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## Rededication Panel Discussion on Gender Equality and Intercollegiate Athletics

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# REDEDICATION PANEL DISCUSSION ON GENDER EQUITY AND INTERCOLLEGIATE ATHLETICS

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*This article is a transcript of a panel discussion in which Professor Stephen F. Ross, Associate Athletic Director Karol Kahrs, and Fred Heinrich participated entitled "Sports and the Law," at the Rededication of the University of Illinois College of Law. The panel discussion centered on the issue of gender equity in intercollegiate athletics. Title IX of the Education Amendments Act requires institutions receiving federal funding to provide equal educational opportunity for students regardless of gender. The panel discussion focused on the impact of Title IX and the University of Illinois's efforts to comply with the requirements.*

**Professor Stephen F. Ross:** Today's panel discussion focuses on a concrete example of how one major institution—the University of Illinois—is attempting to deal with the problems of gender equity and intercollegiate athletics.

Gender equity was neither a political, social, nor legal concern of those in charge of educational institutions until the early 1970s. Then, in 1972, Congress enacted Title IX of the Education Amendments Act. This act required institutions receiving federal funding to provide equal educational opportunity for students and employees regardless of gender. It applied to virtually every major college and university in the country. The Department of Health, Education and Welfare, and later the Department of Education, have sought to implement this broad mandate of equality. An evolving series of regulations and interpretations has emerged to provide guidance to institutions seeking to fulfill the promise of equal opportunity in the context of intercollegiate and interscholastic athletic programs. Following the passage of

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the Act, there was an immediate and steady upsurge in the offering of women's athletic opportunities. For example, in 1974, our panelist Karol Kahrs was hired by the University of Illinois to build a serious varsity intercollegiate women's athletic program that had not existed previously.

If you look at the progress from 1972 to 1994, most people would agree that the opportunities for women of athletic ability today are immeasurably greater than those that were available to their mothers twenty or twenty-five years ago. Nonetheless, the promise of *equal* opportunity, as opposed to simply better opportunity, is still far away. For example, the Big Ten Conference has established a goal that female student-athletes and their programs should receive at least forty percent of scholarship and other funding opportunities, a goal that I believe no member school is seriously close to achieving. (Illinois, currently, is somewhere around seventy-two percent for men and twenty-eight percent for women.)

This renewed emphasis on gender equity comes at a time when intercollegiate athletic programs are facing severe financial strains. The leveling out of revenue and increasing financial demands have forced athletic and university administrators to face hard choices and strategic planning decisions that equity concerns have only compounded. The Division of Intercollegiate Athletics at the University of Illinois has been forced to take a number of steps towards financial stability and, at the same time, make progress toward gender equity. One of the first steps, and it was clearly identified as only the first step in a long-range plan to achieve both goals, was the elimination of two varsity sports programs: men's fencing and men's swimming and diving. Litigation was immediately launched by the male swimmers, who claimed that Title IX's promise of nondiscrimination applied to them and that they were the victims of illegal sex discrimination in violation of Title IX. Their lawsuit was unsuccessful in the district court, and just recently the Seventh Circuit announced its decision affirming the district court judgment.

I thought we would use the men's swim team case as a jumping-off point to discuss the broader issues of gender equity and intercollegiate athletics. First, our discussion will include some introductory remarks from Karol Kahrs, the Associate Athletic Director, about how she sees the progress of women's programs and, in particular, to identify some things that may be misperceptions about the gender equity issue. Next, Fred Heinrich will discuss the legal issues, both from the counseling point of view (Fred was formerly Assistant University Counsel) and then from the litigation perspective as an attorney with the Champaign office of the Heyl, Royster law firm, which represented the University in the swimming litigation. In particular, Fred is well suited to comment on the difference between arguments made in

court and those made in order to convince the athletic board, or the Chancellor. We then will throw the discussion open to questions or comments from the floor.

So with those remarks, let me first introduce Dr. Karol Kahrs, a graduate of the University of Georgia, with her Master's and Doctorate degrees from Ohio State University. She has been here since the beginning of women's athletics. Karol was initially hired to direct women's athletics; sometimes it seemed as if there were the "real" athletics and then women's athletics. One very positive development implemented by Athletic Director Ron Guenther has been to maintain Karol's principal responsibility for supervision of most women's sports while expanding her responsibility to include a variety of issues. For example, she is responsible for the administration of the tennis center, and Guenther has included her as part of a management team that participates in all aspects of governance. These additional responsibilities probably mean that Karol now has to accept a little more input than she might have been used to receiving concerning the management of women's programs, but it also means that someone of her expertise has an opportunity to contribute to all issues facing intercollegiate athletics.

**Dr. Karol Kahrs:** Thanks, Steve. I appreciate the opportunity to be here. It really is an honor and a pleasure to be part of the rededication of the law school. I recall the last time I was here to speak formally to a group in the law school—when female law students were lobbying in the hallways to get restroom access! We have come a long way since that time. It truly has been a terrific opportunity for us to have the quality of law school on our campus that we have. A number of people affiliated with the law school have played a significant role in the impact of Title IX and its implementation. I recall vividly the involvement of John Cribbet when he was Chancellor. Chancellor Cribbet really began to shape the expectation of intercollegiate athletics on this campus—to fall in line with the mission of the entire University, which is a commitment to excellence. It is not always a popular thing for university administrators to be that supportive of intercollegiate athletics because of the perception that athletics does not fall into the realm of the scholarly ventures. John Nowak, who is a faculty member of this law school, served as the Faculty Representative to the Big Ten and NCAA for a number of years. He served at a time when the knowledge of the law and the expectations of the campus as well as their interworkings were extremely important. Also, Steve Ross recently has completed a term with us as a member of the Athletic Advisory Board.

I have been asked to talk a little bit about how to achieve gender equity. I might say that if I personally had the solutions to achieving gender equity in athletics I might not be here today—I would be a lot

richer and would have a lot fewer headaches. However, in analyzing athletics and higher education, Title IX requirements, and governance of intercollegiate athletics at the conference and at the NCAA level, one can project possibilities to solve the problem. The solutions may well vary from one institution to another; one plan and one solution will not work for schools that include different constituencies and different expectations. So let us take a look at several perceptions or definitions of gender equity that you might see espoused around the country today.

The first one that I would like to introduce is the view of Dr. Susan Greendorfer. She has been researching the sociology of sport on our campus for some twenty years. According to Greendorfer: "Gender equity in sport is not about money. It is about social, political, and economic opportunities related to access. Access in this instance relates to opportunities which are tied to some fundamental changes in societal attitudes and in current programmatic practices."<sup>1</sup>

Gender equity also entails implementing policies, so that all aspects of a women's sports program from administrative support to uniforms are equal to those of the men's program. The National Association of Collegiate Women Athletic Administrators defines gender equity as follows:

Gender equity is an atmosphere and a reality where fair distribution of overall athletic opportunity and resources, proportionate to enrollment, are available to women and men, and where no student-athlete, coach, or athletic administrator is discriminated against in any way in the athletic program on basis of gender. This is to say, an athletic program is gender equitable when the men's sports program would be pleased to accept as its own, the overall participation, opportunities, and resources currently allocated to the women's sports program and vice versa.<sup>2</sup>

For others, gender equity simply is treating female athletes and the sports in which they participate with respect. There is a wide range of perception, and there is a wide range of understanding. Consequently, there is a wide range of application, or a lack of it.

What has been the impact of Title IX on intercollegiate athletic participation after some twenty years? Women now comprise approximately thirty-three percent of all college athletes participating today, compared to fifteen percent in 1971. In absolute terms, the number of female intercollegiate athletes has grown from 21,000 to 158,000. High school athletic programs have mushroomed from 300,000 female

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1. Susan L. Greendorfer, Testimony at the Hearing on Sports Equity for Women, at the Women's Counsel, Illinois Citizens Assembly, in Waukegan, Illinois (Aug. 26, 1994).

2. This definition of gender equity was adopted by the National Association of Collegiate Women Athletic Administrators in 1992 and is featured on its letterhead.

participants prior to 1972 to close to two million young females to-day.<sup>3</sup> However, many of us have lived through the battles and are aware that things have not changed a great deal. The participation ratios have remained relatively stable for many years. If you look across the country, the average ratio of participation on college campuses, including ours, remains roughly a 70%-30% ratio. There are a lot of reasons for this reality. The menu of sports for men versus the menu of sports for women is still at about a two-to-one ratio. The opportunities for financial aid for women's sports as compared to men's sports are still at about a two-to-one ratio. When you have that kind of imposed standard of living, there is no way to deal with adjusting the imbalance that exists; but without a way to change those percentages, you cannot get into compliance with Title IX, as it is defined today. In 1981, the University of Illinois was the first Division I-A institution to be reviewed by the Office of Civil Rights and found to be in compliance with Title IX. At that time, our allocation of resources was measured against the campus athletic participation rates of men and women. Today, the national average still looks the same—seventy percent for men and thirty percent for women. The imbalance can never disappear in Division I-A without an equity plan in mind.

Steve alluded to the Big Ten's method of looking at the problem of gender equity—the establishment of a 60%-40% ratio. The reason that ratio was established was to get people off the dime. It was also a technique to facilitate some progress without destroying intercollegiate athletics within our conference and putting the Big Ten Conference on an island. You might recall—if you have been an athletic buff of some sort over time—that back in the 1950s and 1960s the Big Ten Conference awarded financial aid based on need. It was on an island. No one else in the country was awarding financial aid for athletic ability on a need basis. After many years of abuse and competitive failure, the Big Ten Conference had to go the same way that everybody else was going—full scholarships regardless of need. Those kinds of consequences were taken into account with the projection of the 60%-40% target. Those within our conference, and in the institutions within our conference who are committed to a broad based program for both men and women, believed that internal modification and adjustment of our programs would accomplish a 60%-40% ratio without taking us out of the competitive playing field in which we operate everyday. We did not feel, however, that without national legislation equity to any greater extent would or could occur. That is why the 60%-40% ratio was projected.

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3. Those statistics are derived from data from the NCAA and the National High School Federation.

Fairness and equitable opportunities are the right things to do. So how do we achieve these goals? The task is complex and multifaceted. Cost containment is high on the horizon today and is demanded by every college president and university, as it should be. Unlike Susan Greendorfer, however, I believe that gender equity does involve money. If you had enough resources, you could build the facilities you need, you could expand the programs that you need to expand, you could hire the additional personnel to do the things that need to be done in intercollegiate athletics, and everyone would be happier campers. But we do not have the luxury of having an open checkbook, and therefore the conflict exists between equity and cost containment, coming to a head at a time when the dollar does not have the same value as it did twenty years ago.

You can look at four categories of ways to deal with compliance and solutions to the problems—institutional, institutional within the conference, NCAA, and independently. Institutions can do certain things; after that, changes must occur legislatively from the conference and the national governing body. If the NCAA, for example, does not expand the scholarship limits for women's sports nationally or expand the menu of women's sports opportunities, one cannot increase the participation numbers. Female student-athletes, having been the underrepresented gender for a lifetime, recognizing the lack of opportunity to compete professionally, and recognizing that their last opportunity to compete for the most part will be at the college level, generally are not interested in walking on and sitting on somebody's bench for four years. They have been sitting a lifetime. This is the reality of why there are not more walk-ons in women's sports. Women's sports have not yet achieved a sufficient pool of quality programs, so that when a student-athlete does not come to the University of Illinois, there is another place that she can go and compete and play immediately.

What this institution does will be different than what others do. We have different demographics. Most recently, the Illinois Board of Higher Education has indicated that state dollars should not be spent on intercollegiate athletics. Institutions like Northern Illinois, Eastern Illinois, Southern Illinois, and Western Illinois are about to lose those state dollars. In contrast, the University of Illinois athletic program does not receive state dollars; our program is basically a self-supporting enterprise. How you manage a self-supporting enterprise is quite different from how you manage a team supported by a university. That is not to say that we receive no institutional support, but it is not anything like the direct aid given at Division II or III schools.

To conclude, we in athletics, like those of you involved in the rededication of the law school, must work toward a public-private partnership with a commitment to achieve gender equity and to

achieve compliance with Title IX. It cannot be done by institutions alone, it cannot be done by athletic departments alone, and it cannot be done without a master plan. That infusion and that joint venture is critical to the face of intercollegiate athletics in American society as we know it today.

**Professor Stephen F. Ross:** Given the problems that Karol has outlined, I now would like to turn to Fred Heinrich to discuss the legal constraints under which the University operates. What options do we have? We face limited budgets. Although I certainly echo Karol's call for a long-term public-private partnership, her analogy to the law school serves to illustrate the problem. There is now a quote in our coffee lounge by our then-Dean John Cribbet about the need for the new law building and the need to begin some effort of public-private partnership; it is dated 1972. We need more immediate solutions.

**Fred Heinrich:** Let me begin by providing a general backdrop of Title IX and what legal counsel must deal with. There are actually five sources of law in this area. The first is the statute itself—Title IX (20 U.S.C. § 1681). It is a very short statute. Basically, it says that if you have a federally funded program you cannot discriminate on the basis of gender. Title IX has been portrayed as a women's statute. I think this is a misinterpretation because the statute is not for women, but for gender equity. It is gender neutral except to the extent you take gender into account when evaluating the overall equity of, for example, a university's athletic program. I have been asked many times, by a variety of people in a variety of places, "How can the University's action in cutting the men's swimming program be in compliance with Title IX, since the University took gender into account? You cut the men's program but not the women's program." There is a false perception that the reason the program was cut was because it involved men. That was not the case at all. When Athletic Director Ron Guenther evaluated the athletic programs for possible elimination he used seven factors, and gender was only one of the factors. Now, gender equity was a factor that protected the women's program. It was not gender per se that was the problem, but the fact that women were underrepresented, as Karol just indicated, in terms of the proportionate number of athletic opportunities they had on campus.

The second source of law is the regulations that were promulgated by the Department of Health, Education, and Welfare, and which are now being enforced by the Department of Education. They cover everything in athletics—proportionate representation, scholarships, publicity, the materials and the resources each athletic program receives in terms of tutoring, coaching, sports equipment and facilities, and basically everything else under the sun.

Closely related to these formal regulations is the third substantive source of law, the Policy Interpretation promulgated by the enforcing agencies (currently the Department of Education). This document has become very, very important to the courts interpreting Title IX. It is a relatively lengthy document, including a proposed and a final interpretation, with a lot of commentary, questions, and answers from universities and athletic departments. It interprets the law in the context of a variety of situations. This interpretation focuses on three key areas. First, can the university show that its athletic opportunities in terms of gender composition are substantially proportionate to the student body as a whole? Second, can the university show both a history and continuing practice of expanding the underrepresented gender's program? Finally, the university can comply with Title IX, even if it does not satisfy the first two prongs, by showing it is meeting the interests and abilities of the students in an equally effective way.

In 1981, the University of Illinois made certain commitments to the Office of Civil Rights (OCR) to secure its ultimate finding that the University was in compliance with Title IX. The letter of findings actually said that the OCR was unhappy with numbers that were not substantially proportionate, but because the University had made certain commitments to expand the women's program, it was found in compliance. The OCR simply is not going to do that anymore. I met with OCR representatives in Chicago last week on another Title IX matter, and their position is you need firm commitments in place, and they need to see action before they find you in compliance with Title IX.

The third area of inquiry under the Policy Interpretation, which is going to receive increasing scrutiny from more universities, is whether the university can show that its athletic offerings are meeting the interests and abilities of the students. If so, the university can prove it is in compliance with Title IX. There are some interesting burden of proof issues here. If litigation ensues, it will be up to the OCR to prove the university is not in compliance. Yet when you go through an OCR review, the OCR looks to the university and effectively shifts the burden to the university.

The fourth substantive source of law is the investigator's manual that has been put out by the OCR. At least one court has used this manual as part of its legal analysis of the issues. I do not know if a lot of courts are going to look at that.

The fifth source of law is, obviously, the precedent developed to date. As Steve mentioned, the Seventh Circuit just issued its opinion in *Kelly v. Board of Trustees, University of Illinois*,<sup>4</sup> the Illinois

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4. 35 F.3d 365 (7th Cir. 1994).

swimmers' case, holding that the University did comply with Title IX in eliminating the men's swimming program, and that the plaintiffs' equal protection argument was not sustainable.<sup>5</sup> I should mention that the plaintiffs also pursued the case on the theory that the Big Ten Conference's 60%-40% gender equity goal was actually a conspiracy among the member universities to deprive student athletes at those universities of their civil rights under § 1985. Their theory is that every university is going to be different, and every university has to comply with Title IX, § 1983, and the Equal Protection Clause on its own. I think that this part of the argument has merit to the extent that each university, in assessing its own situation in terms of whether it is complying with Title IX or not, has to look at its own case. It cannot simply say if we comply with the Big Ten's mandate or the Big Ten's goal that it will be enough. This is an interesting theory, and I think conferences are going to have to deal with it as time goes on.

The big issue today is the lack of funding. If there is a certain pie that the university has to run its athletic program, the only question at this point is how do you divvy up that pie to bring about gender equity? If you cannot expand programs for the underrepresented gender because of the lack of funding, you are going to have to make cuts on the overrepresented gender's program, as the University of Illinois did in the swimmers' case. Ron Guenther testified during his deposition that when he got the Athletic Director's job the last thing he wanted to do was to cut programs. There are legal issues here, but I think the political and goodwill issues for the university are nearly as significant.

**Professor Stephen F. Ross:** Let me pick up on Fred's final point, Karol. Those of you who have had the opportunity to work with Karol will know, and those of you who do not will suspect, that someone with Karol's record of longevity and success is not likely to be a weepy, softhearted person who is unable to make tough decisions that may be unpopular. Yet, I was very struck, as a member of the Athletic Board, with the genuine pain a number of people, including Karol, experienced in making these program cuts. I have to say that as a relative newcomer to athletic governance, the decision on the men's swimming team was not that difficult for me. Sports like golf, tennis, and swimming have been intercollegiate athletic sports here at the University of Illinois, while other sports like soccer, lacrosse, field hockey, and softball are only club sports. To me, the swimmers had been getting an extremely fortuitous benefit for twenty years, by receiving scholarships at all. Karol, could you address why it was that this decision was so painful for you?

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5. *Id.* at 272.

**Dr. Karol Kahrs:** Well, first of all, it involved human beings. Secondly, when all is said and done, by changing the equation simply by a reduction on one side of the ledger, the backlash falls on the under-represented sex one more time. If you go back to 1972, the people who came out of the woodwork during that period of time said you could not have Title IX because you were going to kill the goose that laid the golden egg—football and men's basketball. There are people who still are trying to set football aside and consider women's opportunities only relative to men's nonrevenue sports. Had you been the parent of one of the swimmers, Steve, I think your emotional ledger would have been strikingly different. Also you have to realize that we had a coaching staff—a head coach who had been with us for twenty plus years, a diving coach who had been responsible to me for nineteen years. Those are people's lives and careers that you have just terminated.

The one and only thing that allowed me to go forward with the whole process was that, in sitting down and dealing with coaches before we ever began the evaluation of the total program, we raised the question whether they would rather have us take steps just to keep their program in existence, or would they rather be postured to achieve excellence in their profession and within their sport, even if it meant program cuts. Not one of the nineteen head coaches sitting in that room wanted to die a slow death and be noncompetitive, even knowing that they might be the one targeted not to be around in the next year. You cannot be committed to excellence in an institution that represents excellence and only have the chance to achieve mediocrity in athletics. We are one of only twenty-three institutions out of a possible 298 in this country that provide maximum full scholarship aid allocation to both men and women.

**Fred Heinrich:** You heard Steve's analysis. It was pretty clear to him at first what had to be done. Here are the numbers, here is the problem, you cut the team. And that is the legal analysis. This solution relates to an earlier question about the difference between the attorney's role in advising a university about its situation, and how your answers may be different to a district court judge considering a motion to dismiss or to a Seventh Circuit panel trying to decide the case on appeal. The legal answer may not address Karol's concerns. If you are a sensitive attorney, you need to understand that there are policy ramifications and public affairs concerns. Now when you get to court you are not going to stand up and say, "Well, your honor, you know there were some real personal things here." The swimmers are going to do that. They did do that.

The really sad thing about all this is that, when you look at amateur athletics in the big picture, and what it provides to the students, you are going to see a lot more universities making cuts. And litiga-

tion is going to occur. With limited and shrinking funding, that is the saddest part about all of this.

One of the plaintiffs' arguments in this case was that the University did not have to eliminate completely the men's swimming program; we could have trimmed around the edges on a lot of programs. This option is one that universities ought to really look at. In this case, Ron Guenther took a step back, asked himself what kind of athletic program he wanted for this University, and made the determination that we were not going to field teams that could not compete in the Big Ten and nationally for championships.

**Dr. Karol Kahrs:** There are institutions within the Big Ten that adopted a "tiering" concept as early as 1974. I was appalled. Women's sports were just getting out of the box, and the institutions already were denying athletes the opportunity to compete for excellence. This denial of opportunities is why the concept was a bad decision. Then, two years ago the Office of Civil Rights told one of these institutions that they did not have a plan for compliance, that they were not in compliance, that they did not want to do what was right, nor did they have a history of doing what was right. As a result, the institution was required to achieve a 50%-50% ratio of participation with men's and women's sports. The Office of Civil Rights is so obstinate on this issue it is not giving the school any time to comply—it is requiring immediate compliance.

**Question:** Karol, suppose Ross Perot called up and asked you what it would take financially to get into full compliance?

**Dr. Karol Kahrs:** I think if we had about \$4-5 million we could solve our problems. We would need to build a facility for the sports which we need to add to our program. Two of the sports that we are seriously considering would be softball and soccer. Those two sports will give us some diversification beyond what we presently have, which is critically important to a diverse campus. It is critical to have facilities, scholarship money, coaching, operating funds, the whole nine yards. To start less than strong would be a serious mistake. From the day I was hired, the University of Illinois has been committed to quality rather than quantity. Once upon a time, we sponsored four extramural basketball teams. But intercollegiate athletics is not four teams from one place, it is one excellent competitor. We were the first state institution to drop Junior Varsity programs for both men and women. That was an unpopular decision in 1974. The Junior Varsity people, however, are never going to be of the quality to achieve at the highest competition level.

That is one of the reasons why the grass roots level is critically important to the development of women's sports. If we would have had Little League opportunities, if we would have had whatever kind

of opportunities that they were called back in those days, little girls would have had different ideas about life. I wanted those opportunities and frankly, I grew up in Georgia, and we had some of those opportunities.

**Fred Heinrich:** Karol's discussion of playing baseball as a young girl in Georgia and the limited opportunities for girls highlights one of the difficulties that universities are dealing with right now. The OCR has made this into a numbers game. That is terrible from my perspective. If you have a gender composition in your student body as a whole of fifty-six percent men and forty-four percent women, that is the way they want to see the athletic numbers. The universities are being asked to deal with the socialization factors that Karol is talking about. For right or wrong, when all of us were growing up athletics just were not stressed as much for girls as they were for boys.

**Question:** What is your view about the impact of television?

**Dr. Karol Kahrs:** Television has a marked impact. If you recall, the NCAA altered its formula a couple of years ago for dividing up the basketball revenue because competing in the tournament became so financially important. The revenue now is being shared on a more global basis than it ever has been. I think this is to take the pressure off of football and basketball, to some extent, and to spread the wealth. I think that our conference will be the most solvent, will be the most broad based, will be the most balanced. Our volleyball team is one of the finest volleyball teams in the country. We started last season by losing the first five matches, and I was dying. But we did lead the nation in attendance, and we did not lose our shirts, because people are coming for quality, and they know they are going to get that. We play the top six teams each year. It is the best way we know to have quality. So I think that spreading the wealth is clearly what the presidents have said has got to happen.

If you look at the institutional opportunity, the quick path to compliance in terms of Title IX is to drop men's sports. You can reduce or eliminate the walk-on student-athlete. I think that would be a real shame. It is something which is a part of the people who come back to support this University—we have a lot more people who were fourth-string football players or the manager of the basketball or women's volleyball team who will ultimately give money back to this University for the qualitative experience that they have had, than those people who leave here and make millions playing professionally. The commitment is different, the motivation is different, and I suspect that it is different partially because of why they come in the first place. Women come to this campus because of a quality education and a quality athletic program. They are not coming to be part of an

athletic factory. Usually men are not either. The balance in athletics comes when you mix the genders.

I think the other thing is that you must spread the wealth and take the pressure off of football and basketball. If an institution leaves the pressure on the football and men's basketball coaches to raise the revenue that it takes to support a program which is its responsibility, it will not have honesty and integrity in that program. Coaches are going to get fired one way or another—if they cheat they are going to get fired, and if they lose they are going to get fired. I remember that, in 1981, I was with John Cribbet at the Chicago O'Hare airport just after women's athletics were added to the Big Ten Conference, and he asked what I was going to do when I had to cheat to win. I said I was not going to be here. This institution is one where you do not have to do that in order to win.

This law school does not want to compete for the people who are in the bottom half of the class, it wants to compete for the top students. If that is the kind of student the University brings to this campus and expects to represent it, then it cannot turn around and say it just wants a little mediocrity in some areas. You have to be able to posture those people to have a chance to be the best.

**Professor Stephen F. Ross:** We are about out of time. This has been a very interesting and sobering conversation. I did some quick arithmetic to put a little perspective on this. Karol noted that in percentage terms, the participation of women athletes had increased from 1971 until recently from fifteen percent to about thirty-three percent of all athletes; but what is interesting is that the absolute numbers of women athletes increased from 31,000 to 158,000. This means that there were approximately 200,000 male student athletes in 1971, and today there are about 316,000 male athletes. So when we are talking about cutting athletic teams, it is not like we are talking about cutting New Deal programs like Social Security. We have seen in the last two decades an unprecedented growth in athletics, and we may be seeing a resettling. There were opportunities for some people to come to universities before 1971 without this sort of funding.

I really would like to thank both Karol Kahrs and Fred Heinrich for their insights. We obviously are pleased to get people to speak from their own experiences here. It was really a pleasure to have them on this panel. To close, I was recently "channel surfing" and saw an interview with one of these "supermodels"—tall, beautiful women who make so much money. The reporter asked her whether when she goes to the beach, people automatically assume that she is a model and ask her about her career. She replied that, actually, people look up to her and ask, "Oh, are you a volleyball player?"

Thank you all for coming.

