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Today's News

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State Legislature Grills Cal State U. Officials Over Sex-Discrimination Verdict

By [SARA LIPKA](#)

Sacramento, Calif.

A California state senator grilled Charles B. Reed, chancellor of the California State University system, and John D. Welty, president of its Fresno campus, on their commitment to gender equity in athletics at a special hearing here on Tuesday.

The long, contentious hearing was the first for the state's new Senate Select Committee on Gender Discrimination and Title IX Implementation. Dean Florez, a Democrat from Fresno's district, convened the committee after a jury this month ordered the university to pay \$5.85-million to Linda L. (Lindy) Vivas, a former women's volleyball coach who had sued for sex discrimination ([The Chronicle](#), July 11).

The exorbitant sum roused legislators' interest, said Mr. Florez, who questioned the university leaders, two of several witnesses at the hearing, for an hour each. "People want to know, how did this thing explode to where we are today?" he said. "They want to know if there was a culture of gender discrimination that permeated the university."

There was not, said Mr. Reed, implying that the jury verdict was an aberration. The chancellor testified that in the past decade, there have been six lawsuits against the Cal State system under Title IX of the Education Amendments of 1972, the law that prohibits sex discrimination at institutions that receive federal funds. One was unrelated to athletics, he said, Cal State won two, another -- Ms. Vivas's -- the university lost, and two are still pending. (The final pair, both against Fresno State, are scheduled to go to trial this fall.)

Six lawsuits in 10 years at an institution with 46,000 employees is not so bad, Mr. Reed said. "I, all my life, have worked as hard as I can to prevent any discrimination at all," he said. He described a "zero-tolerance policy" toward discrimination at Cal State.

"Is six cases zero tolerance?" Mr. Florez asked. In the first of numerous barbs, the legislator derided the chancellor's apparent measure of success. Mr. Reed outlined Cal State's progress toward gender-equity goals identified in a "consent decree" it adopted in 1994, to settle a lawsuit filed by the California chapter of the National Organization for Women, but Mr. Florez pointed out that 30 percent of the system's campuses were still not meeting those goals.

Mr. Welty testified that the Fresno State athletics department described in Ms. Vivas's trial -- one in which male administrators celebrated "Ugly Women Athletes' Day" -- no longer existed.

"It's a new era in Bulldog athletics," Mr. Welty said. In 2001, the U.S. Education Department's Office for Civil Rights, which had, in the mid-1990s, found the department out of compliance with Title IX, said the university had successfully remedied that discrimination.

At the hearing, Mr. Welty commended his athletics director, Thomas C. Boeh, who took office in 2005, for his commitment to gender equity. "It's a core value of our senior leadership team," Mr. Welty said.

If it were so important, Mr. Florez shot back, the president would know how many members were on a new equity subcommittee of the Athletic Advisory Council, and how many of them were women. In response to Mr. Florez's quizzing, Mr. Welty had said he could not recall the exact numbers.

Ms. Vivas also testified at the hearing, along with Diane Milutinovich, a former associate athletics director at Fresno State whose sex-discrimination case is scheduled to go to trial in September. The women said they found the president's and chancellor's reassurances troubling.

"I have some major concerns in regard to some of the statements that were made today," Ms. Milutinovich said. She has continued to track athletics-department statistics at Fresno State and told Mr. Florez that in the 2003-4 academic year, the university spent less than a third of its sports budget on women's teams. And of the 10 women's teams, she pointed out, only three are led by female coaches.

One of those three women, Margie Wright, coaches softball at Fresno State, and she also testified at the hearing. Ms. Wright said her declining budget had left her without enough money to pay for uniforms for all her players. The coach has filed a complaint with the Office for Civil Rights, which is investigating the university once again.

Ms. Wright expressed hope that the legislative committee would hold the athletics department accountable. "The attitude, the culture, everything else about it," she told Mr. Florez, "we need your help to change."

Mr. Florez plans to hold more hearings this year. "This review is somewhat long overdue," he said. "There are significant problems that need to be investigated and corrected."

The legislator emphasized his distaste for taxpayer dollars' covering steep jury verdicts and settlements. The University of California system announced this month a \$3.5-million settlement with a former women's swimming coach and assistant athletics director who also sued for sex bias ([The Chronicle](#), July 23).

Mr. Reed said that the Cal State campuses all contribute to a self-insurance fund that covers such losses. But rates do go up, the chancellor said, to recoup funds.



Randall Benton / The Sacramento Bee

Former Fresno State associate athletic director Diane Milutinovich, left, former volleyball coach Lindy Vivas and softball coach Margie Wright walk past CSU Chancellor Charles B. Reed, seated left, and Fresno State President John Welty during Tuesday's hearing.

CSU leader criticizes jury's award to Vivas Sparks fly during testimony at state hearing on gender equity in athletics.

By E.J. Schultz / Bee Capitol Bureau
07/25/07 05:09:27

SACRAMENTO -- In a special legislative hearing Tuesday, the chief of the California State University system criticized a jury's recent decision to award \$5.85 million to former Fresno State volleyball coach Lindy Vivas in her gender discrimination suit.

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University system Chancellor Charles B. Reed said he thought the jury "was essentially trying to punish the CSU."

Testifying later, Vivas shot back: "I can only say that Chancellor Reed is 100% responsible for what happened in that courtroom, and I'm not sure why he's complaining."

The exchange was one of many flashpoints in the first hearing of the Senate Select Committee on Gender Discrimination and Title IX Implementation. Sen. Dean Florez, D-Shafter, sought the creation of the panel after a jury this month sided with Vivas.

The panel's stated goal is to examine whether there is a "pattern of discriminatory behavior" in the athletic programs of the state's public universities.

As a select committee, the panel has little power -- though Florez says he intends to introduce legislation to beef up state oversight of Title IX. Federal law requires institutions receiving federal money to provide equal opportunity for women.

Florez, who held the hearing in the midst of the state budget stalemate, poured considerable effort into the proceedings. The committee has four members, but Florez was the only one present. He and staff members spent the weekend combing through stacks of documents secured from Fresno State and CSU.

Reed said six Title IX legal cases have been brought against CSU in the last 10 years, including the Vivas case.

The committee also plans to explore gender discrimination in the University of California system.

On Tuesday, three female athletes filed a Title IX lawsuit against UC Davis. Last week, the UC system paid a \$3.5 million settlement to a former female athletics official at UC Berkeley who claimed she was laid off because of her gender.

Tuesday's focus was mostly on Fresno State.

At one point during the five-hour hearing, Florez grilled Fresno State President John Welty over his support of former athletic director Scott Johnson.

As an employee of the athletic department, Johnson in 2000 allegedly took part in "Ugly Women Athletes Day" -- which featured posters displayed in the athletic department's business office, according to testimony in the Vivas trial.

Johnson was later promoted to athletic director after a national search.

"Why in the world would you hire someone like that?" Florez asked.

Welty defended Johnson, saying that overall he "set a positive tone with regard to gender equity."

He also said Johnson faced some "incredible issues and had to make some very, very difficult decisions because of the fiscal issues of the department."



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Panel on Title IX bias targets Fresno State in heated hearing

School president is at odds with leaders of female athletics on extent of inequality.

By E.J. Schultz - Bee Capitol Bureau

Published 12:00 am PDT Wednesday, July 25, 2007

California State University Chancellor Charles B. Reed said Tuesday that the recent \$5.85 million gender discrimination judgment against CSU Fresno was "excessive" -- a description that prompted a stinging rebuke from the former women's coach who filed the lawsuit.

At a legislative hearing Tuesday, Reed said he thought the jury "was essentially trying to punish the CSU."

Testifying later, former volleyball coach Lindy Vivas shot back: "I can only say that Chancellor Reed is 100 percent responsible for what happened in that courtroom, and I'm not sure why he's complaining."

The exchange was one of many flashpoints at the first-ever hearing of the state Senate Select Committee on Gender Discrimination and Title IX Implementation. Sen. Dean Florez, D-Shafter, asked Senate leaders to create the panel after a jury earlier this month sided with Vivas.

The committee also plans to explore gender discrimination in the University of California system. On Tuesday, three female athletes filed a Title IX lawsuit against UC Davis, claiming systemic gender discrimination in campus athletic programs.

Last week, the UC system paid a \$3.5 million settlement to a former female athletics official at UC Berkeley who claimed she was laid off because of her gender, according to a report in the Chronicle of Higher Education.

The panel's stated goal is to examine whether there is a "pattern of discriminatory behavior" in the athletic programs of the state's public universities.

As a select committee, the panel has little power -- though Florez says he intends to introduce legislation to beef up state oversight of Title IX. The federal law requires institutions receiving federal money to provide equal opportunity for women.

Vivas, who left in 2004, said the university declined to renew her contract because of her advocacy of gender equity and her perceived sexual orientation. The university has blamed her performance.

Fresno State has said it plans to appeal, but Reed on Tuesday said administrators "haven't made any decisions thus far."

Reed said six Title IX legal cases, including the Vivas case, have been brought against CSU in the last 10 years. CSU has prevailed in two of them, he said.

The focus of Tuesday's hearing was mostly on Fresno State. The university's struggle to reach Title IX compliance reaches back more than a decade. A 1992 investigation found Fresno State out of compliance and another probe is ongoing.

At one point during the five-hour hearing, Florez grilled Fresno State President John Welty over his support of former athletic director Scott Johnson.

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Johnson was later promoted to full-time athletic director after a national search.

"Why in the world would you hire someone like that?" Florez asked.

Welty defended Johnson, saying that overall he "set a positive tone with regard to gender equity." He also said Johnson faced some "incredible issues and had to make some very, very difficult decisions because of the fiscal issues of the department."

Welty pointed to a recent report by a women's advocacy group that gave the university an A on its commitment to women's athletics. He also said 58 percent of the university's athletes are women, and that the softball coach, Margie Wright, is the third-highest-paid coach in the nation for the sport.

Past problems, he said, "do not reflect today's reality." But after Welty took his seat, he faced criticism from current and former coaches and administrators who said the university is still mired in gender equity problems.

Former associate athletic director Diane Milutinovich pointed to data showing the women's share of the athletic budget shrinking from 23.9 percent in 2002-03 to 19.9 percent in 2005-06. Milutinovich is suing Fresno State, claiming she was fired last year because of her advocacy for gender equity.

She said the university "artificially inflated" participation in women's equestrian and track to boost overall numbers. There are so many women on the equestrian team that members can ride only two hours a week, she said.

"These aren't real opportunities for women -- they just look that way," Milutinovich said.

Vivas testified that she tried to solve her issues with CSU officials, but "nobody wanted to listen." The CSU general counsel's office oversees Title IX complaints. Vivas called the arrangement a "conflict of interest" and said an independent officer is needed.

By all indications, university officials were stunned at the \$5.85 million verdict. Fresno State offered to settle for only \$15,000. Vivas' lawyer has said she was willing to take \$1.75 million or less.

If Fresno State does not prevail on appeal, damages will be paid from CSU's risk management fund, which gets contributions from individual campuses in the publicly funded system. Reed indicated that it's likely that Fresno State's rates will go up as a result of the judgment. Florez has suggested that Welty resign for "blowing" taxpayer money.

Welty, after the hearing, told reporters he has no intention of leaving. "We are moving in a positive way (but) obviously there's more work to be done," he said.

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