spectators on the other side of the field. (Kinnear, 1972, p. 152).

Co-eds at VPI

Beginning in September 1921 the doors of VPI were opened and women were admitted to the once all-male military institution. Under the presidency of Julian Ashby Burruss, women were admitted on an equality with men (Kinnear, 1972).

The following is Kinnear's summary of Dr. Burruss' report in which Burruss advocated his arguments for enrollment based on the following report to the Board of Visitors:

The war period had liberated women in many ways and had opened to them many fields of work "from which they are not quick to retire." The

extension of suffrage to women had doubtless strengthened women's position in industry. "Women workers . . . are here to stay." The extension of suffrage had made women full citizens of Virginia and of the United States. To exclude women, now full citizens, from an institution supported by federal and state funds would probably be illegal since the land-grant acts made "no distinction as regards sex." Continuing, he added, VPI already had in operation many of the courses needed by women working in the extension service, industry, and agricultural laboratories. It would be more economical to admit women to VPI than to provide technical and agricultural training for them at some other state institution. It would be easy to provide living quarters for the few women who probably would enter within the next few years; and if necessary, the president's home could easily be converted into a dormitory for women. The Board of Visitors had complete authority, he claimed, to admit women, although later it might find it necessary "to ask the General Assembly to make special appropriations for this purpose." (Kinnear, 1972, pp. 262-263)

The Board voted unanimously to admit women with the exception of military services. Five full-time and seven part-time co-eds arrived at Virginia Tech in September 1921 (Kinnear, 1972).

Female co-eds were not greeted with open arms and cadets continued to protest that the enrollment of women would produce dire consequences for

school spirit, athletics, academic standards, and school traditions. Within a short period of time, one co-ed won the highest academic award. As one alumnus reviewing the early history of the cadet attitude toward co-eds at VPI expressed it, "Our hostility gave way to a desire to applaud, our desire to applaud gave way to accept, our desire to accept the co-eds, soon gave way to a desire to embrace them. Women workers were indeed at VPI to stay" (Kinnear, 1972, p. 264).

Co-ed enrollment, student privileges and extra-curricular participation did not increase rapidly. Undaunted by campus activity isolation, co-eds organized on their own behalf. Calling themselves the "Turkey Hen," co-eds organized their own basketball team and charged the cadets a hefty admission fee to their games. In jest, the cadets retaliated by cheering for the opposition (Kinnear, 1972).

Fifty years later, the female undergraduate enrollment rose from 5 to 3727. The undergraduate population in 1972 was 12,457 (divided 8,730 men and 3,727 women). In a twenty year period, the total undergraduate population at Virginia Tech rose to 18,819 (11,103 men and 7,716 women respectively). Table 3 shows the on-campus male and female undergraduate enrollment at Virginia Tech from 1972-1992.

In 1934, VPI President, Dr. Burruss, visioned that failure to adhere to Title IX in a coeducational environment may lead to the curtailment of federal funding at a public institution. According to Kinnear:

Table 3

Virginia Tech Fall Undergraduate Enrollment

Year	Male	Female	Total	% Male to Female
1972	8,730	3,787	12,457	70 - 30
1973	9,596	4,635	14,321	67 - 33
1974	9,976	5,097	15,076	66 - 34
1975	10,299	5,487	15,786	65 - 35
1976	10,627	6,008	16,635	64 - 36
1977	10,791	6,175	16,966	64 - 36
1978	11,008	6,490	17,498	63 - 37
1979	11,154	6,693	17,847	62 - 38
1980	11,032	6,854	17,886	62 - 38
1981	11,070	7,144	18,214	61 - 39
1982	10,850	7,254	18,104	60 - 40
1983	10,507	7,435	17,942	59 - 41
1984	10,477	7,613	18,090	58 - 42
1985	10,650	7,639	18,289	58 - 42
1986	10,577	7,733	18,310	58 - 42
1987	10,865	7,656	18,521	59 - 41
1988	10,661	7,488	18,149	59 - 41
1989	10,918	7,656	18,574	59 - 41
1990	11,109	7,792	18,901	59 - 41
1991	11,395	7,913	19,308	59 - 41
1992	11,103	7,716	18,819	59 - 41

Source: Virginia Tech Bulletin. (1972-1992). Degrees conferred enrollment data. Blacksburg, VA: Virginia Polytechnic Institute and State University.

A minor crisis occurred in 1932, when the senior class long accustomed to elect its valedictorian and salutatorian failed to elect to either position the student with the highest academic average—a coed. Friends of the coed accused the College of discrimination against women. Burruss dug back into the records and was able to show that the senior class had not always elected as valedictorian the individual with the highest academic record. The individual having been elected then came forward and announced that he would serve only if public acknowledgement was made at the commencement exercises that the coed in question had achieved the highest academic standing. The senior class accepted this proposal and requested Dr. Burruss to make such an announcement at commencement time. Burruss agreed to do so, and the entire matter then passed off quietly as far as the public was concerned. Privately, Burruss scolded the director of publications for the publicity he had given the matter and shuddered when an old-guard alumnus demanded an end to coeducation. Working quietly through another old-guard alumnus known to be more favorable to coeducation, Burruss was able to convince the anti-coed alumnus that restricting coeducation at VPI, a land-grant college, would probably result in the curtailment of federal funds for the College. The alumnus, so the story goes, muttered "women's rights I'll never understand, but money I do understand," dropped his objections. Within a few years, the senior class discontinued having a valedictorian or a salutatorian. Alumni were divided

over whether this development represented a victory or a defeat for women's rights (Kinnear, 1972, p. 310).

Title IX Chronology at Virginia Tech

The Virginia Tech case study was research of compliance with Title IX of female athletics from 1972 to 1992. Virginia Tech Athletic Department minutes, as well as Board of Directors of the VT Athletic Association, were used to historically provide documentation on Title IX at Virginia Tech. Interviews of key individuals were also used to provide further information and clarity. The date, the Virginia Tech Athletic Association (VTAA) President, University President, and Title IX concept were presented to examine the governing process of Virginia Tech administrators as related to Title IX within the athletic department are included within each section of the case study.

Dr. William E. Lavery was interviewed on April 29, 1996, to provide information and clarity in relation to Virginia Tech, specifically the VTAA and women's sports. Dr. Lavery spoke at length on the role of VTAA from 1972-1987 and 1987-1992. From 1972-1987, the "VTAA was an organization separate and apart from the university and acted as a separate corporation." The Board of VTAA was the policy making, controlling entity of the VTAA. Any major changes to the VT Athletic Association were recommended by the Board of the VTAA to the Board of Visitors. The Board of Visitors had the "ultimate control of the VT Athletic Association" (W. E. Lavery, personal communication, April 29, 1996).

In the mid-1980s a national movement was to reform college athletics. Dr. Lavery served on the first President's Commission of the NCAA as a representative from the Southeast to look at athletic associations to become part of the university. The President's Commission was set up by several national associations in higher education, American Council on Education and the National Association for State Universities (W. E. Lavery, personal communication, April 29, 1996).

The issues of the President's Commission included: "How much coaches were getting paid and from what source, university control of academic responsibilities of the athletic program, academic standards set by the NCAA, athletics as an auxiliary of the university rather than a separate corporation of the university, separate athletic director and head coach, and probation problems facing the university. These issues were a national problem facing intercollegiate athletics as well as VT athletics" (W. E. Lavery, personal communication, April 29, 1996).

The recommendations of the President's Commission concluded "that presidents (of the universities) need to become more involved with athletics in this country." In 1987, Dr. Lavery recommended to the Board of Visitors that the VTAA become an auxiliary or department of the university. The Board of Visitors made "the ultimate decision of converting from a separate corporation to an auxiliary within the institution." According to Lavery, an auxiliary was a "self efficient supporting unit of the university. The auxiliary was under the direct

supervision of the university" (W. E. Lavery, personal communication, April 29, 1996).

As the structure of the VTAA changed, so did the purpose of the VTAA Board. VTAA was the governing board of the Athletic Association from 1972-1987. In 1988, the VTAA became more of an "Advisory Board" to the Athletic Association (W. E. Lavery, personal communication, April 29, 1996).

Reiterated by VTAA chair (1989-1993), Dr. Bennet Cassell (personal communication), the VTAA was a "sounding board" in which members of the board have the opportunity to listen, hear, and think about issues relative to intercollegiate athletics and specifically those affecting VT athletics. The VTAA was not a two-way flow of communication between the VTAA Board to the Athletic Department.

Dr. Lavery also reaffirmed the governance of women's athletic at Virginia Tech. He stated, "Yes, we've got to start doing something about women's athletics. Both Dr. Hahn and Athletic Director Frank Mosely, were responsive in saying yes we need to do something about women's athletics but generally said if we can (financially) do something to upgrade women's athletics let's do something. But a problem [existed] was that athletics was this [a] separate corporation which had to pay itself and received no state funding" (W. E. Lavery, personal communication, April 29, 1996).

From 1972 to 1987, Dr. Lavery communicated, "The emphasis was there but for a variety of reasons we (university) have never done very much with

women's athletics." It was not that VT did not want to see women's progress but, Lavery concluded, five reasons included:

- (1) Money was not available to fund women's sports. The interest of the university as well as the alumni was "to get the football program and the (men's) basketball program at the national level." Since the VTAA was a separate corporation from the university, it was believed that the VTAA was not required to achieve gender equity within the VT athletic program (W. E. Lavery, personal communication, April 29, 1996).
- (2) No athletic conference affiliation existed thus eliminating additional funding. VT acted as an independent athletic program from 1970 until 1978 when VT joined the Metro Conference with the exception of football. VT football acted was an independent rather than part of a conference (W. E. Lavery, personal communication, April 29, 1996).
- (3) Lack of Title IX compliance guidelines. Dr. Lavery reinforced the notion that the university was told to strive for gender equity but "Nobody (NCAA) told us how we (university) were supposed to achieve equity. Nor did we have anything (guidelines) to outline what we were supposed to do." The university was not told how to accomplish the task of achieving gender equity. The university "was waiting for the NCAA to set up standards, give guidelines or quotas, or numbers to support the necessary programs to accomplish Title IX" (W. E. Lavery, personal communication, April 29, 1996).

- (4) VT was a male dominated military institution until 1962. According to Dr. Lavery (personal communication, April 29, 1996), "Until 1962 Virginia Tech was primarily all male, all military and gender equity takes time to make shifts."
- (5) University concern of the same individual serving as athletic director and head coach. "There was a lack of commitment and initiative to respond to adding other programs and it becomes more difficult when an athletic director serves in a dual capacity as an athletic director and head coach" (W. E. Lavery, personal communication, April 29, 1996).

In the later part of 1987, Coach Bill Dooley stepped down as both athletic director and head football coach and was succeeded by Dave Braine as athletic director and Frank Beamer as head football coach. It was then, as Dr. Lavery concludes, that "Dave Braine's philosophy to increase women's programs at Virginia Tech would be made possible by increased revenue of football and men's basketball, rather than downsizing a men's sports program." Receiving conference affiliation, including football, is "key to supporting women's athletics at Virginia Tech" (W. E. Lavery, personal communication, April 29, 1996).

Dr. James Robertson served on the Athletic Association Board from 1972-1992. He was the VTAA President from 1981-1992. Dr. Robertson viewed the role of the VTAA from 1972-1987 as a "separate entity of the university who spent what it made and made what it spent." As years progress it became increasingly apparent that independent organizations can get troublesome and can be

monitored better by the university itself. "After Coach Dooley, VT Athletic Association incorporation was abolished and the department became an entral part of the university" (J. I. Robertson, personal communication, April 29, 1996).

After 1987, Dr. Robertson viewed the VTAA as a university level committee. "Much like all university committees, members were appointed by the usual university channels, and the committee reported to the university president or executive vice president for finance. The athletic committee did not make policy but counseled and made recommendations to the athletic director" (J. I. Robertson, personal communication, April 29, 1996).

From 1972-1987, Dr. Robertson stated that "women's athletics at Virginia Tech was trying to exist and find money to support it. Football and men's basketball dominated the money. The leaders of the athletic department (Coach Dooley and Bill Mathews) dictated what sports were to be offered" (J. I. Robertson, personal communication, April 29, 1996).

A low moment for Dr. Robertson while serving on the board, occurred when the decision was made to abolish field hockey. "The decision was financial in nature. Although studies were done with students indicating that field hockey was not a popular sport" (J. I. Robertson, personal communication, April 29, 1996).

According to Robertson, after 1987, "once athletics became part of the university, women's sports was given the attention necessary. There was a national wave to conform with Title IX and finally the NCAA awakened. The

NCAA told us what to do, how to do it, and provided us with checks and balances" (J. I. Robertson, personal communication, April 29, 1996).

Dr. Robertson stated that the probation of football and basketball led towards the abolishment of VTAA. The last charge of the NCAA hearing was the institution's lack of control. "This lack of control hastened the abolishment of VTAA and the creation of the Athletic Department" (J. I. Robertson, personal communication, April 29, 1996).

According to Dr. James Dean, "the VTAA did everything for the President's Office and the Board of Visitor's in relation to the Athletic Association." The VTAA acted as the official governing board of the athletic association. "The VTAA relied on the athletic association a great deal, especially on budgets" (J. W. Dean, personal communication, April 28, 1996). All VTAA members were and are appointed by the president of the university.

1971

- Virginia Tech women's athletics was a charter member of the Association of Intercollegiate Athletics for Women (AIAW) (Jo Kaffer, personal communication, April 1, 1996). The AIAW was the governing body of women's athletics. The AIAW was similar to the governing body of intercollegiate athletics in 1996, the NCAA.

Dr. Joe Sgro was the women's basketball club sport coach from 1973-1976. Dr. Sgro was responsible for the fundraising, "raised \$2,000 yearly", scheduling, and traveling. "My wife, Bev, would drive the family station wagon

filled with players and I would drive the school station wagon to the basketball games." (J. A. Sgro, personal communication, April 30, 1996).

Dr. Sgro was a volunteer coach with no assistants. "I became the girl's coach after meeting a women's basketball player in the elevator who said they were looking for a coach" (J. A. Sgro, personal communication, April 30, 1996).

Women's basketball did not receive any monies from VTAA. "Mr. Mosely and Dr. Hahn didn't want to give women's basketball any money." The club sport paid for their uniforms and the \$2,000 raised yearly was used for travel and lodging expenses (J. A. Sgro, personal communication, April 30, 1996).

From 1973 until the abolishment of the AIAW in 1982, women's basketball nationally was controlled by the AIAW. The AIAW was the governing body of women's sports, similar to the NCAA in 1996. According to Dr. Sgro, the AIAW "did not allow open recruiting." Although "I did recruit five states. I went through the formality of recruiting but could not offer any money to play basketball. I was recruiting girls like Trudy Lacy (All American at NC State), Nessie Green (University of Charleston), and Kim Bassinger (University of Texas). I told both Dr. Hahn and Frank Mosely that they could put \$30,000 in women's basketball now or \$300,000 later. They chose later" (J. A. Sgro, personal communication, April 30, 1996).

Virginia Tech women's basketball club sport competed against schools that did not offer scholarships as well as those institutions who did (Old Dominion, NC State). In order to compete in the AIAW Tournament, "A school had to win

the state tournament." Virginia Tech competed against in-state schools as well as those out of state. (J. A. Sgro, personal communication, April 30, 1996).

1973

- Virginia Tech women's athletics competed at the club level in basketball, swimming, tennis, field hockey, fencing, track and field, and cross country (Jo Kaffer, personal communication, April 1, 1996).

According to Dr. James Dean (personal communication, April 28, 1996), "The VTAA tempted not to interfere a club sport. Money was limited for both male and female athletic programs." Club sports did not receive financial assistance from VTAA, monies were given only to varsity level sports.

March 7, 1974

VTAA President: Wilson B. Bell

University President: T. Marshall Hahn

Title IX Concept: First mention of Title IX in Athletic Department Minutes

W. B. Bell, Board Chairman, alerted the membership of the Board to the item identified as Title IX (9). The Board Chairman indicated that the Health Education and Welfare plan for equalizing all programs involving varsity sports for women as the men's programs were presently identified may result in the total destruction of varsity athletics. W. B. Bell indicated that duplicating programs for men and women could not be financed in most of the colleges and universities across the country. There appeared to be evidence that could lead to greater concern if Title IX was supported by governmental action.

May 31, 1974

VTAA President: Wilson B. Bell

University President: T. Marshall Hahn

Title IX Concept:

W. B. Bell reported on the status of Title IX (9) the federal regulations proposed by Health, Education, and Welfare. If the originally proposed Title IX regulations had been approved by Congress, there was, as required by law, equal provisions for equipment, coaching, and facilities for women's varsity teams. It

was the opinion of the NCAA that the large proportion of collegiate athletics would not be able to sustain the financial burden and would probably be the destruction of collegiate athletics. Revised regulations are to be issued soon.

W. B. Bell, Board President, responded to a request of R. C. Saacke about the possibility of varsity athletic status for the lacrosse team. Members of the Board of Directors again discussed at length the problems involved with varsity status for the lacrosse team. It was generally agreed by the membership that continual study of the costs of a lacrosse club sport being raised to varsity sport, as well as the problems that may be involved with Title IX (9), H.E.W., and how these would affect this university. Motion was made by J. I. Robertson, seconded by J. F. Tucker, to postpone any action at this time in granting varsity status to the lacrosse team. The membership unanimously approved that motion.

March 27, 1975

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

W. B. Bell reviewed again for the membership Title IX. This HEW proposal as it affected women's participation on an equal basis with male students and the profession in many areas requiring women sports on a varsity level equal with men. W. B. Bell expressed that many of the universities and colleges were concerned and that no authoritative statement had yet been made that affected any status of current Virginia Tech Sports or required our evaluation, court action, or expansion or elimination of various sports. W. B. Bell indicated that any current information that would be forthcoming and needed more attention would be forwarded, in writing, to the members. W. B. Bell mentioned that he did not anticipate those changes for 1975.

May 29, 1975

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

W. B. Bell, Board President, identified the current status of the Title IX bill sponsored by Health, Education, and Welfare. W. B. Bell stated that the President of the United States had signed the provisions and had forwarded those provisions to Congress for official action. Any and all decisions that affected the Virginia Tech

program through Title IX would be identified to the membership by the Board President.

August 21, 1975

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

The Board President asked the University President, Dr. William E. Lavery, to reflect on this University's recognition of the Health, Education, and Welfare's Title IX provisions. Dr. Lavery reported out the controversies involved and the application of Title IX to the many programs that regulation would involve. The membership was advised that women are eligible for all sports at this University. Further discussion also indicated that women were now engaged in 11 of the 17 intramural and extramural sports club. Of that group 4 of the clubs were exclusively women's programs.

The President assured the membership that this University, upon understanding all the guidelines, would make every application to accept the provision and would provide programs applicable to those provisions.

December 8, 1975

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

The Board President, W. B. Bell, announced that he had asked the President of the University, William E. Lavery, to speak briefly to the Board in regard to the Extramural Sports Programs. The President addressed the membership about the history of the organizational charter of the extramural sports teams. The President touched on organization, supervision, programming, and the finances of the teams involved. The group was also informed of the possible relationship of the extramural sports clubs and teams and the regulations initially identified by the Federal Government's Title IX Programs.

The President of the University urged the membership to ask questions with the only limitation being what Title IX really means without guidelines. The President indicated the concern of the University to uphold Federal regulations but at the same time to preserve the programs already established. The president indicated administrative leadership from the President's Office would be

directed toward the present organizations and the responsibility of the University to define the role of those groups as well as the finances and supervision.

1975

- Women's athletics added volleyball as a club sport (Jo Kaffer, personal communication, April 1, 1996). According to Dr. Joe Sgro (personal communication, April 29, 1996), club sports competed with other club sports as well as scholarship providing institutions. Club sports do not receive financial assistance through the VTAA.

April 2, 1976

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

Dr. Lavery also identified the women's sports programs as they had developed under the general guidelines offered for Title IX; Health, Education, and Welfare. An expression was made by the President that within time the development of the proper guidelines, probably through the courts, would identify any action that might be required through Title IX, to any approved athletic association. At the present time Virginia Tech did not have federal guidelines indicating that women's athletics, identified through Title IX, must be correlated and approved under the regulations of the NCAA.

The President also indicated that a very cautionary approach on a total women's program was separate and identifiable. Coaches and athletic directors may in the end not be valid nor ordered by the courts through Title IX. It was evident that this University and others offered a plan that allowed for identifiable women's intercollegiate sports in the intercollegiate teams.

In summary, Wilson Bell concluded that Title IX may not be upheld in the courts, but a plan to identify women's participation in intercollegiate athletics would be needed at VPI&SU.

The membership offered questions to the President in regards to budgeting and financing such programs. William E. Lavery indicated that some support undoubtedly would be forthcoming through the University's budgetary system, the Student Activity Fee, and the Athletic Association. The President indicated that there would be a continual evaluation of the matter, and hopefully a

direction could be planned for the most effective use of the HEW Title IX regulations.

August 27, 1976

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

Wilson B. Bell, Board President, introduced the University President, W. E. Lavery, to address the membership in regards to matters affecting the University and its athletic programs. W. E. Lavery noted in a lengthy discussion some of the proposals to create a Women's Intercollegiate Athletic Program to be effective as quickly as possible in the current 1976-1977 academic year. The President indicated that at least three sports, basketball, swimming, and tennis were being considered. Consideration was also given to two or three additional Women's Intercollegiate teams. The President also indicated that there would be a Director of Women's Intercollegiate Athletics appointed as quickly as possible. W. E. Lavery noted that the Athletic Director, F. O. Moseley, would supervise and coordinate the total program.

The President indicated that the financing of the Women's Program in Intercollegiate Athletics, was still being worked out. He stressed that when alternatives have been fully identified, further discussions with the Athletic Board would be held.

W. E. Lavery also noted that there would be qualified coaches selected and that the women's Athletic Director, as well as coaches, may come from within the University or be selected from outside the University. The President felt that given sufficient time, a strong representative program in women's intercollegiate athletics would be developed.

Wilson B. Bell and W. E. Lavery encouraged questions from the faculty and members of the Athletic Board. The President of the University felt that each member of the Board could effectively demonstrate their leadership in fielding questions within the University community in regards to the progress being made in developing a women's athletic program.

December 7, 1976

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

W. E. Lavery, University President, spoke informally to the membership of the Board of Directors in regard to current athletic programs. W. E. Lavery related the current policy of developing the women's athletic program under Title IX. The President indicated that with a director of women's sports now appointed, programs for women are being developed. W. E. Lavery indicated that a development of proposed programs for women's sports needed time and observation on the part of the University before final decisions were made as to the administration, supervision and funding. The President and members of the Board of Directors exchanged many ideas and worthwhile suggestions during the President's presentation as stated above.

1976

- Women's athletics competed at the varsity level in basketball, swimming, and tennis (Jo Kaffer, personal communication, April 1, 1996).

According to Dr. James Dean (personal communication, April 28, 1996), "a recommendation from the university president as well as student involvement, was needed to upgrade from club sports status to varsity status. The recommendation was then voted on by members of the VTAA."

"Coaches of all sports worked with the VTAA President to determine the budget for the individual sports. Coaches usually knew what would be there (in the budget) and would know what to ask for. The coaches would then present the budget to the VTAA for a vote" (J. W. Dean, personal communication, April 28, 1996).

In January, 1977, Jo Kaffer was hired by Mr. Mosely as Virginia Tech women's athletic director (Jo Kaffer, personal communication, April 1, 1996).

March 11, 1977

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

W. E. Lavery, University President, reviewed for the membership some of the problems faced and progress made to date with the organization of the Women's Intercollegiate Athletic Program. The President felt that it was more than appropriate at this time to consider the possibility of identifying three or more women's Intercollegiate Athletic Programs for varsity status. The membership freely discussed the various points concerning women's athletics and the consensus of opinion was that the women's athletic program should move into the general varsity competition although women are and have been eligible to participate in all current varsity athletic programs. The specialized women's athletic programs on an intercollegiate or varsity level was relatively new and would take an extremely well directed administrative program. The idea that a small committee would be useful to study the problem was discussed.

After further discussion President Lavery recommended that the Board of Directors of the Virginia Tech Athletic Association include Women's Intercollegiate Athletic Program among its responsibilities.

May 18, 1977

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

The President also spoke of the progress made this past year with the Women's athletic program. There were plans to award scholarships for women athletes for the 1977-1978 academic year and to add two additional sports: field hockey and volleyball were being considered. Efforts were being made to select the best coaches possible for the women's programs.

The Athletic Director, F. O. Moseley, told the Board that the additional women's sports would probably be field hockey and volleyball for 1977-1978. The Athletic Director, also, stated that with the Fall Quarter, 1977, we would reach the immediate goal of five women's sports.

The Athletic Director, F. O. Moseley, informed the Board that funds for athletic scholarships for women have been provided by the

Student Aid Association for 1977-1978. He stated that Assistant Athletic Director, Ms. Jo. K. Kaffer, had the authorization to use the available scholarship funds as she determined to be in the best interest of the women's program. A motion was made by S. A. Tolin, seconded by R. F. Saacke, and passed unanimously to accept the recommendation of two additional women's varsity sports and the use of athletic scholarships for participants in the women's varsity athletic program.

In 1978, Athletic Director Bill Dooley changed Jo Kaffer's title to Assistant Athletic Director (Jo Kaffer, personal communication, April 1, 1996).

March 14, 1978

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

Coach W. G. Dooley was hired as both athletic director and head football coach in March of 1978. Coach W. G. Dooley replaced Athletic Director Frank Mosely, who retired as well as coach Jimmy Sharpe, who was terminated as head football coach at Virginia Tech.

May 2, 1978

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

Virginia Tech joined the Metro Conference in both men's and women's sports.

May 26, 1978

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

The President, also, expressed his gratitude to the coaches for their excellent support as they performed their assigned tasks with men and women's varsity programs as well as other sports defined within the University Athletic Program.

December 8, 1978

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

W. G. Dooley, Athletic Director, reviewed for the members of the Board of Directors the announcement that appeared publicly

December 7, 1978, from the University of Virginia regarding the upgrading of their total athletic program at that University. The members of the Board of Directors felt that the competition from the University of Virginia in recruiting athletes would certainly show a more aggressive aspect in the very near future. The Athletic Director, W. G. Dooley, noted changes in the University of Virginia's academic requirements for freshmen entrance at that University would be a positive recruiting aspect at the University of Virginia.

March 30, 1979

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

W. E. Lavery, President, commented to the membership on the success of the various athletic programs within the University for the Fall and Winter Quarters, 1978-1979. The President indicated his pleasure on the success of the varsity sports program and indicated that the prospects for the future seemed bright. The President also related the problems associated with the definition of the rules and regulations associated with Title IX as it affects both men's and women's varsity sports on the college and university level. W. E. Lavery indicated that he felt that the several meetings with HEW officials in Washington, D. C. were effective in identifying the various problems associated with scholarship equality, program equality, and equipment equality as it pertains to the women's varsity sports as compared to the men's varsity sports. The President indicated that with the progress that has been made there are some severe problems that could affect athletic programs across the nation if the regulations were unable to define the cost of the programs and sufficient time allowed to make the adjustments in both women's and men's sports on the varsity level. The President indicated that he hoped to be able to make the membership aware of the problems and the significant progress that can be made in these various areas.

May 25, 1979

VTAA President: Wilson B. Bell

University President: W. E. Lavery

Title IX Concept:

W. G. Dooley also reviewed the Spring sports program and commented that significant progress was being made in both varsity men's and women's athletic program. He reviewed the difficulties

the Athletic Department and coaches have with scheduling of varsity athletic competition; for example, the beginning of the Fall Quarter at Virginia Tech on September 18, 1979 limits the opportunity for students and faculty to attend varsity football games because two games will be played prior to the beginning of the Fall Quarter. W. G. Dooley also commented on budget matters and indicated that the 1978-79 budget shows the effect of inclusion of salaries of the former football staff in the expenditures for 1978-79.

December 7, 1979

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

J. I. Robertson, Board President, asked W. E. Lavery, University President, to address the membership of the Virginia Tech Athletic Association Board of Directors. President Lavery reviewed both men's and women's Fall Quarter sports and noted improvements in all phases of these programs. Dr. Lavery was especially pleased with the report and program for women's athletics at Virginia Tech. He voiced some concern regarding the January, 1980, meeting of the NCAA and how it would react to recent HEW guidelines for the funding of women's varsity athletics. President Lavery noted that the support of women's programs basically depended upon the upgrading of the two major men's sports, football and basketball.

March 7, 1980

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Coach Dooley reported that the men's and women's basketball teams did well this season, with women's basketball continued to show noticeable improvement.

W. G. Devens inquired as to the possibility of Lacrosse becoming a varsity sport in the near future. Coach Dooley's response was that financial limitations were such that some existing programs were in jeopardy but that the matter of lacrosse's status was under continual study.

May 28, 1980

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Athletic Director W. G. Dooley warned of the possibility that some sports programs in the future may have to be dropped to curtail the rising costs of athletics. Dooley assured the membership that such action would not be taken until matters were reviewed with the Board of Directors. At the same time, the Athletic Director indicated that it would be improper at the moment to add additional varsity sports either from the intramural or extramural programs because of inflation and expanded costs.

September 26, 1980

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

W. G. Dooley presented a brief report to the Board. Inflation continues to creep higher, he stated, thereby further endangering intercollegiate athletic programs. A possibility existed that scholarships in non-revenue sports would have to be eliminated. Virginia Tech hoped to avoid such a move, but some negative alterations seemed all but inevitable in the face of rising costs. The nationwide problem would be a chief subject of discussion at the January 1981, convention of the NCAA. Dooley freely answered questions and responded to comments from Board members in regards to the economic situation.

December 4, 1980

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Matthews reviewed women's volleyball, the success of the varsity soccer team, women's field hockey, and the men's varsity cross country program. He spoke of the high cost of supporting our varsity sports programs. Although there had been additional revenue from television coverage and the Peach Bowl, this University had not been forced to drop any of the varsity sports—as was a national trend. The athletic department still did not have sufficient funds available to add any additional varsity sports. Matthews indicated that finances were the key to a balanced varsity athletic program for both men and women, and he expressed hope the day would come when we could have a women's varsity track team and could supply the varsity soccer team with a number of athletic scholarships. This part of the program was closed with Coach Dooley referring to the success of all our sports and again

praised the work of his staff and coaches for their contributions to the improved athletic situation at Virginia Tech.

March 10, 1981

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Amendment #51 would permit women athletes in Division I programs to compete in NCAA competition. This now placed the NCAA and AIAW in direct competition. Institutions would have three years to decide whether they would affiliate their women's athletics with the NCAA or the AIAW. This particular amendment required a 67% approval vote for adoption. The amendment carried by a 69.5% vote.

At the request of Board President Robertson, Coach Dooley also confirmed that many schools of national ranking across the country were now eliminating a number of non-revenue sport programs for both men and women. The elimination of some major sports such as baseball, golf, swimming, and tennis was due directly to the ever increasing cost of maintaining scholarships and expenses associated with sports programs.

Coach Dooley felt that our survival in these minor sport areas would be due to the financial support we have received from various television shows over the past two years. He also indicated that there certainly would be more regional scheduling in the near future to eliminate the high cost of travel. Sharon Brown, a student representative, inquired as to the distribution of scholarships: whether there was any limit to the original proposals of distribution, or was there administrative decision in regard to which sports received scholarships and financial aid. Coach Dooley responded that for the most part these limitations were set by the NCAA. As examples, football is authorized to have 95 scholarships, basketball 15, tennis 5, etc. Coach Dooley also stated that scholarships would be split so that a quarter - or half - scholarship allowed for more participation on the part of student - athletes.

Coach Dooley commented that football recruiting for 1981 had been exceptionally good. He, also, felt that progress was made in all the major and minor sports and that it would take time, money, and effort on everyone's part to insure success for athletic programs at Virginia Tech. Coach Dooley indicated that it would be critical

for both Coach Moir and Coach Carol Alfano in men's and women's basketball to have excellent recruiting seasons that would permit greater success in men's and women's program for 1981-1982.

May 29, 1981

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Coach Dooley noted that many universities were eliminating some sports in order to maintain a balanced budget.

James C. Smith, Jr., and W. George Devens requested information on the possibility of lacrosse at Virginia Tech becoming a varsity-team sport. William G. Dooley and William B. Matthews both indicated that the non-revenue as well as some of the club sports could not be maintained on a sufficient success level with the present funding to which we were now obligated with our varsity men's and women's programs. Although there was interest expressed by the membership of such programs as shared meals, shared dining facilities and team rooms for the non-revenue sports, Coach Dooley stated that most of those arrangements had gone or were going out of existence in today's varsity competition.

September 24, 1981

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Coach Dooley added that the current women's sports were making progress and that the women's varsity volleyball team would open its season with its first match on September 26.

Ms. Katie Bollard asked why the NCAA had such a variety of institution and programs. President Lavery and Coach Dooley both responded that when the NCAA was formed, many simplified procedures existed for member-schools of all sized, yet with the advent of schedules, travel, accommodations, and finances, the divisions were created. After many years we have come to the stage where revision of those simplified rules must be effected to meet the problems of the 1980s. President Lavery added that Division I schools were anxious to resolve the issues and to make the necessary changes and that he, Coach Dooley, and Board President Robertson looked forward to the St. Louis meeting as a hopeful step in the right direction.

December 10, 1981

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Coach Dooley gave a highly optimistic summary of varsity sports during the Fall Quarter. The women's volleyball team showed marked improvement. The football program was reaching the level of excellence that he and his staff wanted by the 1981 season. He pointed out that the 7-4 season record was much better than that of a number of schools tapped for bowl appearances.

Dr. Robertson next asked for Board reaction to a letter circulated among the members by Coach Mac Bank of the women's indoor and outdoor track and cross country team. Coach Banks is requesting elevation to varsity sports for these sports. Coach Dooley observed disappointingly that the Association did not have sufficient funds at this time to upgrade and maintain the sports in question as varsity sports. To bring those three club teams up to varsity status would necessitate taking funds away from existing programs. Associate Athletic Director William B. Matthews added that the creation of women's track and cross country as varsity sports might mean the dropping of one or more of the other non-revenue varsity sports. Considerable discussion followed about Coach Bank's proposal and the non-revenue sports now at varsity level.

Board President Robertson and Coach Dooley both noted that perhaps the time was at hand to reevaluate the non-revenue varsity sports. University President Lavery proposed that Dr. Robertson appoint a subcommittee from the Board to review thoroughly the whole matter and to make a report at the March, 1982, meeting of the Board. (Following the Board Meeting, Dr. Robertson named Dr. Ritchey, Dr. Litschert and Ms. Bollard to the subcommittee, which he—at the suggestion of Dr. Lavery—will chair.)

1982

- AIAW folded and women's athletics became a member of the NCAA (Jo Kaffer, personal communication, April 1, 1996).

February 1, 1982

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Dr. Robertson stated that this meeting had been called to discuss the findings and recommendations of a subcommittee appointed in December to study all of Virginia Tech non-revenue varsity sports as well as to respond to a written request from Coach Mac Banks that women's indoor track, outdoor track, and cross country be raised from club sports to varsity status.

The subcommittee consisted of Dr. Elizabeth Ritchey, Lischert, and Robertson (chairman), and Ms. Bollard. Mr. William B. Matthews agreed to sit with the subcommittee in an advisory capacity. The subcommittee first obtained statistical data that showed women's track and cross country programs to be extremely popular at both high school and college levels. Sentiment was unanimous in the subcommittee that the three women's programs in question deserved varsity status. How to accomplish this in the face of spiraling costs nationwide and limited finances in the Athletic Association produced much discussion and re-evaluation of existing programs. Research showed that many of the current varsity sports are no longer as popular as they were several years ago.

Following more than three hours of subcommittee investigations, Dr. Robertson proposed three alternate recommendations that the group could make to the Athletic Association Board: 1) not to recommend women's indoor track, outdoor track, and cross country sports for varsity status; 2) to recommend their elevation if additional and adequate funds could be found; and 3) to recommend their elevation by eliminating one or more of the less popular varsity sports.

The subcommittee queried Mr. Matthews on a number of points relative to the workings of the Athletic Association. The members discussed these points among themselves and determined that funds to support any new non-revenue sports were not available in the future. Therefore, the subcommittee concluded its deliberations by approving unanimously the following recommendation for the Board's consideration: "The Board of Directors resolves that the Athletic Director attempt to add women's indoor track, outdoor track, and cross country as non-revenue varsity sports by possibly deleting women's field hockey and wrestling from that status." Dr. Robertson then officially presented said proposal for Board discussion.

Dr. Siegel asked why women's field hockey and wrestling were selected as the sports for possible elimination from the program. Dr. Ritchey referred to a study by the Virginia High School League which revealed that of 283 high schools in the state, only 67 played field hockey while 253 fielded women's track teams. Coach Dooley observed that many colleges, especially in the South, were dropping men's wrestling programs and that few such teams existed in the Metro Conference. Ms. Bollard added that wrestling and women's field hockey contests were poorly attended by the student body. Dr. Ritchey pointed out that adding three new non-revenue sports without eliminating others from the program would cut existing funds in the already-tight budgets of other programs and result in Virginia Tech fielding teams that could not be competitive on the collegiate level.

There being no further discussion on the motion, Dr. Robertson called the question. The resolution was adopted by a unanimous vote.

Mr. Matthews then informed the Board that adding and dropping sports is always done on a phase-in, phase-out system. For those programs being added, funds would gradually be increased each year. The phase-out process would consist of dropping future scheduling and allowing a sport to go to club status if the University could provide funding. Existing scholarships to which the Athletic Association was committed would be continued for their natural duration.

March 12, 1982

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Robertson identified items of old business and in particular the recent Board decision to grant varsity status to women's track and field teams and to eliminate the women's varsity hockey team. Robertson indicated that he had in his possession a letter in the form of a petition signed by the women's varsity hockey team and addressed to the Virginia Tech Athletic Association Board of Directors. The team was requesting that the field hockey program be continued through the 1982-1983 season. The Board president indicated that if that request was granted the women's field hockey team would automatically expire in the Spring of 1983. Five of the nine young women involved with the current field hockey team,

Robertson explained, were seniors and wanted the opportunity to complete their year with the team in varsity status. The members of the team also stated that the schedule for 1982-1983 had been made and released which included a district invitational meet and tournament to be held at Virginia Tech. The petition and letter to the Board President also indicated that the members of the current varsity field hockey team had not been told directly of the decision of the Board of Directors to eliminate the varsity women's field hockey team. The women indicated in their letter of petition that the first they had hear of the information was by radio and local newspaper.

Board President Robertson added that he and Coach Dooley both had met with the field hockey team and had sought to explain the Athletic Association's position in this matter. Several members directly involved with the special subcommittee which studied the subject reiterated the reason for their decision to eliminate the women's field hockey team. A lengthy discussion followed. Several members of the Board questioned whether it would be possible to carry the varsity women's track and field teams plus continue the varsity status for the women's varsity hockey team for 1982-1983. Athletic Director Dooley and Associate Athletic Director Matthews pointed to the fact that it was untenable to think that the Athletic Association could afford to carry both of the women's sports programs involved for another year with current budget conditions. Board President Robertson stated that the women's field hockey team had volunteered to operate on approximately half of its current budget (or an estimated \$7,000) if the program was continued for the 1982-1983. Dooley and Matthews indicated that a program not well funded was not a good program. Both recommended that we not operate a varsity sports program if funding was not sufficient to make it representative of Virginia Tech Varsity Athletics. President Lavery also reiterated that it would be a disaster to try and carry the women's varsity field hockey team for 1982-1983 when there were not sufficient funds to do so.

Board President Robertson noted that without motion to change the decision of our Board of Directors at the February 1, 1982, special meeting regarding this question, the decision would stand. There were no further remarks. The records now show the decision of the Virginia Tech Athletic Association Board of Directors of February 1, 1982, to be a matter of record. Robertson stated that every attempt

would be made to have a women's field hockey team retained as a group sport at the University.

May 27, 1982

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Dooley closed his remarks by announcing that the women's field hockey team had been officially accepted as a club sport for the 1982-1983 season.

September 24, 1982

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

James C. Smith inquired as to the recent notices that the Virginia Tech women's hockey team had scheduled some events for the Fall Quarter, 1982, and asked about the funding, since women's field hockey had been eliminated as a varsity sport. Board President Robertson replied that women's hockey team was now officially a club sport and, as such, was eligible for limited financial help.

March 8, 1983

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Coach Matthews also indicated that three women swimmers had qualified and would participate in the NCAA Women's National meet in Lincoln, Nebraska.

September 23, 1983

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

In reporting out new business to the Board, Dr. Robertson indicated that he had received a letter from the Assistant Athletic Director, Jo Kaffer, requesting consideration by the Board of Directors to maintain varsity status for the women's field hockey team. Robertson reviewed the action taken by the Board two years ago when a study committee appointed by the Board President recommended the elimination of women's field hockey as a varsity sport. The women's field hockey team was officially removed from the varsity roster at the May 27, 1982 meeting. Although that action

was recognized by Coach Kaffer, her letter to Board President Robertson indicated that a number of varsity women's field hockey teams were maintaining their playing status with the Virginia Tech team on the basis of the women's field hockey team as a varsity sport. Recognition in a non-varsity relationship for the 1983 field hockey season might be a detriment to those teams maintaining a schedule for NCAA women's field hockey programs and playoffs. Coach Kaffer respectfully requested the Board to maintain varsity status for the women's field hockey team for 1983 with no additional budget or change in status.

Dr. Driscoll, as well as other members of the Board of Directors, expressed concern with the turn of events that were expressed in Coach Kaffer's letter to Dr. Robertson. Coach Dooley indicated that any changes in the actions taken by the Board in 1982 could have conflicting reactions from within the University community and with other sports programs. University President Lavery and Coach Matthews addressed the situation with expressions of concern for the women's field hockey team's schedule for 1983, but felt that the actions of the Board in 1982 should be upheld. Dr. Driscoll made the motion to reinstate for one year the varsity status for the Virginia Tech women's field hockey team and that as soon as the season was completed the women's field hockey team as a varsity sport would be officially dropped. The motion passed. Board Secretary James W. Dean noted that for the official minutes for the Board of Directors this action would have to be placed on the agenda either at the winter or spring meeting of the Board of Directors to fulfill the obligation of the official minutes of the Virginia Tech Athletic Association. The May 27, 1982 official minutes eliminated the sport and the action taken with this meeting of September 23, 1983 reinstated the varsity status of the women's field hockey team. The Secretary indicated they would take official action to justify and clarify the records of May 27, 1982, and September 23, 1983. Board President Robertson agreed that it would be placed on the agenda of the winter meeting of the Virginia Tech Board of Directors.

December 9, 1983

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Dooley noted that all of the fall varsity sports were both competitive and successful. He made special praise of the Women's Volleyball team.

March 7, 1984

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Coach Dooley then reported on the Athletic Association's winter activities. He noted the success of the women's basketball team and their competitiveness during the season. Coach Dooley also expressed his hope that the women's basketball team would do well in the Metro Conference tournament.

Dr. James W. Dean had earlier and officially reminded the Board that action would be needed to authorize the cessation of women's field hockey as a varsity sport. In September, 1983, the Board allowed the field hockey team to retain varsity status this academic year because of schedule commitments. Dr. Driscoll moved, seconded by Dr. Litschert, that women's field hockey cease to be a varsity sport. The motion passed unanimously.

December 6, 1984

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

As a final note, Dooley expressed pleasure with the success of the men's basketball team to date. He added that the women's basketball squad was making steady progress and should have an excellent season.

March 4, 1985

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

First financial problems stated in dollar terms.

March 5, 1985

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

President Lavery expressed pleasure over the performance of the Men's and Women's basketball teams this year.

Messrs. Perry, Matthews and Robertson shared with the membership some of the aspects of the current cash-flow crisis and the overall indebtedness of the Association. Operating expenses have been

inadequately covered by annual income. Capital improvement costs, in the main, have placed the Association in its present financial dilemma. From operating funds the past few years have come payments for building improvements, new construction, renovation of athletic playing fields, new furnishings, and landscaping.

March 24, 1985

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

William B. Matthews and Donald T. Perry reported line by line the budgets in question. The Committee noted there may be proposed budget cuts taken for 1985-1986 that would prove less economical in the following four or five years. The Committee established a need for a study of the Athletic Association's income and expenditures for the next four or five years that would resolve the exact trend of our income that would permit economical and defined spending that would be fully understood by all concerned. Items needing long-range procedural examination are in areas of salary and promotions; the women's athletic program and administration; and necessary funding of building maintenance and capital improvements.

- b) The Committee recommends an immediate consolidation of the University Classified Employees Program be incorporated into the Athletic Association's personnel except men's varsity football coaches and men's and women's basketball coaches. William R. Van Dresser would coordinate the Classified Personnel System with the University's Office of Personnel System with the University's Office of Personnel Services. The system would become effective prior to July 1, 1985.
- c) The proposed 1985-1986 budget had listed salary increases of about 9.7% across the board to all employees of the Athletic Association. To reduce the deficits, the Committee set salary increases of 5% for all personnel except the women's basketball coach. The personnel affected with the salary increases not to exceed 5% are the Athletic Director and Officers and all male football and basketball coaches. The classified personnel as aligned with the University

classified personnel salary increases will be effective July 1, 1985.

- g) There was a definite need to immediately start a study of the women's administrative and varsity sports program. Under NCAA regulations, a new women's varsity program (gold), must be instituted in the 1986-1987 budget. The study to be made by the Athletic Association of the women's sports administration and athletic program was to identify a cost efficiency and effectiveness program. Adequate funding for the women's program was a high priority. Effective administration of the women's sports administration and athletic program was to identify a cost efficiency and effectiveness program. Adequate funding for the women's program was a high priority. Effective administration of the women's program possibly joined in a coaching - administrative arrangement was also highly recommended. This study would commence immediately to affect the proposed 1986-1987 budget.

March 27, 1985

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Dr. Robertson voiced the need for the Board to study the current women's athletic program. Such a review would evaluate the women's administrator and whether her duties would be incorporated with those of a varsity coach in that program. Virginia Tech would need to add a seventh sport to the women's program in 1986-1987 as a result of recent NCAA legislation. Women's golf seems the likely addition at this time, and some opinions were expressed that the golf coach would also be the women's administrator. In any event, the overall study of the women's athletic program by the Board would be concluded prior to consideration of the 1985-1986 budget.

September 27, 1985

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Two review committees were shortly to be formed, Robertson announced. The first, a blueprint committee, would be composed

of representatives from all facets of the University community. It examined where we are today in our athletic program, where we ought to be, how to attain those ends, and the like. Once that report had been compiled, and in compliance with NCAA legislation recently adopted, a self-study of the Association would be undertaken. This self-study would focus in the main on past developments which had brought us to our present status. It complemented the blueprint report and, with it, gave a comprehensive review of athletics at Virginia Tech.

November 14, 1985

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Mr. Dooley, Mr. Walker, and Mr. Perry noted that cutting sports at this time (with the exception of men's and women's basketball) would not result in any significant savings since these sports had been completed. They further noted that although cutting basketball would reduce expenses, it would also reduce potential income.

Proposals to restore lacrosse and women's field hockey to varsity status and to elevate the gymnastics club to varsity status were taken under consideration by the Board.

January 17, 1986

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Mr. Dooley noted that no cuts were made to non-revenue sports budgets.

March 17, 1986

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Dr. Bohland raised a concern regarding the extensive absence of female basketball players from classes. Mr. Dooley indicated that the golf and baseball teams also had a problem with class absences because of the number of matches and games.

Coach Dooley and Dr. Peg Driscoll recognized the accomplishments of the Virginia Tech athletic program which ranked third in the Metro Conference overall.

September 25, 1986

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Around February or March of 1986, Coach Bill Dooley was informed by Dr. Lavery that effective January 1, 1987, Mr. Dooley would no longer be head football coach or athletic director. Dr. Lavery's decision to terminate Mr. Dooley's employment was a result of his concern about the athletic programs and had nothing to do with the pressures from alumni or boosters.

December 9, 1986

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

The Board accepted a letter from Jo Kaffer to Dr. Robertson dated November 8, 1986, in which she proposed scholarships in men's soccer and wrestling for the fall of 1987. The letter was referred to the new Athletic Director for his consideration.

March 9, 1987

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Dale T. Baughman, Athletic Director

Jo Kaffer - Assistant Athletic Director for Student Affairs. She was charged with four major areas of responsibility—eligibility, financial aid, admissions for non-revenue sports, and housing.

Mr. Baughman noted that when the Memphis team arrived for the Women's Metro Basketball Tournament last week, the team had missed two weeks of class. The VTAA arranged for the Marriott to provide study areas which were supervised by VTAA staff, and the AA provided tutors.

1986-1987 Budget - Mr. Bourne reported that prior to assuming his position as Business Manager for the Athletic Association on January 1, he served as a consultant to the VTAA under Mr. Ridenour since September 1, 1986.

June 4, 1987

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Resignation of Athletic Director Dale T. "Dutch" Baughman - Mr. Baughman distributed to the Board copies of his letter to President Lavery and Dr. Robertson dated June 4, 1987, resigning from the position of Director of Athletics at VPI&SU effective immediately.

Hired new head football coach Frank Beamer. The Board of Directors reviewed the proposed contract of Coach Beamer.

June 24, 1987

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Raymond D. Smoot, Interim Athletic Director

The board passed a motion requesting that the athletic director inform Head Basketball Coach Charles Moir by letter prior to July 1, 1987, that his employment contract will not be renewed.

Conceding that there was a problem with institutional control of the athletic program, which was a common problem nationally. Dr. Lavery stated that the University must have control of: 1) financial accountability, 2) academic integrity, and 3) NCAA compliance. He stated further that there must be a governance system with clear lines of administration to carry out three functions: 1) policy development, 2) institutional control, and 3) internal auditing. He explained that by "institutional control," the NCAA was referring to governance by faculty, administration, and the board of trustees.

Dr. Lavery explained that what he is suggesting is a system of governance patterned after the interdisciplinary commissions that have been established for other functions of the university. Dr. Lavery stated that whatever system is employed must apply the three principles of (1) shared governance, (2) input through an advisory system, and (3) institutional control.

July 8, 1987

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Dr. Smoot pointed out that the only alternative to this would be for the Board to decide: 1) that the University would not have a Division IA football team or 2) to terminate 10 employees. He noted that eliminating some non-revenue sports would not be feasible because they were not well funded and, consequently, their elimination would not decrease expenditures significantly and because only one women's and two men's sports could be cut if the University was to maintain Division I standing. Addressing Mr. Latham's concern that there would be a budget deficit if the projected \$300,000 in private funding was not raised, Dr. Smoot stated that he would monitor the budget closely throughout the year and would bring a revised budget to the Board this fall if the funds had not begun to be received by that time. Mr. Bourne pointed out that the Athletic Association had implemented a new policy to review the budgets monthly and each quarter examines how closely revenues and expenditures were following budget projections.

September 22, 1987

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Dr. Lavery explained that the restructuring of the Athletic Association involved three components:

1. Establishment as an auxiliary enterprise within the University.
2. Restructuring of the admissions, advising, and appeals functions.
3. Establishment as a commission or committee within the University's governance structure.

October 27, 1987

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Dr. Smoot explained that Mr. Ridenour had formed a committee to examine all aspects of converting the VTAA, Inc. from a private corporation to an auxiliary enterprise of the University upon the dissolution of the corporation on June 30, 1988. Dr. Smoot suggested that the role of the body that would succeed the Board would be focused more on setting the future direction of the athletic

programs. He noted that the Board of Visitors would act on the reorganization plan at its meeting on November 16.

NCAA sanctions the university. The football team and men's basketball programs were placed on probation for two years. The men's basketball team was barred from post season play for two years. The football program was limited to 85 scholarships during the 1988-1989 and 1989-1990 academic years and only 17 new scholarships can be awarded to the next class of recruits.

November 27, 1987

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Hired David Braine, Athletic Director, 1987 - present

Non-revenue Sports. Mr. Braine stated that he felt the women's program was among the best in the conference. He noted that revenues from football and basketball paid for non-revenue sports.

December 17, 1987

VTAA President: James I. Robertson, Jr.

University President: W. E. Lavery

Title IX Concept:

Mr. Ridenour explained that on July 1, 1988, the Virginia Tech Athletic Association, Inc. will be dissolved and intercollegiate athletics will be established as an auxiliary enterprise. A committee consisting of legal counsel, University officials, and VTAA officials examined the operational aspects of the transition including an outline of the administrative changes that will occur. Counsel will draw up documents dissolving the corporation to be presented to the Board of Visitors at its May meeting. Mr. Ridenour would prefer to have the Athletic Association become a local auxiliary rather than a state auxiliary, for this will enable greater oversight by the University and allow the University to retain and invest earnings. The athletic program will be under Mr. Ridenour's supervision, and the athletic director will function as a member of his staff.

Mr. Ridenour explained that auxiliaries do not have boards of directors, and he asked the Board members to send him their suggestions as to what the role of the body overseeing the athletic program should be under the revised structure. It was noted that

NCAA regulations stipulate that this body consist of a faculty majority.

Future Role of the VTAA Board of Directors

Mr. Braine explained that after the transition of the VTAA from a private corporation to an auxiliary enterprise of the University, he envisions the body that succeeds the Board of Directors serving as an advisory group that is focused more on academics and student life than on operations of the athletic program. Dr. Sullins noted that the Faculty Senate favors the establishment of a University commission or committee dealing with athletics. He suggested that Mr. Braine could serve as the chairman of this committee/ commission in the same manner that the dean of the Graduate School chairs the Commission on Graduate Studies. Mr. Baker added that student input from the SGA, RHF, and ROTC to this committee/commission could continue by means of representatives from these organizations serving on advisory subcommittees dealing with areas in which the students are interested and knowledgeable.

1988-1989 Improvements (S. J. Horton, personal communication, February 20, 1996)

- Reorganized Virginia Tech Athletic Association, Inc. as an auxiliary department of the university.
- Hired David Braine as Athletic Director.
- Added a full-time assistant coaching position for women's basketball.

It should be noted that written minutes from VTAA were unavailable for the period 1988-1991. Interviews were conducted with the Virginia Tech Athletic Compliance Officer to highlight Title IX improvement for those corresponding years.

September 26, 1991

VTAA President: Bennett Cassell

University President: James McComas

Title IX Concept:

Dave Braine discussed coaching changes in the past several months. Steve Taylor had been hired as coach of the cross country team and his wife would serve as a graduate assistant. Both were competitive

runners. Stefani Hawbecker had been hired as a full-time coach of the women's volley ball team.

Bennet Cassell suggested formation of sub-committees to accomplish some of the objectives of the Athletic Committee. Two possible topics were resource allocation to non-revenue sports and the current status of women's sports at Virginia Tech in light of Title IX regulations.

October 16, 1991

VTAA Chairman: Bennet Cassell

University President: James McComas

Title IX Concept:

The Chair, Bennet Cassell, then turned to the discussion of Title IX compliance. He indicated with the largest co-ed population among colleges and universities in the Commonwealth, were we 1) in compliance?; 2) were we doing as much as we could? Dave Braine pointed out that four years ago, the women's program was in "poor shape." There had been substantial improvement, but much still needed to be done. There was a need for more full-time head coaches, for example. Elyzabeth Holford pointed out the need for confidentiality if such a review is done. The liability in such a review for a lawsuit was high, she said, and recommended the review be done internally.

Dave Braine suggested a committee review of women's programs. Chair Cassell expressed the point of view we should take a long-term look at the women's intercollegiate program. He appointed a subcommittee to review women's sports which include Elyzabeth Holford (Chair), Linda Bucy, Vincent Cilimberg, John Ficenec, Suzanne Murrmann, Jewell Ritchey, Kimberley Schindel, Jeff Bourne, Steve Horton, Kay Heidbreder, and Laurie Martinson. The motion was made and seconded to confirm the group. It carried. Sue Murrmann would call the group together initially. The results of the committee's review are found on page 121.

November 13, 1991

VTAA Chairman: Bennet Cassell

University President: James McComas

Title IX Concept:

Sue Murrmann spoke about the goals of the Subcommittee on Women's Athletic Programs. A handout was distributed and explanations provided for clarity. Chair Cassell asked for a broader

interpretation; for example, should more emphasis or less emphasis be placed on certain women's sports. Tom Goodale pointed out his aegis and oversight for recreational sports and its interface with varsity athletics. Specific goals for football were to go post season competition every four years, and in basketball, to participate in men's and women's postseason play each year. Other goals were articulated for the non-revenue sports.

December 4, 1991

VTAA Chairman: Bennet Cassell

University President: James McComas

Title IX Concept:

Minutes from the November 13 meeting were approved as amended. The agenda was adopted as distributed. Athletic Director Dave Braine introduced the guest coach, Stephanie Hawbecker, Head Coach of the Women's Volleyball Team. The team's success for the fall was noted. Coach Hawbecker enumerated goals of her program. Coach Hawbecker cited the commitment of the University to the Women's Volleyball Program in the hiring of a full time head coach. She outlined her recruiting plans (in state and midwest) plus her intentions to conduct workshops and clinics among high schools in the state. Coach Hawbecker pointed to development of club teams were essential to development of talent in state.

1991-1992 Improvements (S. J. Horton, personal communication, February 20, 1996)

- Established the position of part-time coach for women's track/cross country.
- Established the position of full-time coach for women's volleyball and retained the two former part-time coaches.
- Refurbished all coaches offices, including coaches for women's sports, with the exception of the football and men's basketball coaches' offices.

March 18, 1992

VTAA Chairman: Bennet Cassell

University President: James McComas

Title IX Concept:

Steve and Lori Taylor, coaches of men's and women's cross country programs, presented reports of their programs. The goal was to take Virginia Tech to competition at the national level year in and year out. Steve Taylor planned to focus more effort on recruiting cross country athletes from Virginia, an area that had been neglected in

the past. He planned to concentrate on US athletes rather than foreign students which had competed successfully for some prominent programs. The women's program was aided greatly by Lori Taylor's presence and leadership. Men's and women's cross country really were two programs, so a second coach was necessary. Lori Taylor had spent a lot of time on recruiting and was currently looking at 5 or 6 prospects interested in Virginia Tech. Potential for competition in cross country in the Big East, should Va. Tech become an all sports member, was excellent. The conference had several members with very strong cross country programs.

Suzanne Murrmann, chairman of the subcommittee on women's programs, presented a report of her subcommittee. Three specific proposals were:

- a. Create a position and hire an Assistant Athletic Director whose primary if not sole responsibility would be to women's athletics.
- b. Develop criteria for measurement of coaching success and utilize those criteria for evaluation of employment on a consistent basis.
- c. Develop criteria for measurement of success in the administration of women's athletics and utilize those criteria for evaluation of the Assistant Athletic Director for women's athletics.

The Athletic Committee discussed these proposals briefly and deferred action to the April meeting pending response by the Athletic Director and further "digestion" by committee members. One topic of considerable discussion concerned compliance with Title IX requirements in women's programs. Elyzabeth Holford expressed concern about possible legal action against Division I programs for non compliance. The committee requested that Cornell Morton of the Virginia Tech Equal Opportunities/Affirmative Action staff meet with the group at the April meeting to familiarize committee members with the issues at stake so that we might begin useful discussion of this topic.

April 17, 1992

VTAA Chairman: Bennet Cassell

University President: James McComas

Title IX Concept:

Cornel Morton of the Equal Employment/Affirmative Action Department was a guest of the committee. He spoke on gender equity and the legal requirements of Title IX, advocating the principal that we should pursue equity because it's fair, not just because it is legally required. At Virginia Tech, women constitute about 48% of the undergraduate student body. Ratio of programs/scholarships for men and women should be scrutinized. Funds for recruiting and operations must also be checked. Cornel recommended that we a) evaluate where we were in support of women's athletics, b) take immediate steps to correct big problems, and c) consult with athletes concerning their perception of inequity issues. In Cornel's view, football and men's basketball would be considered when evaluating equitable treatment of women in varsity athletics. The issue was too large to expect to address it in a short time period and involved decisions beyond the responsibility of the University Athletic Committee. However, we had opportunity to provide leadership and input into the process.

October 21, 1992

VTAA Chairman: Bennet Cassell

University President: James McComas

Title IX Concept:

Minnis Ridenour wanted to strengthen non-revenue sports and add to women's sports, but did not feel that the revenue sports would generate enough income to adequately fund these efforts. State support was unlikely, so other sources of funds, including possible increases in student fees and fund raising from alumni needed to be explored.

Questions to Minnis included an inquiry about emphasis on non revenue sports this year. Minnis responded that there was increased emphasis on non revenue sports this year, to the benefit of the student body. Minnis was an advocate of slow growth, with quality effort in all sports. Another question concerned cooperation between recreation sports and varsity athletics. Minnis responded that the AD and his staff believe that athletic facilities were not just for varsity sports. The Recreation department did share facilities like Rector field house, the varsity soccer field, and so forth. Interface of recreation and varsity sports was planned for the future through a master plan currently in development.

November 19, 1992

VTAA Chairman: Bennet Cassell

University President: James McComas

Title IX Concept:

Larry Killough reported that a certification program, sponsored by NCAA, seemed on track to be accepted at Winter 1993 NCAA meetings. Gender equity is a very hot topic in collegiate athletic programs. Currently, there was not much agreement about what gender equity means.

December 17, 1992

VTAA Chairman: Bennet Cassell

University President: James McComas

Title IX Concept:

- The addition of women's soccer to the Virginia Tech Varsity Athletic offering.
- The appointment of Sharon McClosky as coordinator of women's programs.

Dave Braine reported a need to reevaluate Virginia Tech's commitment to field 17 Varsity teams. Our ability to support this number was questionable, especially in light of our obligation to fully comply with the requirements of Title IX. The entire area of gender equity needed to be evaluated at Virginia Tech.

Many gender equity issues were on the agenda, but member institutions were not yet sure what gender equity entails.

February 4, 1993

VTAA Chairman: Bennet Cassell

University President: James McComas

Title IX Concept:

The purpose of the meeting was to review new policy in gender equity and Title IX issues at Virginia Tech. Minnis Ridenour made the presentation, reviewing briefly the past year's action by the Athletic Committee and University concerning resource reallocation for varsity sports. Ridenour announced the institution of the following procedures:

1. That the men's and women's varsity swimming teams be reinstated for the 1993-1994 academic year. No new scholarships would be provided during this period.

2. That additional funds be provided to the Athletic Department for the support of women's programs. For the 1992-1993 academic year, \$60,000 would be provided. That amount would be doubled to \$120,000 for the 1993-1994 academic year.

3. That another committee would be formed to consider appropriate action concerning gender equity issues and Title IX compliance by the University. Elyzabeth Holford would chair this committee, membership of which would come from the University Athletic Committee. The committee would report directly to Minnis Ridenour, but its findings and conclusions would be reported to, discussed, and responded to by the University Athletic Committee.

4. That a survey of Virginia Tech students be conducted to determine interest in current and potential new varsity sports.

Minnis Ridenour asked for questions concerning the new policy. One question concerned the impact of threat of lawsuit on the change in policy for swimming. Ridenour responded that the threat did affect the decision, as scarce University resources would be required to defend such a suit. It seemed more beneficial to reinstitute swimming for a year to allow for more detailed planning and action concerning gender equity/Title IX than to go to court to establish whether the University could terminate a varsity sport.

A second question concerned the source of additional resources for women's programs, specifically whether student fees would need to be raised. Ridenour responded that student fees had to increase, but that other funds could also be reallocated within the University to support varsity athletics. No state appropriated funds, however, could be used for such a purpose.

Another question was whether the University had any flexibility to eliminate a women's sport. Ridenour responded that such a question would need to be answered in the courts. Our recent record (Braine era) on gender equity was good. However, we needed to focus more clearly on the state of women's sports relative to men's sports. We hoped to never have to face a court challenge to whether we complied with Title IX, but we were obligated to be in compliance, nonetheless.

A question was raised concerning expectations of the new committee. Would that group decide the fate of the swimming

team? Ridenour's response was that the committee's view needed to be broader, giving swimming the same evaluation as other sports would get. The reason to reinstate swimming was it would be unfair to eliminate a sport just at the time the University chose to take an in depth look at resource allocation to all sports, especially given the role of gender equity in the total question. The committee might, for instance, recommend funding certain sports fully while offering others at the varsity level, but with less than full scholarship/operational budget support.

A motion was made by Vince Cilimberg, seconded by Joseph Moore, to endorse a thorough study of gender equity/Title IX and the reinstatement of swimming for the 1993-1994 academic year. The motion passed with unanimous support.

Additional discussion included a statement of concern for raising student fees to achieve Title IX compliance. Another concern was over implications of having the new committee report directly to Minnis Ridenour instead of the Athletic Committee and its parent group, the Commission of Undergraduate Studies.

1992-1993 Improvements (S. J. Horton, personal communication, February 20, 1996)

- Salary equity adjustment for women's head basketball coach from \$34,887 for 1991-1992 to \$50,000 for 1992-1993 effective July 1, 1992.
- Built locker room for women's tennis and other women's sports.
- Reported to Board of Visitors at August, 1992, meeting on university's status regarding Title IX.
- Enlarged and refurbished women's basketball locker room.
- Completed extensive upgrade of women's volleyball locker room.
- Upgraded women's track locker room.
- Upgraded part-time women's track/cross-country coach to full-time status.
- Established and filled position of assistant athletic director for women's sports.
- University approved additional funding of \$70,000 at mid-year to support the operating budget for women's sports.
- Increased salaries of women's volleyball coaches from \$28,892 in 1991-1992 to \$40,371 in 1992-1993.
- Increased operating expenditures for women's basketball, tennis and volleyball by a total of \$55,912 in 1992-1993.

Non-Revenue Sports Study

A Non-Revenue and Women's Sports Study was completed in February of 1992. The non-revenue and women's sports study committee had been convened "to consider all aspects and issues of fairness and equity in non-revenue and women's sports, including but not limited to scholarship support, operating support, scheduling, recruiting, level of competition, promotions and advertising, coaches, salaries, facilities, and access to women's sports." According to OCR it was highly unlikely that interscholastic investigations involved four of the thirteen components, specifically: (a) tutor; (b) housing and dining facility services; (c) recruitment of student athletes; and (d) athletic financial assistance.

According to committee member Vincent Cilimberg, the executive vice president (Minnis Ridenour) appointed the committee as well as the chairperson. The purpose of the committee "was to review Virginia Tech athletics as it stood relative to Title IX." The committee was to research, review, present finding, and make recommendations to the Virginia Tech athletic department. Regardless how a committee member felt about Title IX, it was the law and the institution was required to comply with that law. Therefore, the committee members worked diligently and wanted to do the right thing. The committee gathered information and presented the data in a professional manner (V. Cilimberg, personal communication, April 28, 1996).

The following comprised the findings as related to the thirteen (13) components addressed in a Title IX review.

Title IX and Intercollegiate Athletics

The substance of Title IX regulations identified two sections that applied specifically to intercollegiate athletic programs at post-secondary institutions. Both sections related to the issue of proportionality:

1. Financial Aid

Athletically-related financial aid should be allocated in proportion to the number of male and female NCAA-eligible undergraduates.

Virginia Tech Undergraduate Enrollment

Full-time undergraduate enrollments for Fall 1992 was composed of 7,474 female students and 10,792 male students; Spring 1993 was composed of 7,050 female students and 10,004 male students. This reflects percentages of approximately 41% (female) and 59% (male). These percentages were also applicable for Fall 1991. (See Appendix D.)

Athletic Scholarships

For AY 1992-1993, athletic scholarship aid was awarded, on average, to approximately 19% female and 81% male athletes. A report issued by the Athletic Department during 1993 Spring semester indicated an allocation of \$343,105 (aid to women) plus \$1,480,082 (aid to men) for a total of \$1,823,187 scholarship aid. Fifth-year aid went primarily to Football and Men's Basketball. (It was noted that for AY 1992-1993, scholarship dollars were awarded in the same approximate percentages as athletic participation. As the number of participants fluctuated during the year, so may the scholarship dollars fluctuate slightly during that year). Athletic scholarships were not equitably distributed.

Operating Budgets

The operating budget for Women's Basketball was approximately one-third of Men's Basketball. The Men's Basketball banquet was three times as costly as the Women's Basketball banquet. The bulk

of the Athletics Operating Budget was for Football (\$1.8 million) and for Administration (\$1.6 million). Operating budgets were not equitably distributed.

Participation opportunities should be allocated in proportion to the number of male and female NCAA-eligible undergraduates.

Average Percentage of Participation in Varsity Sports

The average percentages of participants in Virginia Tech varsity sports for AY 1992-1993 were approximately 18% female and 82% male. (The Committee notes that the number of participants fluctuates slightly during the year. For example, a report issued during the Fall semester showed 83 females/366 males, whereas a report issued during Spring semester indicated 77 females/365 males.) Participation berth opportunities were not equitably distributed.

2. Interests and Abilities

Selection of sports and levels of competition effectively accommodated the interests and abilities of members of both sexes.

4. Scheduling of Games and Practices

Coaches provided their individual schedules to the Athletic Facilities and Scheduling Manager who coordinates/assigns facilities to serve the needs. Coaches were cooperative and worked well with each other to resolve any problems. Coaches of the Women's Basketball, Volleyball, and Tennis programs expressed their satisfaction with the results to date.

Regular season and postseason schedules/competitions were governed by policies of the NCAA and conference affiliations. Coaches of the individual sports worked in concert with the Athletic Director's office to establish the specific schedules. Each sport aspired to attain postseason competition.

Coordination of recruiting was governed by policies of the NCAA and conference affiliations. Coaches of the individual sports were responsible for their own recruiting. The Recruiting Coordinator served as liaison between the Athletic Department and the Admissions Office for all student-athlete admissions and was there to lend other assistance as requested by the coaches. For AY 1992-1993, the coordinator's time was distributed

(approximately) as follows: 60% Football; 10% Women's Basketball; 10% Men's Basketball; and 20% all other sports. The Recruiting Coordinator's time was not equitably distributed.

5. Travel and Per Diem

Modes of Transportation

There were discrepancies in modes of transportation utilized by teams. This was especially apparent when reviewing Men's and Women's Basketball. The men's team more often traveled by air and the women's team by bus to comparably distant game sites. Modes of transportation were not equitably distributed.

Per Diems of Players

Data indicated that Men's Football, and Men's Basketball and Soccer had considerably more for per diems than any other sports. Per diems were not equitably distributed.

Travel/Per Diems and Accommodations of Coaches

Travel expenses for coaches were in line with state/university policies at \$35 in-state and \$41 out-of-state per day. Typically, two coaches shared a room on trips.

7. Coaching

Opportunity to receive coaching and compensation of coaches:

Number of Coaches

NCAA regulations and financial consideration determined the number of coaches. Only Football, Men's and Women's Basketball, Men's Soccer, Men's Cross-Country/Track and Field, and Women's Volleyball were at the maximum allowance. Decisions concerning the hiring of coaches were not equitable.

Company Cars

There were discrepancies in the assignment of so-called company cars. Ten cars were assigned to Football, 3 to Men's Basketball, 2 to Women's Basketball, and 13 other cars were not permanently

assigned to any particular sport. Company car assignments were not equitable.

8. Locker Rooms

Provision of locker rooms, practice and competitive facilities:

Locker Room Facilities

The total allocation of locker room facilities was: Male - 78%, Female - 22%. Women's Basketball and Women's Volleyball had the highest space per athlete allocation: Women's Basketball - 59 sq. ft./athlete and Women's Volleyball - 66 sq. ft./athlete. Men's Basketball square footage allocation per athlete would be comparable to Women's Basketball if the junior varsity team athletes were not included in the calculations. In general, locker room facility allocation was not equitable.

Meeting Room Space Allocations

There was a total of 5,000 sq. ft. of available meeting room space in the Jamerson Center. All of this space was assigned to Football. Overall, the total allocation of meeting room facilities was: Men - 100%, Women - 0%. There existed the further question of efficient space utilization as well as equity. Meeting room space allocations were not distributed equitably.

9. Medical and Training Facilities

Provision of medical and training facilities and services:

Training Room Space Allocations

The total allocation of facilities was: Men - 76%, Women - 24%. The physician hours are scheduled as follows: 1:30-4:00 p.m., and 6:30-"after" (until around 8:00 p.m.) on an "equal access" basis. These hours were canceled if the physician was at afternoon Football practice. The physician's office was located at the back of the Football training room. Female athletes had voiced continued concern over the need to travel to the Football training room in order to see the physician.

A review of sport by sport budgets revealed that several women's and non-revenue sports did not have sufficient resources in their budgets to (1) take trainers to out-of-town games/meets, (2) pay for meals and lodging of trainers for pre-season and/or vacation practice sessions, and (3) supply trainers with T-shirts, warm-ups, and other items with which Football and Men's Basketball trainers were provided. Training room allocations, access to facilities and budgets for trainers were not equitably distributed.

Weight Room Facilities

Schedules for "comparison" sports were, in fact, comparable (Basketball, Swimming, Cross-Country/Track and Field). However, there was a noticeable absence of any policy on scheduling use of the weight room facilities.

11. Publicity

The total allocation of the promotion budget was: Men - 93%, Women - 7%. Seventy percent (70%) of the promotion budget was allocated to Football and Men's Basketball. The revenues came from the sale of media guides and programs account for a relatively small portion of the budget allocated for such written materials. Men's and Women's Basketball publicity and promotion budget allocations were not comparable. There appeared to be a conscious desire not to have any after-game written releases for sports other than Football, Men's and Women's Basketball, and Baseball. All other sports were forced to rely on weekly releases. Publicity and promotion budgets and efforts were not equitably distributed.

Marketing Plans

There was no comprehensive marketing plan; instead, there were various promotions. The most costly and elaborate promotions were planned for Football. Ticketing, promotions, and facilities were not coordinated into an overall plan. Coordination of the marketing of non-revenue sports was the responsibility of one part-time coordinator.

Equity in the Coverage of Women's Sports

Coaches of the Women's Basketball, Volleyball, and Tennis programs expressed their satisfaction with the current efforts by the

Virginia Tech Sports Information Office to provide equity in the media coverage of their sports.

12. Support Services

See Appendix C--Organizational Chart.

Secretarial Support Allocations

The total allocation of secretarial support was: Men - .173 FTE per Coach-GA, Women - 0.63 FTE per Coach-GA. There was a clear discrepancy for Men's Basketball (.438 FTE per Coach-GA). Secretarial support allocations were not equitably distributed.

Office Space Allocations

The total allocation of office space was: Male - 76%, Female - 24%. Coaches for women's sports were assigned, on the average, 72.5% of the space assigned to coaches for men's sports: Male - 204 sq. ft., Female - 148 sq. ft. All office space assigned to women's sports were in the remodeled, less visible Cassell Coliseum areas. All office space assigned to non-revenue sports were in the re-modeled, less visible Cassell Coliseum areas. Office space allocations were not distributed equitably.

13. Recruitment

Recruiting Monies

Recruiting dollars allocated to Basketball, Tennis, Swimming, Baseball, and Volleyball had varied in the past five-year span (AY 1988-1989 through AY 1992-1993), but in general had reflected a percentage split of approximately 25% (female) and 75% (male). For example, in AY 1988-1989 24% of recruiting money was spent on females and 76% on males; AY 1992-1993 26% of recruiting money was spent on females and 74% on males. Football, Wrestling, Golf, Soccer, Track and Field, and Cross-Country were not included in the above comparison. If they were, the male percentages would be higher. For example, when Football alone was included in the AY 1992-1993 calculations, then the comparison indicates that 11% of recruiting money was spent on females and 89% on males.

Further, a report issued during the 1993 Spring semester indicated that \$34,845 was allocated for female sports and \$263,660 was allocated for male sports to total \$298,505 for AY 1992-1993 varsity sports recruiting. This represented a percentage split of approximately 12% of the recruiting money to females and 88% to males, and translates into \$894 per actively recruited female student athlete and \$1,274 per actively recruited male student athlete. These dollars were used to cover recruiting expenses for recruits and coaches. This included such items as food, lodging, travel, official visits, and various other costs associated with recruiting. Recruiting dollars were not equitably distributed.

There were no one, five, or ten year fundraising plans. There were no one, five, or ten year management plans.

The Non-Revenue Sports study did not elaborate on Title IX components of participative (football) numbers; equipment and supplies; tutoring; and housing and dining.

Average Percentage of Participation

Football numbers cause the participation numbers to be a high. Football participants include walkons. "Walkon male athletes who are not recruited but are given equipment, uniforms, all direct costs that can be tied with participating in football." Walkons are not scholarship athletes (J. T. Bourne, personal communication, April 30, 1996).

Below is the possible charge to participation numbers (J. T. Bourne, personal communication, April 30, 1996):

1992 Current number of participants (squad size)	123 players
1992 NCAA allowed head count (receiving aid)	<u>92</u> players
1992 Number of walkons	31 walkons
The average cost per athlete was \$10,052	x <u>10,052</u>
Estimate change	\$311,612

Equipment and Supplies

The quality, amount, suitability, maintenance and replacement, and availability of equipment and supplies were equitable. All teams items ordered, maintained, and replaced by the equipment and supply department.

"I don't believe that our players want for anything that we couldn't get from them, either from the booster club (Diamond Club) or the athletic department itself. . . . Our needs are met. We have everything we need" (C. A. Alfano, personal communication, February 20, 1996).

All basic or standard items which were necessary to compete in an individual sport were provided to the student athletes, regardless of scholarship or nonscholarship status.

Additional extras, such as warm up to wear around campus were at the expense of the student athlete (S. J. Horton, personal communication, February 20, 1996).

Tutoring

Opportunity to receive tutoring and compensation of tutors were equitable. In September of 1987 all athletic academic tutoring services became available to all students; male or female; scholarship or nonscholarship; and revenue or nonrevenue. The athletic academic advice department, which reported to the University Provost wanted all student athletes to be on the same page in regards to tutoring services. (J. W. Via, personal communication, February 20, 1996).

Prior to 1987 academic advising was provided to football and men's basketball only. All other tutoring services were the responsibility of the individual coach.

General standards included (J. W. Via, personal communication, February 20, 1996):

- (1) one tutor-to-one student ratio.
- (2) Freshman mandatory study hours were 10 hours weekly until a 2.2 GPA was maintained.
- (3) Base pay to tutors were \$500 undergraduate and \$750 graduate student.
- (4) Student athlete responsible to make appointment with tutor. Each student had equal access to any tutor. Tutors were not assigned to specific students. Assignments were based upon assignment and availability.

- (5) Tutoring department opened seventy-five hours weekly 5 p.m. to 10 p.m. Sunday, 8 a.m. to 10 p.m. Monday through Thursday, and 8 a.m. to 5 p.m. on Friday.

Housing and Dining

Housing and dining services were equitable.

Housing of athletes was under the governance of university housing. Although most freshmen athletes were housed at Cochran Hall, housing at Cochran was divided 50/50 athlete versus nonathlete (S. M. McCloskey, personal communication, February 20, 1996).

Dining services were determined by the individual coaches. Some coaches chose to eat at the dining hall whereas other chose to give per diems (which were state mandated). Dining decisions were based upon team's desire to eat on or off campus and cost effectiveness.

Summary

A brief historical overview of Virginia Polytechnic Institute and State University was recorded. The original foundation operating principles of instruction, research and extension were cited as established in 1872 and continued to operate in 1992.

A university presidential listing with years in office was useful in outlining key occurrences within VPI athletics as well as the development of VPI athletics

as defined by the thirteen components of Title IX. Women's evolution as co-eds at VPI was also scripted. Citings of governance modules, university acceptance, student privileges, and enrollment patterns were recorded.

The Title IX chronology at Virginia Tech was also researched from 1972-1992. Historical documentation provided information on key personal involvement, Title IX concept and the governing process of Virginia Tech administrators.

Lastly, a case study of how Virginia Tech complied with the thirteen components of Title IX was presented. Information was gathered from a non-revenue sports study (Holford, 1993), as well as from interviews of key personnel within Virginia Tech athletics.

CHAPTER FOUR

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

Introduction

The purpose of this study was to investigate how Virginia Polytechnic Institute and State University had complied with Title IX from 1972-1992. The case study evaluated the governing process of the institution's progression of Title IX compliance.

The study explored one main question: How had VT complied with Title IX from 1972-1992? Three subquestions relevant to the discussion of gender equity included: (a) How had VT performed in the three prong test of Title IX? (b) During 1972-1992, how had VT met the compliance of the thirteen components? and (c) What were the governing processes of VT towards Title IX in both written documentation and verbal interviews.

In order to draw a conclusion on the above questions it was first useful to research the relationship of Title IX rulings and lawsuits which impacted Title IX in college sports and to analyze prior cases to evaluate whether gender or other factors in addition to gender served as precedents in Title IX court cases. Twenty Title IX law cases were recorded.

Finally, the recommendations for Title IX compliance are included to provide additional support for further research.

How had VT complied with Title IX from 1972-1992? This question was answered through the Title IX litigation cases, how VT fared in the Title IX three prong test, how VT met compliance of the thirteen components of Title IX, and the institutional governing process towards Title IX.

Litigation

The Office of Civil Rights did not appear to be an enforcing entity of Title IX and colleges and universities. Failure to execute control over noncomplying Title IX institutions coupled with the feasible attainment of monetary damages led to litigation against a number of institutions.

Twenty Title IX athletic cases were researched and were grouped according to common case factors. The commonalities included: general Title IX cases (6); private institutional cases (3); interest and ability cases--women (4); interest and ability cases--men (2); and cases seeking monetary damages (5).

Prior to 1987, law cases which involved Title IX in athletics Bennett v. West Texas (1986), Haffer v. Temple University (1982), and Blair v. Washington State (1987) ruled for the institution citing that Title IX was institutional specific rather than program specific (Grove City v. Bell, 1984). Athletic departments do not receive direct federal funding.

Title IX did not apply to private institutions involved in litigation with their athletic program. University of Richmond v. Bell (1982) held that the Department

of Education had no authority to investigate and regulate athletic programs at private institutions.

In 1988, the Civil Rights Restoration Act of 1987 was mandated which then redefined the term "program or activity" to be exclusive of a college or university. Regardless of direct or indirect federal funding, Title IX now applied to athletic departments. Failure to adhere to Title IX in athletics could result in loss of federal funding University wide. With the passing of 1987 Civil Rights Restoration Act, advocates of Title IX had law on their side when pursuing gender equity athletics: Cohen v. Brown (1993) and Roberts v. Colorado St. (1993).

In Cook v. Colgate (1993), law nor OCR regulations were enough to persuade Judge Hurd to rule in favor of Title IX. According to Judge Hurd the suit was declared "moot" because the plaintiffs were no longer students and were not returning to Colgate. Failure to recognize the law but rather ages of the plaintiffs resulted in future law cases to be filed by underclassmen rather than upperclassmen.

Franklin v. Gwinnett (1990) opened the doors to the award of monetary damages for failure to uphold Title IX. In Tyler v. Howard and Deli v. University of Minnesota (1994), the courts ruled in favor of the plaintiffs for failure of an institution to compensate a female coach equitably to a male coach. Consequently, other factors such as more responsibilities, longer tenure, and coaching experience ruled in the Title IX salary discrimination case of Stanley v. University (1994).

The passing of the Civil Rights Restoration Act made it clear to the colleges and universities that athletics was now liable for Title IX within the athletic department. Furthermore, law was now on Title IX advocate's side which judges consequently now ruled in favor of Title IX. Together with the law and the success in the courtroom had led to an increase in litigation as well as the "threat" from Title IX proponents of Title IX.

According to Steve Horton (personal communication, February 20, 1996), Virginia Tech studied prior law cases while developing a Title IX compliance plan for women's athletics. Information pertinent to participation numbers and dollars allocated to individual sports were determined by information brought to the forefront by Title IX law cases.

The purpose of the case study was to investigate how Virginia Tech complied with Title IX from 1972-1992. The following three subquestions were used to support the findings of the study: (a) How had VT performed in the three prong test of Title IX? (b) During 1972-1992, how had VT met compliance of the thirteen components? and (c) What were the governing process of VT towards Title IX in both written documentation and verbal interviews?

How had VT performed in the three prong test of Title IX?

Prong 1--Intercollegiate participation opportunities for students of each sex were substantially proportionate to its male and female undergraduate enrollment.

Financial aid allocated to the number of male and female participants in intercollegiate athletics as compared to the undergraduate enrollment. Financial aid for student athletes should be allocated in proportion to the number of male and female undergraduates. Table 3 examined the undergraduate enrollment at Virginia Tech for the years 1972-1992.

Since the passing of the 1987 Civil Rights Restoration Act, Virginia Tech undergraduate enrollment held steady at 59% male to 41% female. For AY 1992-1993 financial assistance was awarded, on average, to approximately 81% male to 19% female. In dollar figures that amounted to \$1,480,082 (male) to \$343,105 (female). Financial aid for athletic scholarships were not equitably distributed.

Prong 2--History of continued practice of program expansion responsive to develop interests and abilities of members of the "underrepresented sex."

Prior to 1987 VT did not have a continued practice or program expansion responsive to develop interests and abilities of members of the female student athletes. The athletic department did not have a plan of action for the addition of female athletic programs.

After 1987, with the hiring of a new Athletic Director, Dave Braine, immediate improvements were made to the women's programs. A committee was also formed to address Title IX issues in relation to the athletic programs. From those findings, a Title IX compliance plan was developed by the VT Athletic Department.

A more detailed analysis of the three prong test was also discussed in the governing process of VT. The governing procedures could be found on pages 120-124.

Prong 3—The interests and abilities of the "underrepresented sex" were fully and effectively accommodated by the existing program.

Since the passing of the 1987 Civil Rights Restoration Act, Virginia Tech undergraduate enrollment held steady at 59% male and 41% female. The average percentages of participants in VT varsity sports for AY 1992-1993 were approximately 82% male and 18% female. Participation opportunities were not equitably distributed.

The selection of sports and levels of competition effectively accommodated the interests and abilities of both male and female student athletes. The sports offered to both sexes in 1992 are shown in Table 4.

During 1972-1992, how had VT met compliance of the thirteen components?

A list of thirteen factors were used by the Office of Civil Rights to determine if equal athletic opportunities were available for both male and female athletes. For review purposes those included: financial assistance, interests and abilities, equipment and supplies, scheduling of games and practices, travel and per diem, coaching and academic tutoring, compensation of coaches and tutors, locker room, practice and competitive facilities, medical and training facilities and

Table 4

1992 Virginia Tech Male and Female Varsity Athletic Teams

Sport	Male	Female
Baseball	X	
Basketball	X	X
Cross Country	X	X
Football	X	
Golf	X	
Soccer	X	
Swimming/Diving	X	X
Tennis	X	X
Track	X	X
Volleyball	X	X
Wrestling	X	
17 Sports Total	11	6

services, housing and dining facilities and services, publicity, support services, and recruitment of student athletes.

According to OCR it was highly unlikely that interscholastic investigations involved four of the thirteen components, specifically: (a) tutor; (b) housing and dining facility services; (c) recruitment of student athletes; and (d) athletic financial assistance. VT was found equitable or meeting equality in three of these four components with the exception of financial assistance. Additionally, VT was equitable in the following components: interests and abilities, equipment and supplies, opportunity to receive and compensation of tutoring.

Athletic scholarships were not equitably distributed. Of the remaining components, VT was not equitable in meeting equity for female student athletes. The following components included: scheduling of games and practices; travel and per diem; opportunity to receive and compensation of coaches; locker rooms; practice and competitive facilities; medical and training facilities; publicity; support services; and recruitment of student athletes.

Football was the culprit in causing such a large disparity between male and female athletic programs at VT. Disparity ranged from financial aid, participation number, recruitment of football players, locker room facilities, to medical and training facilities.

There was not one female program at VT nor anywhere else in intercollegiate athletics which had a scholarship roster of ninety-five athletes.

Females needed at least six athletic programs averaging fifteen athletes per team to come close to one division I football squad.

What were the governing process of VT towards Title IX in both written documentation and verbal interviews?

The Educational Amendments Act was passed in 1972 but was not signed into law until President Ford sealed into law on March 27, 1975. Virginia Tech first mention of Title IX (after 1972) was one year prior (March 7, 1974) to the legally regulated and legally recognized status of 1975.

Although on March 7, 1974, Virginia Tech Athletic Association President W. B. Bell concluded "plans for equalizing all programs involving varsity sports may result in the total destruction of varsity athletics." W. B. Bell continued by indicating that duplication of programs for both men and women could not be financed in most of the colleges and universities across the country. The concern was not allowing women to compete, but rather how was the duplication of women's teams to be financed.

The move towards Title IX compliance was based upon the philosophy of the athletic director as well as the Board of Visitors and university president.

The Virginia Tech Athletic Association continued discussion on Title IX throughout the 1970s, although the association was unsure of the rules and regulations of Title IX. In August 1975, University President William Lavery assured the membership that Virginia Tech, upon understanding all the guidelines,

would make every application to accept the provision and would provide programs appropriate to those provisions.

Although minimal, women's athletics were present during the 1970s at Virginia Tech. In 1971, Virginia Tech was a chartered member of the AIAW. Women competed at the club level in basketball, swimming, tennis, field hockey, fencing, track and field, and cross country beginning in 1973. Volleyball was added as a club sport in 1975 (J. Kaffer, personal communication, April 1, 1996).

Beginning in 1976, females competed at the varsity level in three sports. The athletic programs were basketball, swimming, and tennis (J. Kaffer, personal communication, April 1, 1996).

Jo Kaffer was the first female athletic administrator hired for the purpose to supervise women's athletics at Virginia Tech. Ms. Kaffer was hired by Athletic Director, Frank Mosely, in 1977.

General Title IX conversations as to how programs would be funded, extramural versus varsity status and progression of women in athletics continued throughout the 1970s into the late 1980s. Discussions arose from time to time about the possibility of adding men's Lacrosse as a varsity sport. But as always ended with the denial because of current financial restrictions as well as the possibility of having to fund additional female sports.

By 1980 a trend had occurred through intercollegiate athletics, dropping of varsity sports because of financial limitations. In December of 1980, VTAA assistant athletic director (Mr. Mathews) spoke of the high cost of supporting

varsity programs but Virginia Tech had not been forced to drop any at this time. Also, Title IX rules and regulations were still unclear. Additionally, athletic departments were not legally responsible for Title IX compliance within their athletic department since athletics did not receive federal funding.

Throughout 1981-1987 Virginia Tech athletics was dominated by football and men's basketball. Both male and female non-revenue sports ran the risk of being eliminated of its varsity status. Even with the possible demise of varsity status, according to AD Football Coach Dooley, "women's athletics continued to make progress" in their individual sports. According to Dave Braine (personal communication, March 10, 1996), men's programs at Virginia Tech, such as men's soccer, wrestling, and men's swimming, would be static due to the scholarship limitations placed upon these sports.

Title IX needs in athletics were not met prior to the Civil Rights Restoration Act (1987) mainly for two reasons. First, athletic departments were not accountable to comply with Title IX because athletics did not receive direct federal funding. Secondly, Universities, presidents of universities, as well as athletic personnel were not given directions of Title IX procedures and regulations nor was OCR an enforcer of inadequate Title IX activity.

Major changes within the athletic association occurred in the late 1980s. Football and men's basketball were put on probation. The football coach/athletic director stepped down and a new AD was hired. Dutch Baughman lasted only 6 months and was replaced by Dave Braine (1987-current). The Virginia Tech

Athletic Association was dismantled and was held accountable to the university, thus renamed the VT Athletic Department. The debt service was over 1 million dollars.

William E. Lavery stepped down as university president. Paul Torgersen served as interim from 1/1/88 to 8/31/88, but the position was later filled by James McComas on 9/1/88.

The restructuring of the Virginia Tech athletic department involved three components: (a) establishment of an auxiliary enterprise within the university; (b) restructuring the admissions, advising, and appeals functions; and (c) establishment as a commission or committee within the university's governance structure. This restructuring process was noted in 1987 and was reorganized in 1988.

The year 1988 proved to be the start of Title IX upgrading within the athletic department. The Civil Rights Restoration Act was now a law which held athletic department accountable for Title IX compliance. VTAA became an auxiliary department and was accountable to the university. An athletic director was hired and immediately made an impact on women's athletics with the addition of a full-time assistant coach for women's athletics. Dave Braine had the philosophy that all coaches should have equal opportunity to be successful. The athletic department should treat everybody fairly whether male or female (personal communication, March 10, 1996).

Prior to 1988, not a great deal of emphasis was placed on women's athletics. There was a lack of interest and apathy towards women's athletics (Braine, personal communication, March 10, 1996).

It was ludicrous to expect Virginia Tech to achieve equity in athletics in one year following the passage of Title IX but it was expected to provide a progression towards greater equity in Virginia Tech athletics. Title IX equity was an issue of complexity rather than an issue of simplicity.

Historical progression of women in athletics was one prong of the three prong test. From 1987-1992 the following improvements in women's athletics had occurred:

1988-1989 Improvements

- Reorganized Virginia Tech Athletic Association, Inc. as an auxiliary department of the university.
- Hired David Braine as Athletic Director.
- Added a full-time assistant coaching position for women's basketball.

1991-1992 Improvements

- Established the position of part-time coach for women's track/cross country.
- Established the position of full-time coach for women's volleyball and retained the two former part-time coaches.
- Refurbished all coaches offices, including coaches for women's sports, with the exception of the football and men's basketball coaches' offices.

1992-1993 Improvements

- Salary equity adjustment for women's head basketball coach from \$34,887 for 1991-1992 to \$50,000 for 1992-1993 effective July 1, 1992.
- Built locker room for women's tennis and other women's sports.
- Reported to Board of Visitors at August, 1992, meeting on university's status regarding Title IX.

- Enlarged and refurbished women's basketball locker room.
- Completed extensive upgrade of women's volleyball locker room.
- Upgraded women's track locker room.
- Upgraded part-time women's track/cross-country coach to full-time status.
- Established and filled position of assistant athletic director for women's sports.
- University approved additional funding of \$70,000 at mid-year to support the operating budget for women's sports.
- Increased salaries of women's volleyball coaches from \$28,892 in 1991-1992 to \$40,371 in 1992-1993.
- Increased operating expenditures for women's basketball, tennis and volleyball by a total of \$55,912 in 1992-1993.

The governance policies to upgrade or not upgrade women's sports was seen as a direct reflection of institutional accountability. Prior to 1987, what was the penalty for an institution for failure to meet Title IX compliance? The law was not on the side of Title IX advocates and the courts ruled in favor of the institution.

Post 1987 or passing of the Civil Rights Restoration Act changed everything. The law was now on the side of Title IX advocates as well as litigations were now favoring Title IX plaintiffs. Institutions realized that failure to comply not only meant possible litigation but also possible loss of federal financial assistance for the entire institution.

In addition, according to Dave Braine (personal communication, March 10, 1996), the athletic department's decision to form a committee to study women's athletics at Virginia Tech in 1991 was important for the continued formation of women's athletics at Virginia Tech. The outcome from the study assisted in the production of a compliance plan but more importantly "the University took

interest in Title IX (women's athletics), and put money in the women's programs" (Braine, personal communication, March 10, 1996).

Recommendations

Finally, the fourteen recommendations for Title IX compliance are included to provide additional support for further research:

1. The NCAA needs to address football in the Title IX calculation process. Football should not include walk-on in the participation calculation process.
2. Configure VT varsity sports so the percentage of male and female varsity athletes reflect the undergraduate percentage of the male and female student population. This may be achieved by limiting the male participation to 95 percent of the national average for men's sports as identified by the NCAA.
3. Interest and ability surveys are recommended to occur every four year period to assess the level and guide the establishment of women's sports programs. A survey instrument should be developed to determine interests and abilities and should be administered by the Center for Survey Research.
4. Attain membership in an all-sports conference.
5. Women's scholarships should be increased to within 3% to reflect the 59%/41% undergraduate ratio of male to female.

6. Develop a written schedule of equitable access of game and practice times.
7. Allocate money for travel and per diem in an equitable manner.
8. Allocate money to receive and compensate coaches in an equitable manner for comparable expertise and performance. Develop written position descriptions for all positions with the inclusion of specific expectations and measures. Hire coaches for all sports using NCAA maximums as a guideline. There should be a comparable allocation for coaches. Create an "Athletic Motor Pool" with policies for equitable access.
9. Develop a written policy for equitable access and efficient use of locker rooms, practice and competitive facilities.
10. Develop a written policy for equitable access and efficient use of medical and training facilities. Add an additional team doctor to the staff for the women's athletic program.
11. Develop a coordinated comprehensive marketing plan.
12. Provide access to secretarial staff that is equitable for all coaches.
13. Provide periodic Title IX compliance reviews every four years to determine gender equity within the athletic department.
15. Assist the University in a commitment to enhance the reputation of the entire university nationwide rather than regionally.

REFERENCES

- Aiken v. Lieuallen, 39 Or.App. 779, 593 P.2d 1243 (1979).
- Alexander, K., & Solomon, E. S. (1972). College and university law.
Charlottesville, VA: Michie Co.
- Alfano, C. A. (1996, February 20). Personal communication.
- Arnot v. Ramo, C.A. No. 92-0551 (N.D.M. 1992). (No official case cite). USA Today, April 28, 1993.
- Bennett v. West Texas State University, 799 F.2d 155, 34 Ed.LawRep. 684 (5th Cir. (Tex.), Sep 05, 1986).
- Blair v. Washington State University, 108 Wash.2d 558, 740 P.2d 1379 (Wash. 1987).
- Blum, D. E. (1994, October 26). Slow progress on equity: Survey of Division I colleges shows little has changed for female athletes. Chronicle of Higher Education, A45-A51.
- Bonnette, V. M. (1990). Title IX athletics investigator's manual. Office for Civil Rights Department of Education.
- Bourne, J. T. (1996, April 30). Personal communication.
- Braine, D. (1996, March 10). Personal communication.
- Bradshaw, S. O. (1993, October). Title IX and college athletics: Creating a new world order. Paper presented at NACUA conference.
- Cassell, B. G. Personal communication.
- Cilimberg, V., Jr. (1996, April 28). Personal communication.

Civil Rights Restoration Act of 1987, P.L. 100-259 (1988), 102 Stat. 28.

Cohen v. Brown University, 879 F.Supp. 185 (1993).

Cook v. Colgate University, 992 F.2d 17, 82 Ed.LawRep. 760 (2nd Cir. (N.Y.),
Apr. 27, 1993).

Dean, J. W. (1996, April 28). Personal communication.

Deli v. University of Minnesota, 863 F.Supp. 958, 65 Fair Empl.Prac.Cas. (BNA)
1026, 94 Ed.LawRep. 1315, 2 Wage & Hour Cas.2d (BNA) 448 (D.Minn.,
Jul 18, 1994).

Favia v. Indiana University of Pennsylvania, 7 F.3d 332, 86 Ed.LawRep. 631 (3rd
Cir. (Pa.), Oct. 13, 1993).

Franklin v. Gwinnett County Public Schools, 112 S.Ct. 1028 (1990).

Fujiwara v. Clark, 477 F.Supp. 794 (D.Hawaii, Jun 08, 1978).

Gonyo v. Drake University, 837 F.Supp. 989, 87 Ed.LawRep. 791 (S.D.Iowa, Oct
07, 1993).

Grove City College v. Bell, 687 F.2d 684 (3rd Cir., 1982), 465 U.S. 555, 104
S.Ct. 1211, 79 L.Ed.2d 516 (1984).

Grove City College v. Bell, 465 U.S. 555, 104 S.Ct. 1211, 79 L.Ed.2d 516, 33
Empl.Prac.Dec.P 34, 158, 15 Ed.LawRep 1079 (U.S.Pa., Feb 28, 1984).

Haffer v. Temple University of Com. System of Higher Ed., 524 F.Supp. 531, 1
Ed.LawRep. 255 (E.D.Pa., Oct 09, 1981).

Haffer v. Temple University, 524 F.Supp. 531 (E.D.Pa. 1981), aff'd 688 F.2d 14
(3rd Cir. 1982).

- Haffer v. Temple University, 678 F.Supp. 517 (E.D.Pa., 1987).
- Holford, E. (1993). Non-revenue and women's sport study final report.
Blacksburg, VA: Virginia Polytechnic Institute and State University.
- Horton, S. J. (1996, February 20). Personal communication.
- Horton, S. (1994). Title IX report and compliance plan. Unpublished
manuscript. Blacksburg, VA: Virginia Polytechnic Institute and State
University, Athletic Department.
- Howlet, & Whalen, Preliminary report of the gender equity task force, 1993, p. 1.
- Injustice under the law: The impact of the "Grove City College" decision on Civil
Rights in America.
- Kaffer, J. (1996, April 1). Personal communication.
- Kelley v. Board of Trustees, 35 F.3d 265, 63 USLW 2158, 94 Ed.LawRep. 115
(7th Cir. (Ill.), Sep 01, 1994).
- Killough, L. (1992). This is Tech. Virginia Tech Football 1992 (pp. 76-77).
Blacksburg, Virginia.
- Kinnear, D. L. (1972). The first 100 years: A history of Virginia Polytechnic
Institute and State University. Blacksburg, VA: Virginia Polytechnic
Institute and State University.
- Kramer, D. W. (1988). Guide to Title IX and intercollegiate athletics.
Washington, DC: National Collegiate Athletic Association.
- Lavery, W. E. (1986). Final report of the blueprint committee on athletics.
Blacksburg, VA: Virginia Polytechnic Institute and State University.

Lavery, W. E. (1996, April 29). Personal communication.

McCloskey, S. M. (1996, February 20). Personal communication.

Morris, W. (1980). New college edition of the American heritage dictionary of the English language. Boston, MA: Houghton Mifflin.

National Collegiate Athletic Association. (1994, September 12). NCAA News.

National Collegiate Athletic Ass'n v. Califano, 444 F.Supp. 425 (D.Kan., Jan 09, 1978).

Narol, M. (1994). Equal pay act challenges face athletics administrators. Athletic Administration, 6.

Non-Revenue and Women's Sports Study Committee. (1993). Findings and recommendations of the non-revenue and women's sport study committee. Unpublished raw data.

Office of Civil Rights, U.S. Department of Education. (1988). (Available from Valorie Bonnette, 400 Maryland Avenue, SW, Washington, DC 20202.)

Pam Bowers v. Baylor University, 862 F.Supp. 142 (W.D.Tex. 1994).

Pavey v. University of Alaska, the National Athletic Association and the Association for Intercollegiate Athletics for Women, 490 F.Supp. 1011 (D.Alaska, Jun 09, 1980) (NO. CIV. A79-19).

Roberts v. Colorado State Bd. of Agriculture, 998 F.2d 824, 84 Ed.LawRep. 650 (10th Cir. (Colo.), 1993).

Robertson, J. I. (1996, April 29). Personal communication.

Rubin, A. (1996, April 7). Getting with the program. Birmingham News, pp. 1B, 10B.

Sgro, J. A. (1996, April 30). Personal communication.

Stanley v. University of Southern California, 13 F.3d 1313 (1991).

Thro, W. E., & Snow, B. A. (1993). Cohen v. Brown University and the future of intercollegiate and interscholastic athletics. Education Law Reporter, 84, 611-628.

Title IX Investigator's Manual. (1990).

Title IX of the Education Amendments Act of 1972, 20 U.S.C. § 1681(a)(1)

Title IX Policy Interpretation, 44 Fed.Reg. 71413-7142. (1979, December 11).

Tyler v. Howard University (1994).

Uberstine, G. A., & Stratos, K. R. (1993). Sex discrimination in amateur and professional sports. In G. A. Uberstine (Ed.), Law of professional and amateur sports (pp. 13-35 - 13-49). New York: Clark Boardman Company.

University of Richmond v. Bell, 543 F.Supp. 321, 5 Ed.LawRep. 868 (E.D.Va., Jul 08, 1982) (NO. CIV. 81-0406-R).

Via, J. W. (1996, February 20). Personal Communication.

Virginia Tech Athletic Association. (numerous years.) Minutes of board of directors meetings.

Virginia Tech Bulletin. (1972-1992). Degrees conferred enrollment data. Blacksburg, VA: Virginia Polytechnic Institute and State University.

Westlaw. (1996). Computer program. St. Paul, MN: West Publishing.

APPENDIX A

Athletics Participation and Scholarships at Virginia Tech, Big East Schools, and Atlantic 10 Schools 1990-91 and 1993-94

	Full-time undergraduates		Athletes		Spending on athletic scholarships		
	Percent men	Percent women	Percent men	Percent women	Total amount	Share to men	Share to women
Boston C 1993-94 1990-91 data not available	47.6	52.4	67.6	32.4	4,826,387	68.1	31.9
Duquesne U 1993-94 1990-91 data not available	43.4	56.6	65.6	34.4	1,207,100	52.4	47.6
Fordham U 1993-94 1990-91	47.5 50.0	52.5 50.0	69.0 73.0	31.0 27.0	2,569,125 †	73.2 60.0	26.8 40.0
George Washington U 1993-94 1990-91	47.6 48.5	52.4 51.5	52.9 57.7	47.1 42.3	3,283,600 1,950,393	46.7 51.2	53.3 48.8
La Salle U 1993-94 1990-91 data not available	50.1	49.9	54.0	46.0	1,552,353	50.6	49.4
Rutgers U 1993-94 1990-91 data not available	47.3	52.7	65.7	34.3	2,081,550	74.4	25.6
Saint Bonaventure U 1993-94 1990-91 data not available	50.3	49.7	53.1	46.9	947,008	51.0	49.0
Saint Joseph's U 1993-94 1990-91 data not available	48.0	52.0	52.2	47.8	1,281,000	50.9	49.1
Syracuse U 1993-94 1990-91	48.7 49.6	51.3 50.4	67.6 70.4	32.4 29.6	4,317,880 †	73.7 74.9	26.3 25.1

	Full-time undergraduates		Athletes		Spending on athletic scholarships		
	Percent men	Percent women	Percent men	Percent women	Total amount	Share to men	Share to women
Temple U** 1993-94 data not available 1990-91 data not available							
U of Dayton 1993-94 1990-91	51.8 52.0	48.2 48.0	71.2 74.9	28.8 25.1	869,850 522,939	50.9 52.4	49.1 47.6
U of Massachusetts Amherst 1993-94 1990-91 data not available	51.8	48.2	65.8	34.2	2,472,062	61.5	38.5
U of Miami** 1993-94 data not available 1990-91 data not available							
U of Pittsburgh 1993-94 1990-91	50.6 51.8	49.4 48.2	78.2 75.7	21.8 24.3	2,450,246 2,227,589	71.9 74.9	28.1 25.1
U of Rhode Island 1993-94 1990-91	47.5 47.1	52.5 52.9	63.1 63.5	36.9 36.5	2,098,650 1,465,382	66.8 66.5	33.2 33.5
Virginia Polytechnic Institute and State U 1993-94 1990-91	58.6 58.5	41.4 41.5	73.7 78.3	26.3 21.7	2,160,459 1,406,346	78.1 80.3	21.9 19.7
West Virginia U 1993-94 1990-91	54.7 54.3	45.3 45.7	76.7 72.5	23.3 27.5	2,039,391 1,719,643	74.1 71.4	25.9 28.6
Xavier U (Ohio) 1993-94 1990-91	47.1 48.5	52.9 51.5	57.1 59.4	42.9 40.6	1,013,652 585,869	53.0 53.3	47.0 46.7
Division I average² 1993-94 1990-91	49.2 49.7	50.8 50.3	66.4 69.1	33.6 30.9	1,463,524 1,221,930	64.3 69.5	35.7 30.4

Notes on following page:

- * Estimate
- ** Did not provide any 1993-94 information
- † Did not provide information
- ‡ Does not offer athletic scholarships
- n/a not applicable because institution was not a member of Division I during period covered
- ¹ Hardin-Simmons U joined Division III in fall 1994, and the scholarship shown is its last.
- ² Division I averages for 1990-91 are based on information provided by the NCAA. The averages for 1993-94 are based on information collected by The Chronicle, and only include those Division I institutions that provided data for that category.

Source: Blum, D. E. (1994, October 26). Slow progress on equity: Survey of Division I colleges shows little has changed for female athletes. Chronicle of Higher Education, A45-A51.

APPENDIX B

Sample Brief

Citation: Simms v. Sch. Dist. No. 1, Multnomah Co., 508 P.2d 236 (Ore. 1973)

Topic: Assault and Battery

Relief Sought: Student brought action to recover damages against school district and one of its teachers for assault and battery.

Issue(s): (1) Did teacher wantonly shove student into door? (2) May teacher use reasonable force to move a disruptive child from the classroom? (3) Did the trial judge err in instructions to the jury?

Facts: Plaintiff, Richard Simms, 14, brought action for assault and battery against district and a teacher, Marvin Weltz, alleging that he was wantonly shoved into a door and glass window, breaking the window and injuring his arm. Defendant denied the allegations and said that while plaintiff was being removed from the classroom by reasonable force, the incident occurred, but that it was within the teacher's right to do so. Plaintiff demurred to teacher's defense; court overruled the demurrer. Case went to the jury which returned a verdict in favor of both defendants. Plaintiff appealed. Plaintiff was enrolled in a "model" school for disadvantaged, and had a poor record.

Finding of the Trial Court: For defendant school district and teacher.

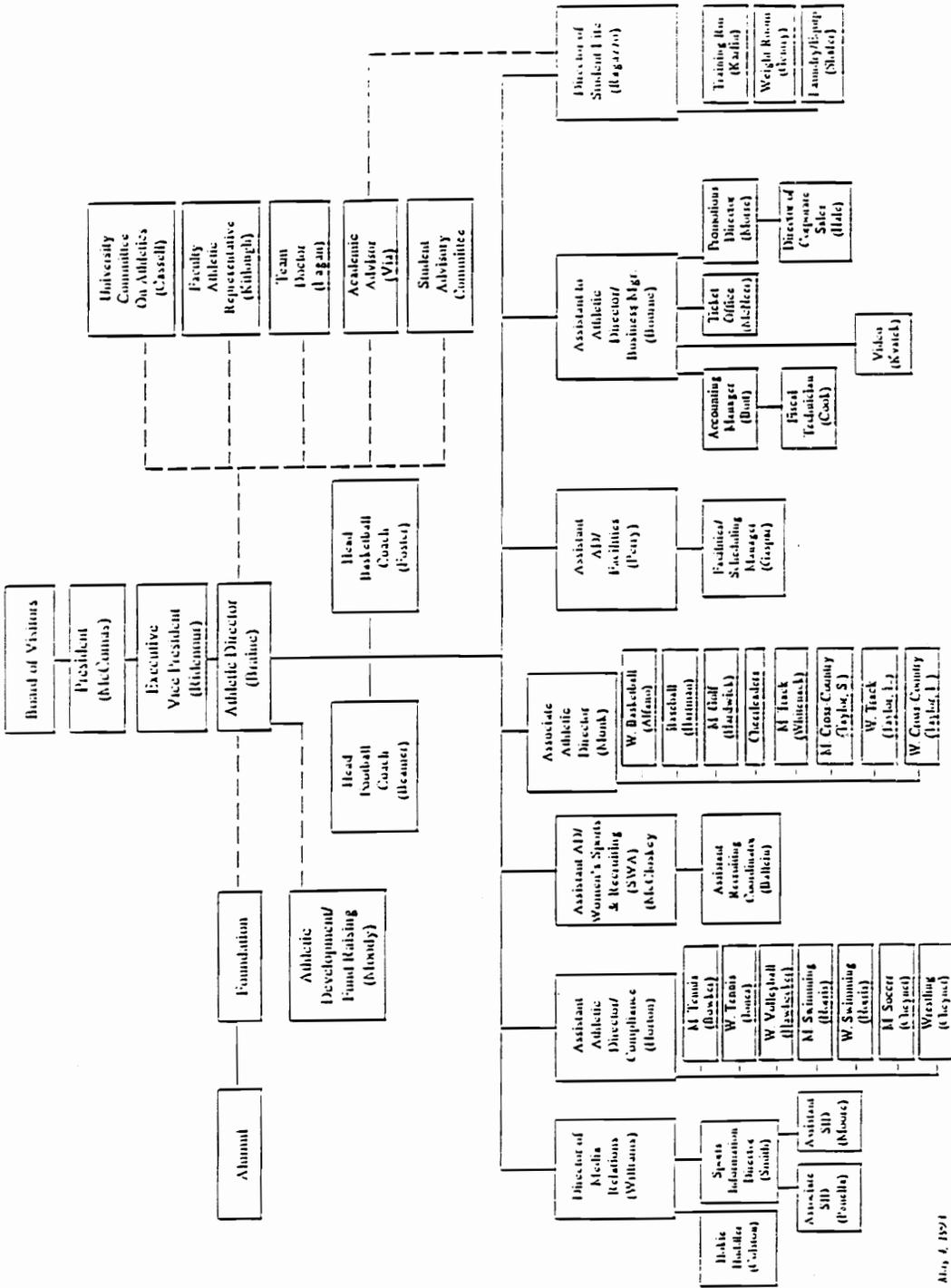
Finding of the Appellate Court: Court of Appeals affirmed the court below.

Reasoning: Teachers may use reasonable force to remove a child from the classroom if he is a disruptive element therein. The district's regulation on corporal punishment read in part: "Except in the event of forcible and physical resistance to the teacher's authority, corporal punishment shall be administered only after the teacher has procured in advance the approval of the principal." The issue of whether or not the student offered "forcible and physical resistance to the teacher's authority" was for the jury to decide. The judge told the jury that it was for it to decide whether or not the teacher used reasonable force within the meaning of the regulation. A teacher stands in loco parentis to the child, and shares the parent's right to obtain obedience to reasonable demands by force. In Ware v. Estes, 328 F.Supp. 657 (TX 1971), affirmed, 458 F2d 1360 (1972) the federal courts held that corporal punishment is not cruel and inhuman treatment under the Eighth Amendment. We hold that the child has no constitutional grounds to object to corporal punishment so long as they are reasonable, properly administered and so as not to cause harm, and are legally authorized. Nor do we consider as inadmissible the teacher's written report prepared on the day of the act for his principal on grounds that it is self-serving. The teacher was subject to cross examination regarding all aspects of the report, including its authenticity and reliability and accuracy. Clearly the court did not abuse its discretion in this case.

Significance: Teachers owe students a duty for their care and safety. But they must also have the authority to maintain good order in the classroom, requiring students to perform their duties. A teacher does not breach his duty to the child where, as a result of disruptive behavior, the student must be removed from the room, so long as the force used is reasonable, legally permitted, and does not leave lasting injury to the student.

APPENDIX C Virginia Tech Organizational Chart

ORGANIZATIONAL CHART



May 4, 1994

Secretarial Staff

- Executive Secretary - Athletic Director
- Secretary Senior - Assistant AD/Compliance
- Secretary Senior - Director of Student Life
- Secretary Senior - Assistant AD/Facilities
- Secretary Senior - Associate AD
- Secretary Senior - Director of Media Relations
- Secretary Senior - Hokie Euddler
- Secretary Senior - Head Football Coach
- Secretary Senior (2) - Football Staff
- Secretary Senior - Head Men's Basketball Coach
- Secretary Senior - M. Tennis
- Secretary Senior - M. Baseball
- Secretary Senior - M. Golf
- Secretary Senior - M. Soccer
- Secretary Senior - W. Basketball
- Secretary Senior - W. Tennis
- Secretary Senior - M. Swimming
- Secretary Senior - W. Swimming
- Secretary Senior - M. Cross-Country
- Secretary Senior - W. Cross-Country
- Secretary Senior - W. Volleyball
- Secretary Senior - M. Track
- Secretary Senior - W. Track

APPENDIX D

Virginia Polytechnic Institute and State University Fall Undergraduate Enrollment 1972-1992

Year	Male	Female	Total	% Male to Female
1972	8,730	3,787	12,457	70 - 30
1973	9,596	4,635	14,321	67 - 33
1974	9,976	5,097	15,076	66 - 34
1975	10,299	5,487	15,786	65 - 35
1976	10,627	6,008	16,635	64 - 36
1977	10,791	6,175	16,966	64 - 36
1978	11,008	6,490	17,498	63 - 37
1979	11,154	6,693	17,847	62 - 38
1980	11,032	6,854	17,886	62 - 38
1981	11,070	7,144	18,214	61 - 39
1982	10,850	7,254	18,104	60 - 40
1983	10,507	7,435	17,942	59 - 41
1984	10,477	7,613	18,090	58 - 42
1985	10,650	7,639	18,289	58 - 42
1986	10,577	7,733	18,310	58 - 42
1987	10,865	7,656	18,521	59 - 41
1988	10,661	7,488	18,149	59 - 41
1989	10,918	7,656	18,574	59 - 41
1990	11,109	7,792	18,901	59 - 41
1991	11,395	7,913	19,308	59 - 41
1992	11,103	7,716	18,819	59 - 41

Source: Virginia Tech Bulletin. (1972-1992). Degrees conferred enrollment data.
Blacksburg, VA: Virginia Polytechnic Institute and State University.

VITA

SCARLETT KAY SCHNEIDER

1818 St. Andrews Circle
Blacksburg, VA 24060

(H) (540) 953-1462
(O) (540) 231-6618

Education

Virginia Polytechnic Institute and State University

- Ph.D. of Education, May 1996
- Master of Science, Sports Management Administration, December 1992
- Bachelor of Science, Marketing Education, June 1985

Work Experience

Professional

Athletic Development Manager: Virginia Tech Athletic Fund, 5/94 - present

- Identify, cultivate, and solicit athletic fund contributors
- Identify, cultivate, and solicit major gift prospects
- Train and support 450 fund raising volunteers
- Organized new geographic fund raising groups to expand the fund raising base
- Author of new graduate pamphlet designed to recruit young alumni as members of the Virginia Tech Athletic Fund
- Co-coordinator of senior activity designed to enroll students in the Virginia Tech Athletic Fund
- Interface with fundraising personnel from other areas of the university
- Co-coordinator of Virginia Tech Athletic Fund Tour
- Co-author of Athletic Fund Newsletter

Sales Agent: Metropolitan Insurance, 8/89 - 2/91; Allstate Insurance, 10/87 - 8/89

- Sold life, health, and property/casualty insurance
- Developed and coordinated sales presentations and consultations

Teacher: Garinger High School, 9/85 - 10/87

- Taught marketing education

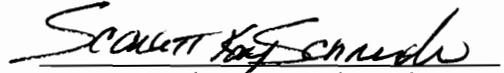
Internships

Hokie Club Intern: Virginia Tech Athletic Fund, 1/94 - 5/94

Recreational Sports Department Intern: Virginia Tech, 8/93 - 12/93

Assistant Tennis Facility Manager Intern: Virginia Tech, 4/92 - 9/92

Athletic Ticket Office Assistant Intern: Virginia Tech, 9/91 - 11/92


Scarlett Kay Schneider