

THE EFFECT OF TITLE IX AT THE UNIVERSITY OF NEBRASKA AT OMAHA

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**Title**

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The Supervisory Committee certifies that this *disquisition* complies with North Dakota State University's regulations and meets the accepted standards for the degree of

**MASTER OF SCIENCE**

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## ABSTRACT

Title IX sought to end discrimination on the basis of gender in the realm of education and extra-curricular activities provided by academic institutions. This research examines the impact of Title IX at the University of Nebraska at Omaha and determines the success of the legislation. Title IX is a significant topic as it offered an equitable experience for females in an otherwise male dominated arena of athletics. The end result provides a case study on the effect of Title IX at a Midwestern public university, which begins in the 1920s and concludes in the early 2000s. Most importantly, the research gives the history of Title IX, focusing on the administrators, at the University of Nebraska at Omaha.

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## INTRODUCTION

In 1972, Congress enacted legislation that caused changes to take place at academic institutions across the United States. Passed as part of the amendments to the Higher Education Act, Title IX mandated schools that received federal funds needed to provide equal treatment to the sexes. The requirement extended beyond the classroom to include extracurricular programs and activities of the school. Consequently, intercollegiate athletics was significantly impacted at almost every college and university by the legislation, as many schools only offered intercollegiate participation to men. Title IX also contributed to the growth of women's intercollegiate programs that existed before 1972 by requiring comparable resources between the men's and women's athletic programs. Title IX is significant as Congress overrode a Supreme Court decision and a Presidential veto to maintain the strength of the law. Most Title IX scholarship studies the legislation at a national level and offers an overview of the law and the effect it had on women. This study focuses on the effects of Title IX at the University of Nebraska at Omaha (UNO).<sup>1</sup>

The research that follows begins with an examination of Title IX scholarship. The historiography is separated into three areas. First, the issue of gender is investigated to provide context to the legislation. Next, the scholarship supportive of the law is examined. Finally, the work of scholars opposing Title IX is reviewed. The historiography provides the necessary background knowledge of gender and differing viewpoints of Title IX and prepares the reader for the following chapters on Title IX and UNO.

The remaining chapters in this study are arranged chronologically. First, "Title IX & UNO: Beginnings" reviews the general history of UNO and the intercollegiate athletic program

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<sup>1</sup> Welch Suggs, *A Place on the Team: The Triumph and Tragedy of Title IX* (Princeton: Princeton University Press, 2005), 4-5, 91-92.

for the men at the University. The chapter also examines the history of women's athletics at UNO from the founding of the school in 1908 to 1974, a few years after the enactment of Title IX. Next, "Title IX & UNO: Transitions" focuses on how UNO reacted to Title IX and attempted to comply with the law by the end of the 1970s. Finally, "Title IX & UNO: Aftermath" concludes with an overview of the following two decades and the challenges the athletic program at UNO faced in providing gender equity. The final chapter also summarizes the research and provides conclusions on the effect of Title IX at UNO as well as broad effects of the legislation.

Title IX was successful as it enabled the growth of the women's athletic department at UNO, exposed stereotypes and discrimination, and indirectly benefitted women outside of athletics. The legislation provided the needed support for women's athletics at UNO. While women's intercollegiate sports had already begun, the women's athletic department would not have reached its present status without the federal mandate compelling the University to provide funding. Title IX also forced universities to confront discrimination in order to achieve compliance with the law. As women were allowed the opportunity to participate in sport, women learned how to be team players, accept criticism, and set goals. While the outcome at UNO promoted Title IX as a benefit to women, at other universities the legislation harmed the men's athletic department. Overall, the intent of the law is positive as it upholds gender equity in athletics.

This study relied heavily on primary sources at the University Archives on the campus of the University of Nebraska at Omaha. The archives provided access to primary sources including, the student newspaper, the *Gateway*, "The University of Nebraska at Omaha: Title IX Self-Evaluation Report," and the "History of Women's Athletics & Facility Improvements at UNO: 1968-2002," written by Connie Claussen. Claussen was personally interviewed about her

experiences at UNO. Douglas County Historical Society provided the archives of the *Omaha World-Herald* newspaper.

## TITLE IX: HISTORIOGRAPHY

### **Introduction**

In sports there are two sides to the game; offense and defense, winner and loser. Title IX, the legislation that paved the way for women in sports, produced many of the same results. An amendment to the Higher Education Act, Title IX states, "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."<sup>1</sup> Although President Richard Nixon signed the legislation on June 23, 1972, many questions needed to be answered before Title IX became enforceable. The development of Title IX included a need for regulations in 1975 by the Office of Civil Rights, interpretations of the regulations by the Department of Health, Education, and Welfare in 1978 and continuous rulings through the judicial system in the decades following the passage of the law.<sup>2</sup>

The main focus of Title IX centered on athletics even though the law extended to all educational programs and activities that received federal assistance. Why then was there a focus on athletic rather than academic areas? The availability of courses to both genders already occurred on college campuses, while inequities occurred in athletics. Title IX put forth a challenge to all schools who received federal financial assistance. Athletic programs, if offered, needed to be equal for both sexes. The regulations and policy interpretations defined equality as comparable facilities, opportunities, scholarships, coaching staff, and any other resources of the athletic program.

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<sup>1</sup> Title IX of the Education Amendments of 1972, vol. 20, U.S.C. sec. 1681.

<sup>2</sup> Linda Jean Carpenter and R. Vivian Acosta, *Title IX* (Champaign: Human Kinetics, 2005), 3-21.



The terminology of equality, however, is misleading because the legislation upholds equity of athletics and not equality. Equity addresses fairness whereas equality demands sameness. The regulations and policy interpretations required the men's and women's athletic programs be equitable not equal.

Postsecondary schools needed to meet the regulations of Title IX by 1978. However, enforcement was not a simple task. This problem lingered on throughout the next few decades, resulting in further interpretations and clarifications by the Civil Rights Office.<sup>3</sup>

The purpose of this historiography is to examine the major interpretations of Title IX in scholarship. The legislation is significant to United States history and, more specifically, women's history. Therefore, the review begins with studies of gender to provide context of the legislation. Next, scholarship arguing the support of Title IX and continual improvement needed in going forward is provided. Finally, a review of the arguments by scholars opposing Title IX is presented. Overall, Title IX impacted the past, continues to impact the present and will likely impact the future. The involvement of women in athletics has skyrocketed since the enactment of this amendment. The results lead some researchers to claim a victory for women seeking equity and to push toward the need for further improvements. Others cry foul and view the effects of Title IX as beyond the scope of the original law resulting in a loss to men's athletics as well as harm to women in sport.<sup>4</sup>

### **The Referees: Defining Gender**

To understand Title IX fully, it is necessary to examine the issue of gender in society. Just as referees oversee the game to ensure the rules are followed, every person from birth is bound by his or her gender. Choosing a gift for a newborn baby the shopper usually looks to a

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<sup>3</sup> Suggs, *Place on the Team*, 4-5.

<sup>4</sup> Rita J. Simon, ed., *Sporting Equality: Title IX Thirty Years Later* (New Brunswick: Transaction Publishers, 2005).

few options when deciding on clothing. Will it be pink, blue, yellow or green? The colors are linked to what sex the baby is, male or female. A pink outfit primarily introduces a girl baby, likewise blue signifies a boy into the world. If the parents are keeping the sex a secret, green or yellow are colors for neutral gifts. Where did the assigned colors originate; and why is there an accepted difference prior to even the birth of a child based on its sex? A closer investigation of the sexes and gender identity involves recognizing the existence of transgender individuals in society, who at birth were classified as male or female, but feel their external gender does not match their internal gender. As a result, they may pursue surgical or hormonal procedures to address this issue. Given these instances, the idea of gender goes beyond an individual's defined sex at birth.

Judith Lorber and Allan Johnson both researched the influence of gender in society. Their work presented theories of how gender is constructed and upheld today. Lorber and Johnson viewed current definitions of gender as constricting or limiting to society. They offered recommendations to redefine gender or in some cases, eliminate the idea of gender in society altogether.

Lorber's *Paradoxes of Gender* presented gender as a social institution rather than as an individual or relational category. She argued that interactions between people do not create gender – these actions are a part of the institution of gender. Gender, when viewed as an institution, “establishes patterns of expectations for individuals, orders the social processes of everyday life, is built into the major social organizations of society, such as economy, ideology, the family, and politics, and is also an entity in and of itself.”<sup>5</sup> Lorber provided examples of gender expectations starting from birth through adulthood. Boys and girls separate in forms of

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<sup>5</sup> Judith Lorber, *Paradoxes of Gender* (New Haven: Yale University Press, 1994), 1.

play and view each other as opposites. Mothers are caretakers and fathers are the providers. The experiences of individuals through their lives shape and hold the institution firmly in place.<sup>6</sup>

As the title suggests, Lorber explores many paradoxes found within the definitions or views of gender today. One paradox of note is the assumption, at least in the United States, that there are two genders and two sexes. Lorber questions the limitations of gender and sex classifications by suggesting these should be expanded because of the diversity of sexual relationships and people living as transvestites, transsexuals, or hermaphrodites. She raises a valid argument and the stringent categories of female and male or man and woman solidify her viewpoint that the institution of gender maintains order. Introducing more classifications would disrupt the status quo and shake the expectations of individuals.<sup>7</sup>

Lorber argued for the extinction of gender; essentially men and women would be interchangeable in every facet of life. She made the necessary distinction of men and women, not male and female, as the first implies gender while the latter refers to sex. Lorber acknowledged how drastic a transformation the social institution would undergo. “The very radicalness of the effects of scrupulous gender equality throughout a whole social society, the cries of outrage you would predict if absolutely equal numbers of women and men had to be constantly maintained in all areas of life, the sense of unreality about a completely gender-balanced world, all make clear how very far the most progressive, most industrialized, most postmodern, most egalitarian society today would have to go to become truly gender-neutral.”<sup>8</sup>

Allan Johnson also examined the issue of gender by exposing the system of patriarchy in *The Gender Knot: Unraveling Our Patriarchal Legacy*. Johnson proposed that “a society is

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<sup>6</sup> Ibid.

<sup>7</sup> Lorber, *Paradoxes of Gender*.

<sup>8</sup> Ibid., 301-302.

patriarchal to the degree that it is *male-dominated, male-identified, and male-centered.*”<sup>9</sup> Johnson argued that patriarchy exists in order to control, it instills fear in men – the center of the ideology – and reaps the benefits of men responding to those fears. Due to the inherent inequalities of patriarchy, it is beneficial for society to end the misery of the system. The heart of patriarchy is based on males; naturally women are oppressed as a result. While legislation serves to strive for equality among genders, the reality is society needs to transform significantly from the current state to achieve equality.<sup>10</sup>

Johnson argued that the concept patriarchy is difficult to break away from, as the interconnected beliefs on war, family, work, sex and other portions of daily life are viewed as cultural norms. For example, men are seen as more aggressive which leads to defending their family or nation through violence. Aggressiveness in men is also naturally applied to their role as leaders and the dominant players in the business world. On the flip side, women’s so-called genteel nature is better suited for child-rearing or serving as a help mate to their male counterpart. The barrier to breaking patriarchy lies in the inability of people to recognize that these ideas are based within the system of patriarchy. Johnson contended that “reality is being constructed and reconstructed all the time, and the part we play in that, however small, gives us the chance and responsibility to choose in ways that might make a difference.”<sup>11</sup>

Lorber and Johnson both examined the issue of gender in society. Historians also have examined how gender roles defined women throughout the past. The definition or boundaries of gender roles can be classified into three categories according to time periods. Early periods associated women with the traditional view of gender. Next, gender expanded to include traits

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<sup>9</sup> Allan G. Johnson, *The Gender Knot: Unraveling Our Patriarchal Legacy* (Philadelphia: Temple University Press, 1997), 5.

<sup>10</sup> Johnson, *The Gender Knot*.

<sup>11</sup> *Ibid.*, 154.

previously attributed to males; however, still in the constructs of the traditional view. Finally, the modern view of gender developed as women pursued equality with men. Throughout each stage, women were affected by the gender role ascribed to them.

Historian Sara Evans' research in *Born for Liberty: A History of Women In America* focused on women changing the boundaries and definitions of gender roles. The women of the seventeenth and eighteenth century endured lives centered on giving birth, raising the children and being responsible for the home. Women were viewed, quite literally in the case of black female slaves, as property. Evans argued the early gender role for women was a response to the development of the public sphere of work. The new system included competition, secular reasoning, dominance and public roles for men. "Women, then, came to embody the virtues that the new order threatened to destroy."<sup>12</sup> During the eighteenth and nineteenth centuries, women created associations, worked for temperance and suffrage, and began working outside the home. The action of women expanded the definition of gender although it could not break from the traditional roles ascribed to women.<sup>13</sup>

Work outside of the home for women in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries gave women a role beyond the early view of gender. Alice Kessler-Harris's *In Pursuit of Equity: Women, Men and the Quest for Economic Citizenship in 20<sup>th</sup> Century America* argued work outside the home was important for women in order to obtain economic citizenship. Economic citizenship for women "suggest[s] the achievement of an independent and relatively autonomous status that marks self-respect and provides access to the full play of power and influence that defines participation in a democratic society."<sup>14</sup> Kessler-Harris summarized the relationship of women

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<sup>12</sup> Sara M. Evans, *Born for Liberty: A History of Women in America* (New York: Free Press Paperbacks, 1997), 68.

<sup>13</sup> Ibid.

<sup>14</sup> Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20<sup>th</sup> Century America* (Oxford: Oxford University Press, 2001), 12.

and work from the nineteenth into the twentieth century. She found the rights to work for women centered on upholding the traditional family ideal and enforcing masculinity. As a result, “these putative rights came to mark the independent status that provided entry to fuller economic citizenship and signaled access to the political process.”<sup>15</sup> This idea of familial roles and masculinity lasted into the early twentieth century; that is, most people believed men belonged in the labor force and earned a greater right to work than women. When women did find work, it usually was women’s work and they experienced discrimination in the work place. Legislation passed that gave protection to women over working conditions and hours. The force behind these bills stemmed more from men protecting the feminine role within a family, not from ensuring equality for women. Kessler-Harris argued because women’s right to work was not accepted, it limited the extent to which women exerted control as individuals by denying them full economic citizenship.<sup>16</sup>

Since the Victorian Era, women forged new gender identities in their pursuit of equality with men. The last half of the 20<sup>th</sup> century birthed the modern gender role through the women’s movement. Ruth Rosen’s *The World Split Open: How the Modern Women’s Movement Changed America* investigated the beginnings and impact of this movement. Rosen argued the origins are marked by the discontent of women in the 1950s. Pointing to the work of Betty Friedan’s book *The Feminine Mystique*, which highlighted the unhappiness, emptiness and/or loneliness of domestic women, Rosen supported her theory. The work of Friedan led to women coming together and seeking equality. Many of these women were the daughters of the housewives described in *The Feminine Mystique*. Daughters saw their mothers unhappy with their role in society; therefore, they sought a different outcome for themselves. Identifying this origin as the

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<sup>15</sup> Ibid., 21.

<sup>16</sup> Kessler-Harris, *In Pursuit of Equity*.

generation gap, Rosen shared the challenges these women faced. Women received education and went to work, yet they remained in clerical or other types of feminine work. Once they married, many fulfilled the role of a housewife. It was the events of the time, specifically the civil rights movement that led the daughters of the fifties to believe they could make a change. “If collective action could destroy racial segregation, which was based on belief in white superiority, why couldn’t women challenge ideas about female inferiority?”<sup>17</sup> The impact of the movement did not encompass huge changes, but little by little chiseled away a new life for women. “Strangers addressed a woman as Ms.; meteorologist named hurricanes after both men and women; schoolchildren learned about sexism before they became teenagers; language became more gender neutral; popular culture saturated society with comedies, thrillers, and mysteries that turned on changing gender roles; and two decades after the movement’s first years, the number of women politicians doubled.”<sup>18</sup> The modern view of gender was constructed. As discussed, gender certainly played center stage in the resulting victories and still is the focus of striving to obtain equality.

However, race, class and the ways equality is sought after play an important factor in the successes and challenges of redefining gender for women. William H. Chafe investigated these factors in *The Paradox of Change: American Women in the 20<sup>th</sup> Century*. Central to Chafe’s argument is the concept of how women are viewed in their quest for equality. The response to this question provides the framework as to how equality is interpreted and achieved. One view of women is that of an individual with natural rights; this view sees the role of citizenship as universal to all. The other view recognizes the differences between men and women; women have a different place or a women’s sphere separated from men. Chafe pointed to the Seneca

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<sup>17</sup> Ruth Rosen, *The World Split Open: How the Modern Women’s Movement Changed America* (New York: Viking Penguin, 2000), 59.

<sup>18</sup> *Ibid.*, 338.

Falls Convention as a picture of the first view. “Clearly rooted in the natural-rights philosophy that had infused the Declaration of Independence that was their model, the Seneca Falls activists were seeking the kind of *individual* self-determination that was the essence of universal human rights.”<sup>19</sup> Chafe identified these women as feminists, while women who see themselves different than men, are classified as reformers. Chafe highlighted how the two views construct a different view of working towards equality through the example of the Equal Rights Amendment (ERA). “First submitted in 1923, the amendment read: ‘men and women shall have equal rights throughout the United States and every place subject to its jurisdiction.’”<sup>20</sup> The supporters of the ERA consisted of those who supported universal human rights. “Summarizing the reform point of view, the National Consumers’ League declared that while women had the same rights as men, they were ‘not identical in economic or social function or in physical capacity’ and, hence, could not be dealt with in the same way.”<sup>21</sup> Feminists and reformers therefore, defined equality differently and believed in different means of achieving it. This hindered the achievement of equality for women.<sup>22</sup>

Reverberating throughout *The Paradox of Change* is the need to understand the women’s movement through more than the concept of gender. While gender is important, a discussion of the impact of race and class needs to take place. Chafe repeatedly recognized the limits of achieving equality within a group of different backgrounds. When analyzing the success and failures of women organizing within the labor force Chafe stated his conclusion: “In all of this, of course, problems of class conflict between reformers and workers and of ethnic divisions between different groups of women posed a structural barrier to women’s solidarity and

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<sup>19</sup> William Chafe, *The Paradox of Change: American Women in the 20<sup>th</sup> Century* (New York: Oxford University Press, 1991), 6.

<sup>20</sup> Chafe, *Paradox of Change*, 47.

<sup>21</sup> *Ibid.*, 57

<sup>22</sup> Rosen Ruth, *The World Split Open*; Chafe, *Paradox of Change*.



progress.”<sup>23</sup> Chafe gave an overall direction of how equality may be achieved that incorporates the importance of all three areas. “Only when a new set of social changes – and a new movement able to encompass women’s diversity – becomes reality will there emerge the kind of society where equality can exist, not only with regard to sex but with regard to class and race as well.”<sup>24</sup>

Susan Cahn’s *Coming on Strong: Gender and Sexuality in Twentieth-Century Women’s Sport* examined the history of women in sports and found that the time period and people influenced a change in gender identity. Just as protective legislation for women compromised the role women could have in the workplace during the first half of the century, Cahn found athletic promoters aimed to balance the perceived masculinity of female athletes. For example, The All-American Baseball League put women through etiquette school, followed strict rules of gender appropriate behavior and re-enforced femininity in the skirted pastel uniforms. Women faced a constant struggle in sports because they were seen as too masculine. Therefore, they combated the negative by feminizing the sport. Cahn revealed women could participate in sports as long as they could maintain the proper ideal of a woman. She concluded, “the gender tension proved both limiting and fruitful. It cast suspicion on the femininity of women in sport, yet it also contributed to the dynamic image of the ‘athletic girl’ who refused to be excluded from a domain of masculine privilege and pleasure.”<sup>25</sup> *Coming on Strong* provided a look at women in sports that parallels the culturally held expectations and challenges of gender roles. Cahn successfully correlates these topics suggesting that “women’s persistent claims to ‘masculine’ skills and

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<sup>23</sup> Chafe, *Paradox of Change*, 97.

<sup>24</sup> Chafe, *Paradox of Change*, 238.

<sup>25</sup> Susan Cahn, *Coming on Strong: Gender and Sexuality in Twentieth-Century Women’s Sport* (New York: The Free Press, 1994), 30.

games suggested that gender divisions were malleable cultural constructs, and furthermore, were matters for social and political debate.”<sup>26</sup>

Researching Title IX without an awareness of the influence of gender is much like playing a game ignoring the referees enforcing the rules. The issue of gender is explicit in the legislation as it demands equity for sexes. Title IX by nature redefined traditional gender roles as women cast off the fragile stereotypes and sought competition on the court or field. Whether the system is identified by government, ideology, tradition, patriarchy, or an institution, the idea of gender changed through the course of history. Title IX was part of that change.

### **A Winning Record**

One position held by historians of Title IX is much like a team winning a game or holding a winning record. A sports team with a winning record does not happen by chance. With a lot of hard work and dedication, a team succeeds. Some people may view the winners as lucky, as helped by the referees or as simply cheaters. The winners will persevere through these challenges and attacks; staying focused on the task at hand, to keep improving and never let up. Title IX was seen as a victory for women in academia and more so in sports. The passage of Title IX occurred in the midst of what historian James Patterson identified as a Rights Revolution. According to Patterson, “the Rights Revolution received special inspiration from the civil rights movement, which in turn had drawn on one of the most enduring elements of the American creed: belief in the equal opportunity of individuals.”<sup>27</sup> During this time women collectively sought opportunity for themselves and formed organizations seeking advancement for women. Title IX, therefore, emerged as a product of the heightened rights consciousness of society.

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<sup>26</sup> Ibid., 244.

<sup>27</sup> James T. Patterson, *Grand Expectations: The United States, 1945-1974* (New York: Oxford University Press, 1996), 638.

However, the legislation was just the beginning and although women obtained some wins, continuing progress is called for by some scholars.

Linda Jean Carpenter's and R. Vivian Acosta's *Title IX*, mostly gave an objective legal view of Title IX. Carpenter and Acosta provided a thorough investigation of Title IX from the enactment through enforcement of the law. The final portion of their research included the effects of Title IX in the 21<sup>st</sup> century. The scholars provided a multitude of positive effects of Title IX physically, academically, socially and emotionally for women. Physically, girls participating in sports were less likely to get breast cancer or develop osteoporosis, engage in drugs, sexual activities or experience an unplanned pregnancy, and looked better because of their physical activity. Academically, they were more likely to graduate from high school, do better in their high school science courses, and graduate from college at a higher rate than those who are not athletes. Socially, women who participated in sports knew to have fun, work with others, and be popular. Finally, the emotional stability of female athletes included having a positive view of themselves, using self discipline and being happier. Using studies to support their argument, Carpenter and Acosta provided examples of long term and short term benefits to female participants in sports. These achievements would not have been available to such a wide audience of women without Title IX.<sup>28</sup>

*Title IX* also presented the inequity that exists today. One area of inequity in sports for women is coaching positions. "Although the gender of an employee is no concern to Title IX or Title VII as long as no discrimination occurred in the hiring, pay-scale determination, or conditions of employment, the enactment of Title IX was nonetheless the catalyst for unintended consequences in the workplace."<sup>29</sup> Carpenter and Acosta argued the decrease of women in

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<sup>28</sup> Carpenter and Acosta. *Title IX*.

<sup>29</sup> *Ibid.*, 175.

coaching positions is a result of volunteer and part time positions becoming full time. Female coaches needed to decide if they wanted to teach or coach full time. At the same time, men now applied for the full time positions for which they likely had more experience than women. Therefore, the number of women coaches has decreased dramatically since the legislation passed. Another area of inequity is in the access to funds. Carpenter and Acosta pointed out that the men's and women's athletic programs have a vast divide in funding. Even though the budgets and salaries have increased since the passage of Title IX, it has not been at the same rate. Overall, Carpenter and Acosta argued positives have come from Title IX, although more progress should be made.

Taking much of the same position as Carpenter and Acosta, Katherine Hanson, Vivian Guilfooy and Sarita Pillai see Title IX as a victory for women's athletics. However, there are still issues with women and sports. *More than Title IX: How Equity in Education has Shaped the Nation*, sought to show how gender equity in education "built the solid base for the larger institutionalized social changes of the last few decades."<sup>30</sup> While Title IX increased gender equity, Hanson, Guilfooy and Pillai argued there is more to be done in terms of women's rights. When confronted with specifics about "wages, distribution of positions in top echelons of power or the extent to which women and men find comfort in different roles in the family, community, and work,"<sup>31</sup> traditional ideology still has a firm root in society. Focusing on athletics in particular, there are a number of issues that still need improvement. "The challenges to women in athletics come from all angles: reduction in the number of women coaches; smaller operating budgets; lack of administrative support for girls' and women's sports; stereotypes or policies that exclude athletes with disabilities, Latinas, and Asians; sex discrimination and harassment;

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<sup>30</sup> Katherine Hanson, Vivian Guilfooy, and Sarita Pillai. *More Than Title IX: How Equity in Education has Shaped the Nation* (New York: Rowman & Littlefield Publishers, Inc., 2009), xix.

<sup>31</sup> *Ibid.*, 252-253.

demeaning women athletes by media; and concerted efforts to dismantle Title IX.”<sup>32</sup> Based on these findings, Title IX made an impact for women athletes, but has a long way to go.

The preceding sources focused on specific issues that need to be addressed to continue the victory for women in sports. Other Title IX researchers investigated what entity or forces influenced the level of success the legislation received. In *Equal Play: Title IX and Social Change*, the editors, Nancy Hogshead-Makar and Andrew Zimbalist, found the government was the driving force behind victory and challenges of Title IX.

The history of Title IX’s quest for equality of opportunity for women is marked by many milestones, including (a) marathon efforts to pass the legislation itself, (b) the writing and adoption of administrative regulations applying to athletic departments, (c) defending the laws and regulations repeatedly in sometimes hostile court battles, (d) legislatively overturning a United States Supreme Court case after four years of hard work, and (e) challenging new administrative regulations that threaten to weaken the law.<sup>33</sup>

The compilation by Hogshead-Makar and Zimbalist argued that because women’s sports already existed before Title IX came into existence, being an athlete was nothing new to women. Title IX, specifically gender equity in sports, gave support and recognition to the everyday female athlete. The level of support for women depended on the members of the legislative, executive and judicial branches who were in power. Title IX exemplifies how government influences legislation. Hogshead-Makar and Zimbalist argued the branches of government in the 1970s and 1990s worked together to create more opportunities for women’s athletics, while in the 1980s and early 2000s, the governing branches hindered legislation. Greta Cohen editor of *Women in Sport: Issues and Controversies* also made this argument. “Letters Home: My Life with Title IX,” within Cohen’s volume, supports the idea that Title IX was hindered by members of government who opposed Title IX. Written by Linda Carpenter, the article shows the optimism

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<sup>32</sup> Ibid., 169.

<sup>33</sup> Nancy Hogshead-Makar and Andrew Zimbalist, eds., *Equal Play: Title IX and Social Change* (Philadelphia: Temple University Press, 2007), 5.

and hope of a fictional female coach and teacher writing letters to her brother right before the enactment of Title IX throughout the following decades of the legislation. Carpenter interjected the slow process of enforcement and court decisions that negatively impacted the force of the law. Finally, the end result was gender equity in sports; however as members of the government negatively impacted Title IX in the past they could do so in the future.<sup>34</sup>

The idea of women in sports dramatically changed since the passage of Title IX in 1972. Women no longer fight to claim a place as athletes. The success of Title IX is celebrated as a win for equity between the sexes. However, as researchers found, the work is not yet done. Just as a sports team celebrates over the first win, the work of the season has just begun. Through diligence and perseverance, the team hopes for more victories. Title IX continues today through the dedication of many who seek gender equity.

### **On the Defense**

A struggling sports team seeks to improve the score. Although they have the opportunity to play, a victory is the preferred outcome over a loss. Title IX is a victory, the moral component of the law is agreed upon. There should be gender equity in society. However, whereas some view the law as a continual progress, pushing for more to be done, other scholars seek to rectify what they view as an overstepping of the legislation.

Jessica Gavora's *Tilting the Playing Field: Schools, Sports, Sex and Title IX* examined the last quarter of the twentieth century women's movement as it focused on the 1972 legislation, Title IX. Gavora tracked the beginnings and impact of Title IX. She provided a clear definition of the law which, she argued, contrasts to the Title IX regulations of 1975 and interpretations of 1979. Gavora devoted a large portion of her work to the problematic result of determining equity

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<sup>34</sup> Ibid; Linda Carpenter, "Letters Home: My Life with Title IX," in *Women in Sport: Issues and Controversies* 2<sup>nd</sup> ed. Greta Cohen. (Reston: National Association for Girls and Women in Sport, 2001).

of gender through numbers or percentages. Her study intertwined personal accounts and university experiences as well as consequences of abiding by the 1979 policy interpretation of Title IX. This three-part test determined compliance with Title IX and resulted in mostly negative outcomes for male athletes in higher education. Gavora then illustrated how Title IX expanded into areas never before intended by the originators of the legislation. The impacted areas include sexual harassment, academic standardized testing, lower expectations in physical education courses and the assumption that females should be identical to males in aspirations or thinking. Finally, Gavora summarized the injustices caused by the expansion of Title IX and offered solutions to end the discrimination caused by a law meant to end discrimination.<sup>35</sup>

Gavora provided many arguments to support her view that Title IX had negative consequences. Citing Phyllis N. Segal, she contends that once the Equal Rights Amendment (ERA) failed to be ratified, Title IX provided a way to achieve what was lost in the failure of the ERA. Approved in 1972, Gavora argued the driving force behind the ERA included “the belief that men and women are undifferentiated in their abilities and inclinations; that any disparity in behavior or performance necessarily results from discrimination or the legacy of centuries of past discrimination; and that because so many activities do in fact yield such disparities, the federal government must step in to erase them.”<sup>36</sup> Congress extended the deadline for ratification in 1978. In 1982, the legislation failed ratification when the deadline expired. As a result, Gavora argued feminists “launched a campaign to turn Title IX from an anti-discrimination statute into what the *New York Times* called a ‘far-reaching remedial tool’ for women.”<sup>37</sup> One major way feminists lobbied to use Title IX involved collaborating with government to produce the 1979

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<sup>35</sup> Jessica Gavora, *Tilting the Playing Field: Schools, Sports, Sex and Title IX* (San Francisco: Encounter Books, 2002).

<sup>36</sup> *Ibid.*, 42.

<sup>37</sup> *Ibid.*, 4.

policy interpretation of Title IX. By doing so the message of Congress in 1972 expressing that a difference between offerings or participation by the sexes is permitted as long as it does not result from gender discrimination, was effectively ignored. “A law that was once meant to guarantee equal opportunity is now construed to guarantee equal outcomes.”<sup>38</sup> In this example, Gavora effectively displayed how the use of gender proportionality as an equity assessment of athletics in schools effectively used Title IX as a tool to achieve preferred outcomes for women.

Gavora also argued that the “law designed to end discrimination against women is now causing discrimination against men.”<sup>39</sup> The use of quotas as a measure of fulfilling Title IX certainly verifies this argument. *Tilting the Playing Field* provided statistics which showed that providing opportunity to women, or as Gavora argued equal outcomes, resulted in men’s athletic programs being eliminated. Even when schools pointed to the original intent of Congress when enacting Title IX, such as Brown University in *Cohen v. Brown*, the courts ruled, essentially, in favor of quotas. Gavora calls for the need to recognize this view from the government, which results in preference given to women at the expense of men.

Although *Tilting the Play Field* argued the impact of Title IX resulted in the neglect of men, questions arise about the negative effect of the law towards women. Gavora maintained that both sexes are adversely affected. For instance, while examining the changes in education and standardized testing she asserts of grouping both male and female into the same category has failed. “What’s worse, they trample on the individual preferences of boys and girls and men and women by mandating outcomes so as to verify this prejudgment.”<sup>40</sup> She further provided examples of differences in abilities and interests, but also recognizes there are exceptions. In essence males and females are the same as well as different. She suggested that support needs to

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<sup>38</sup> Ibid., 24.

<sup>39</sup> Ibid., 4.

<sup>40</sup> Gavora, *Tilting the Playing Field*, 142.



be given to females that will engage them where their interests lie and not force them into thinking they should be like boys.<sup>41</sup>

Overall, Gavora examined questions that relate to the meaning of gender equity. What should it mean to achieve equality for the sexes? If, as a group, men are surpassing women in opportunity, should that result in every man being held accountable? The history exposed by Gavora made the reader ponder solutions to these questions. At the same time, the negative focus on the impact of Title IX presented by Gavora overlooked the positive outcomes of the legislation. She recognized that her outlook is negative, but argued this perspective on the legislation is critically needed in the mainstream public in order to reevaluate the need to return to the intent of the original law. For Gavora, the issue is Title IX should not only defend and support women, but should do the same for men as that is what the law states.<sup>42</sup>

Jessica Gavora viewed Title IX as going beyond the original law. Welch Suggs, documented another unintended consequence of Title IX in *A Place on the Team: The Triumph and Tragedy of Title IX* (1991). “The truth is that the tragedy of Title IX has nothing to do with the painful and unfortunate decisions athletic directors have made regarding men’s sports. Instead, it is that female athletes and their coaches have gotten wrapped up in the high-stakes, highly commercialized model of men’s sports that has developed over the past century, and the ideals held by Mabel Lee [a prominent figure in women’s athletics] and others have been distorted all together.”<sup>43</sup> Suggs provided a history of men’s and women’s sports, pointing out the different goals of the genders. Men’s athletics, driven deeply by the National Collegiate Athletic Association (NCAA), strived to win at all costs and put less importance on academics and the healthy aspects of sport. The model for women’s sports, run by physical education departments,

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<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Suggs, *Place on the Team*, 10.

focused on participation and the natural byproducts of playing a sport, such as teamwork, adversity, and physical fitness. The passage of Title IX moved women's sports into the athletic departments, typically run by males, and the takeover of women's athletics soon after by the NCAA harmed collegiate sport for women. Now women's athletics faced the same pressures as the men's teams to win at all costs.<sup>44</sup>

The opponents of Title IX do not dismiss the positive outcome of the law. Gender equity is a right that needs to be enforced. Challengers of Title IX focus on the unintended or overreaching effects of the law. Title IX does not identify females as the protected category; the law states "No person . . . on the basis of sex . . ."<sup>45</sup> therefore the application of the law should protect both sexes. Those on the defense urge action to apply the law fairly to men and women.

## **Conclusion**

Title IX exemplifies reality for an athlete. All students have the opportunity to participate in sport. However, opportunity does not guarantee into a professional career. It does not equal a winning team. Opportunity is simply a chance given; Title IX provided that chance. At face value, the passage of Title IX declared victory for the female athlete. However, the position of reigning champions is hard to keep. Although scholars differ in their conclusions about Title IX, they all agree that further change is needed.

Historians and researchers of Title IX start with an understanding of gender. The institution of gender analyzed by Lorber and the patriarchal system defined by Johnson exhibited the inherent challenges of legislation involving a change to the traditional gender role system. More specifically when examining women's history, Evans, Kessler-Harris, Rosen, Chafe, and Cahn illustrated the adversity faced by women as a result of gender definitions. Whether the

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<sup>44</sup> Ibid.

<sup>45</sup> Title IX.

argument is for economic citizenship, fitting in to expectations, or seeking equality as a whole for women, gender was at the heart of each issue. Title IX revised the traditional role of a female and provided a new idea of gender through the woman athlete.

The modern day woman athlete birthed from Title IX is the victory for the legislation. Scholars applauded the legislation for gender equity in sports. The division among the scholars appears when they examine the outcomes of Title IX. Carpenter, Acosta, Hogshead-Makar, Zimbalist and others supported the law because women athletes benefit from the opportunity of playing sports. However, these sources stressed the need for more to be done in women's athletics. There are struggles with low budgets and support for women athletes, as well as a decrease in the number of women coaches and administrators in athletic departments. Cohen argued that members of government actually hindered Title IX. These researchers viewed Title IX in a positive light and encouraged a continuous effort to correct the areas where discrimination is found. Women may have come a long way, but there are still many miles ahead.

Even the opponents of the results of Title IX reinforced that the legislation itself is good. Gavora and Suggs both placed value on the passage and enforcement of the original law itself. The issue is the harm endured by individuals or groups due to the misuse of Title IX. These scholars argued that striving to obtain gender equity must mean equity for both genders. Suggs also argued that women athletes were harmed as the model of sports is transformed into the men's sport model, which adhered to winning at all costs.

Overall, the scholarship of Title IX reveals the legislation endured challenges from the very beginning and continues to be a controversial issue at colleges and universities today. At the core of the legislation is gender equity, however, the question is how to achieve it

and at what cost? The answers to the question provide the differing viewpoints on the issue of Title IX today.

The research of Title IX at the University of Nebraska at Omaha (UNO) provides similar as well as different conclusions from the presented work of these scholars. Title IX at UNO succeeded in providing equity for women. The issue of gender played a role in the development of the women's athletic department at UNO, which is similar to Cahn's work as well as the gender arguments presented by Lorber and Johnson. The existing scholarship provides much insight into the implementation and effect of Title IX at a national level. However, the scholarship lacks an examination of Title IX from a case study perspective. This research on UNO provided a historical study of a Midwestern university's experience with Title IX from the pre-existence of the law to the aftermath. This study also serves as a comparison to reveal what differences existed at the local in contrast to the national level.

## TITLE IX & UNO: BEGINNINGS

### **Introduction**

Known today as the University of Nebraska at Omaha, the University began in 1908 as the University of Omaha. The humble beginning included twenty-six students, first attending the university in the fall of 1909. The students entered a private learning institution with roots in Protestantism supported by Presbyterians, Baptists, and Congregationalists. Two decades after the University was founded, enrollment had increased to 525 students. The growth of the University of Omaha led to financial hardship. Unable to meet the increasing demands for space and costs involved to maintain accreditation, the University became the Municipal University of Omaha in 1931. The once private school was publically funded through the city of Omaha. Facing similar financial burden in 1967 the University sought help from the state legislature. In response, the Nebraska state legislature passed a bill effectively merging the University with the University of Nebraska. Upon voter's approval, the University of Nebraska at Omaha became official on July 1, 1968. The humble beginnings of the private non-secular institution had transformed into a state funded secular university with expectations of 11,000 students in the fall of 1968. The goal of the university included "the promotion of sound learning and education. . ."<sup>1</sup> The academic program was the primary function of the university. However, students also actively participated in a variety of extracurricular opportunities including athletics.<sup>2</sup>

The athletic program at the University of Omaha began shortly after the school opened in 1909. The first sport programs included the men's basketball and football teams which played under the Nebraska Intercollegiate Athletic Association (NIAA) three years after the school

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<sup>1</sup> Tommy R. Thompson, *A History of The University of Nebraska at Omaha: 1908-1983* (Dallas: Taylor Publishing Co., 1983), 12.

<sup>2</sup> Thompson, *History of UNO*, 12-14, 7; "New Enrollment for Fall Semester is 595," *Gateway*, October 2, 1929; "Naylor Expects 11,000, Makes Plans for Merger," *Gateway*, January 12, 1968.

opened. Other sports at the University included baseball, track, and tennis, although teams struggled to form from year to year. The men experienced some success in the early 1920s, achieving a winning record in football in 1920 as well as an undefeated season from the basketball team the following year. The basketball team, however, could not claim the state championship due to the withdrawal of the University from NIAA. During this time of early success, “President Jenkins warned that the University of Omaha would not become an athletic factory where brawn outranked brains.”<sup>3</sup> The athletic teams seemed to have proven the President’s favor of intellect over athletic skill as the University mostly struggled to achieve winning records in the few decades of athletics at the University. A number of obstacles attributed to the hardships faced by the athletic program including low student enrollment, World War I, and lack of funding.<sup>4</sup>

In the thirties and early forties, athletics fared a little better with the transition of the University of Omaha into the Municipal University of Omaha. First, under a new athletic director, Cedric Hartman, the men’s program experienced growth in the success of football and basketball programs. A track team, although not notable, offered a consistent showing and participation at this time as well. While there were some winning seasons and three championships for the basketball team in 1931-1932, 1932-1933, and 1934-1935, eventually the team successes fell through the next decade. Students and the community of Omaha felt that the lack of success was the fault of the President of the University, Rowland Haynes. Haynes stressed academic scholarship over winning teams and maintained the school policy of the required C average for of high school students recruited for athletics. However, an examination of the facts suggests that lack of success was due to low enrollment levels and World War II. The

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<sup>3</sup> Thompson, *History of UNO*, 38.

<sup>4</sup> *Ibid.*, 25-26.

war effectively shut down athletics at the University, and even Cedric Hartman served in the military.<sup>5</sup>

After World War II through the 1960s, success wavered back and forth in athletics. While golf, tennis, and baseball teams proved successful, football and basketball struggled for victories. Advocates for the football and basketball programs pushed for athletic scholarships to be available for improving the team. The University emphasized academics by offering student athletes only an opportunity for academic scholarships and financial aid. By 1959, however, the Municipal University of Omaha did offer grants to student athletes, although with limited funding. At the end of the following year, a committee formed to investigate extra-curricular activities on campus. Rumors circulated that the administration proposed an end to intercollegiate athletics in an effort to save costs. The end result of the Administrative Council's recommendation did not reduce the athletic program; however it also did not increase the budget. Financial hardship not only impacted the athletic department, but the rest of the University as well. Throughout the 1960s, voters in Omaha denied increased mill levy proposals and student tuition increased to the point that students were paying double what their counterparts at the University of Nebraska in Lincoln did. To solve this crisis, the Municipal University of Omaha Board of Regents worked with state legislators to merge with the University of Nebraska. The merge created the University System which included the renamed University of Nebraska at Omaha (UNO) and the University of Nebraska at Lincoln (UNL). In the decades to follow, students and the Board of Regents at UNO felt the University received far better treatment than UNL. However, the needed merger provided for the continuation of the University and growth of its programs.<sup>6</sup>

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<sup>5</sup> Ibid., 55-56, 71, 75-76.

<sup>6</sup> Thompson, *History of UNO*, 92-94, 98-99, 104-108.

The history of the athletic program at UNO, formerly the Municipal University of Omaha, included winning records as well as hard losses and struggles with finances, all typical elements of athletic departments of the time. However, one key element was missing from the history of intercollegiate level sports at most universities including UNO, the female athlete. Females participated in athletics at UNO; however, from the inception of the university until 1970 there were no intercollegiate athletics for women. Although not given the support and recognition for intercollegiate sports, women possessed a rich history of participation in athletics at UNO.<sup>7</sup>

### **Women and Sports**

Barred from intercollegiate play, the women of the University of Omaha organized informal teams and games. Faculty at the University opposed public games for females; therefore games played were closed to males and were against local competition. One of the bright areas of women's athletics was the basketball team, which accomplished an undefeated season in 1916. Women also participated in tennis clubs during the first years of the University. Despite limitations, the women of the University continued to participate in sport in the years to come.<sup>8</sup>

Basketball proved to be a popular sport for women at the University as it continued through the 1920s. The Girls' City Basketball League was created in an effort to organize local competition. The women's basketball team achieved a better record than the men's team in 1928 with a 12-1 season compared to the dismal men's record of all losses. The following year, 1929, the women won the city title. Although not at an intercollegiate level, the women participated in a tournament each season with the support by fans of both sexes. Due to the elimination of closed games, males now were free to observe the women athletes. The student newspaper, the

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<sup>7</sup> Connie Claussen, "History of Women's Athletics & Facility Improvements at UNO:1968-2002," University of Nebraska at Omaha Library Archives, Omaha, NE, 1.

<sup>8</sup> Thompson, *UNO*, 25.



*Gateway*, provided little coverage of women in sports during this time. However, the *Gateway* promoted the activities of the Women's Athletic Association (WAA) on campus beginning in the 1920s.<sup>9</sup>

The WAA asked for participation from women on campus in the October 10, 1928 addition of the *Gateway*, stating "Girls, the school year of 1928-29 has started. We are all putting forth great mental effort and need a certain amount of recreation and physical exercise for balance. We are prone to neglect this, but we must not!"<sup>10</sup> The view of the WAA promoted the traditional view of gender. The article in the *Gateway* identified college women as girls who needed exercise to remain balanced, not for the competition against one another. This is consistent with other research. For example, Susan Cahn also noted society's need to balance the view of women involved in athletics as remaining feminine and separate from men. Welch Suggs argued that coaches or teachers of women sought to encourage exercise through games, but not at a high level of competition. This was done "to preserve young women's modesty and accommodate their perceived daintiness."<sup>11</sup> The WAA program included basketball, swimming, archery, track, ice skating, clogging, and most notably, hikes for women.<sup>12</sup>

The *Gateway* interestingly provided details of WAA meetings by highlighting who brought refreshments and the décor for the meetings, further supporting the traditional gender role of women. The *Gateway* also advertised for a woman to provide coverage of women's sports in December of 1930. "Wanted: Some attractive young woman to report on women's sports. The young lady need not have had any previous experience. Apply to sport's editor at

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<sup>9</sup> Ibid., 40.

<sup>10</sup> "Sportitiorial," *Gateway*, October 10, 1928

<sup>11</sup> Suggs, *Place on the Team*, 23.

<sup>12</sup> Cahn, *Coming on Strong*.

once.”<sup>13</sup> The advertisement was hardly a new direction for gaining credence in the athletic world or expanding views on gender. In 1931, the addition of Ruth Diamond’s philosophy as director of the Women’s Physical Education Department also perpetuated this ideal. Diamond came to the University after completing her undergraduate studies at the University of Nebraska and graduate work at Columbia University in New York.<sup>14</sup>

Women’s athletics at the Municipal University of Omaha continued into the thirties under Diamond’s leadership much as it had before. Female students were given the opportunity to participate in sport through intramural clubs. Diamond supported women doing their best in sport as long as they maintained the traditional role as a woman. According to the *Gateway*, “She believes that sport should be entered into for the ‘fun of it’ and for the exercise it provides. While an all-around athletic program develops for the individual girl, poise, ability to think quickly, resoluteness of character, and good health, the competitive spirit should be left out, and the desire to participate in athletics to the extent of crowding out all feminine characteristics is strongly tabooed. . .”<sup>15</sup> Diamond excelled in modern dance and promoted this feminine sport at the University. Diamond led the WAA and provided women on campus the opportunity to be active in sport, until 1942 when she left her position to serve in the Red Cross during World War II.<sup>16</sup>

In addition to organizing activities for the women on campus, the WAA also encouraged high school girls to be active in sport by holding Play Days at the university. Play Day events began in 1932 and were held annually sponsored by athletic organizations on campus. Common throughout the United States, Play Days were a chance for high school girls to play sports with one another outside of the physical education classroom. The *Gateway* reported the “purpose of

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<sup>13</sup> Miscellanea, *Gateway*, December 17, 1930

<sup>14</sup> Thompson, *History of UNO*, 56; Cecil De Long, “Diamond Loves Girls’ Sports For ‘Fun of It’ Only,” *Gateway*, March 22, 1935.

<sup>15</sup> De Long, *Gateway*, March 22, 1935.

<sup>16</sup> Thompson, *History of UNO*, 56-57; “The War and You,” *Gateway*, April 2, 1943.

the play day is to practice for intramural competition, to learn the technique of the various games, and to get acquainted.”<sup>17</sup> The typical Play Day held by the WAA involved over a hundred girls from various schools in the Omaha area. In the morning the girls would be split into teams and play the chosen sports and activities for that year. Over the years the activities included ping pong, baseball, tennis, archery, volleyball, hockey, and soccer. Athletic play occurred in the morning, followed by a luncheon and program. While encouraging girls to be active, the WAA kept the philosophy of Diamond to maintain femininity. In 1938, the day’s activities included teaching an Indian war dance to the girls. By listing the refreshments, decoration and program committees, the *Gateway*’s coverage on the Play Days focused more on the hostess element by the WAA members rather than athletic competition. As Cahn noted in her research, sports were feminized to combat the fear of women becoming too masculine. Although the traditional gender role for women was ultimately reinforced during Play Days, the event served an important purpose of expanding the opportunity for women to compete in sport.<sup>18</sup>

The WAA continued to be the main entity on campus encouraging and organizing women to participate in athletics. Field days and Play Days were held for University women on campus, although participation at times fell short due to jobs on Saturdays held by the urban university students. Besides athletics, the WAA served as a social club for the women on campus. The most common activity for the WAA was the campus hikes followed by refreshments and hot dogs. Holding social teas and parties was also common for the WAA. In 1939, the tea included a style show where WAA members modeled their own frocks. Once

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<sup>17</sup> “Playday to Highlight Games, Teepee Lunch,” *Gateway*, October 4, 1940.

<sup>18</sup> “150 Girls Attend Annual Play Day At Municipal UNI.: W.A.A. Is Sponsor; Sealock, Stevens Speak,” *Gateway*, May 19, 1933; “Hold W.A.A. Play Day For High Schools,” *Gateway*, October 21, 1938; “WAA Host to 100 Local Girls Play Day,” *Gateway*, November 8, 1940.

again, while offering the chance to participate in athletics, the WAA upheld the ideal of the social woman, as hostess, serving and entertaining her guests.<sup>19</sup>

Throughout the late forties the participation of women in athletics increased, which resulted in changes to the WAA. In February of 1950, the WAA name was dropped and activities formally associated with the WAA were classified simply as women's intramurals. A few months later, in April, the Omaha University Women's Intramurals (OUWI) group formed. Unlike the first club for women's athletics, the OUWI received support from the University with a budget of \$360 the second year of their existence. By 1955, OUWI ranked among the top membership of active clubs, consisting of 150 women. The following year, the growth created a need for a new name in order to be inclusive of more sports. Therefore, in January of 1956, OUWI became the Women's Recreation Association (WRA). As stated in the *Gateway* the WRA existed for "giving the opportunity for every individual, regardless of her ability, to realize the joy and fun of participation in her favorite sport against good competition."<sup>20</sup> Supported both in principle and financially by the University, participation in intramurals for women increased in the 1950s.<sup>21</sup>

The headlines from the 1920s to the 1950s in the student newspaper displayed the growth and support of women's athletics. In the twenties and thirties women athletes, as mentioned, were called girls. Once the *Gateway* found the woman to fulfill its advertisement for an attractive girl to cover women's sports in 1930, providing details of women's activities were placed under the heading of "Girls Sports" with caricatures of women in a skirt playing tennis, a blouse

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<sup>19</sup> "Hockey Main Event At W.A.A. Field Day," *Gateway*, November 24, 1939; "W.A.A.'ers: 'Nix on Aux Pieds,'" *Gateway*, October 27, 1939; Girls Sports, "W.A.A. Sponsors Tea," *Gateway*, September 27, 1935; "Coeds Model Own Frocks At W.A.A. Style Show -Tea," *Gateway*, September 22, 1939.

<sup>20</sup> Gail Grove, "WRA Offers Participation for 'Every Women on Campus,'" *Gateway*, May 1, 1960

<sup>21</sup> "New 'Mural Plan for Gals Starts," *Gateway*, February, 1950;"OUWI Group Formed by Women's Athletics," *Gateway* April 21, 1950; "OUWI Marks New Record," *Gateway*, January 20, 1956.

playing basketball and, depicted the largest, a swimsuit. Events for women in the thirties were usually reported underneath the Club heading. In the forties, the column entitled, “Dames and Games” in 1941 as well as the “Feminine View” in 1948 gave details on women’s athletic activities. Even though the headlines still maintained the concept of the traditional view of gender, the intramural and club activities on campus had grown to the point where they were recognized in the student paper. In the late forties and into the 1950s, the coverage intermittingly included both men’s and women’s athletic activities under the heading of Sports, no longer giving women a segregated section. The *Gateway* validated the growth of women in sport by including the results and announcing upcoming games within the sports section inclusive of men.<sup>22</sup>

The first forty years at the Municipal University of Omaha saw a continual presence of women athletes. Women had an opportunity to participate in sport and physical fitness through physical education classes, intramurals, and clubs. The WAA organized and contributed to the growth of opportunities for student athletes both at the postsecondary and secondary level. Holding to the philosophy of Ruth Diamond, women participated in sport for recreation while maintaining their femininity, as the competitive level of men’s sport would be uncharacteristic of the traditional gender role for women. The upcoming decades on campus continued the growth of women’s athletics into a new level of play.

### **Changing Atmosphere**

Major changes occurred in the 1960s both for the University as it merged with the University of Nebraska and the United States as it underwent great changes and challenges. The decade of the sixties was marked by the civil rights movement. Most prominently known for the struggle for equality for African Americans, the civil rights movement also influenced other

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<sup>22</sup> *Gateway*, 1920-1960.

minorities and groups to seek equality. Affected by what occurred in the nation, University students formed organizations to address issues of inequality. Although women's athletics did not see much change for most of the 1960s, the recognition of discrimination and inequality led to the Rights Revolution as outlined by Patterson. Impacted by the civil rights movement, Patterson argued that "the contagion of rights-consciousness especially attracted women, who grew more politically engaged than they had been since the achievement of women's suffrage in 1920."<sup>23</sup> The environment and the help of the new Women's Physical Education department chair, Connie Claussen, provided the right conditions for the move of women's athletics at UNO into intercollegiate competition.<sup>24</sup>

During and after the civil rights movement across the United States, students on the UNO campus participated in discussions and formed groups. In 1967, a group of African American students participated in a demonstration on the football field during a game. The students wanted to promote Black Unity and received a mixed response from the student body. Some believed the group, like others across the nation, was militant in nature. However, a spokesman from the group, Rudy Smith, assured that the "students were not trying, as some thought, to be discourteous, disrupt the ceremonies or cause trouble."<sup>25</sup> Smith was also a member of the Student Committee for an Organized Effort, which obtained signatures petitioning Congress to vote for civil rights bills. After the assassination of Martin Luther King Jr., UNO held a memorial service commemorating his life and emphasizing the importance of racial equality. Influenced by the civil rights movement, other groups representing minorities began on campus.<sup>26</sup>

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<sup>23</sup> Patterson, *Grand Expectations*, 643.

<sup>24</sup> Evans, *Born for Liberty*, 264-285; Patterson, *Grand Expectations*, 638-644. Connie Claussen, phone interview by author, June 14, 2012.

<sup>25</sup> Joe Riess and Rudy Smith, "OU Black Students Rally For Unity," *Gateway*, October 20, 1967.

<sup>26</sup> "I Have a Dream," *Gateway*, April 10, 1968.

In addition to African American groups on campus, American Indians United represented Native American students on campus. Action by the Native Americans on campus and in the community caused UNO to evaluate discrimination in the use of their mascot, the Indian. In 1971, the Omaha Indian Center asked UNO to change their mascot. The group felt the use of the Indian by the school demeaned their culture and “that students of other ethnic backgrounds should not imitate the dances and war cries of the American Indian.”<sup>27</sup> With the full support of the campus, 1971 was the last year of the Indians at UNO. In the fall, the school adopted the new mascot, the Maverick. The 1970s continued to demonstrate the rights awareness of students on campus as more clubs formed to discuss relevant issues including politics, religion, athletics, and sexuality.<sup>28</sup>

In 1971, a group of women at UNO formed Adam’s Rib. The October 8, 1971 edition of the *Gateway* provided coverage of the group’s discussion of women’s issues. While the group’s discussions included the lofty goals of taking on the magazine industry which portrayed women as sex objects, they also adopted reachable goals on campus. The goals included a women’s section of books in the library, starting a Women’s Studies program and supporting a daycare at UNO. Speaking on behalf of Adam’s Rib, student member, Mary Powers proclaimed the “ultimate goal is to give women the right of self-determination.”<sup>29</sup> Shortly after formation, the group changed their name to Everywoman, because a counter-liberation group was using of the original name for their newsletter. The goal of a resource center for women on campus expanded upon the early goals of the group. The center would provide help with employment, housing, pregnancy or other issues that women faced in addition to the fulfilling the previous goals by housing the Women’s Studies program and daycare facility within the center. By the early

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<sup>27</sup> Thompson, *History of UNO*, 125.

<sup>28</sup> *Ibid.*, 125.

<sup>29</sup> Kathy Tewhill, “Adam’s Rib: Women’s Lib Versus Male Chauvinism,” *Gateway*, October 8, 1971.

seventies, spurred on by the civil rights movement, women sought equality and challenged previously defined gender roles of men and women.<sup>30</sup>

This environment and the help of the new Women's Physical Education department chair, Connie Claussen, provided the right conditions for the move of women's athletics at UNO into intercollegiate competition.<sup>31</sup> A former student at the University, Connie Claussen actively participated in Majors & Minors (M&Ms) and served as club President in the late fifties. Although originally started by the men of the Physical Education Department, M&Ms was a women's physical education club. During her pursuit of a bachelor's degree in physical education at UNO, for physical education courses, Claussen recalled, "it was separate, separate buildings, separate teachers."<sup>32</sup> A self-proclaimed tomboy, Claussen "liked to be active and . . . always wanted to be a physical education teacher."<sup>33</sup> After graduating from UNO, Claussen taught for a year in California and then pursued a graduate degree focused on physical education. In 1963, Claussen demonstrated the initiative and confidence that served the women's athletics department in the years to come when she called the Dean of Education at her alma mater and asked if there was an opening at the school. The Dean responded by offering Claussen a job teaching physical education to women. Becoming the Department Chair of Women's Physical Education the following year, Claussen recalled the differences between the men's and women's departments. "It was pretty separate. I mean we were in a Quonset hut and the men were in a Fieldhouse."<sup>34</sup> A few courses were co-ed, but "methods, teaching how to teach, that was just women and then the men had their own."<sup>35</sup> As head of the Women's Physical Education

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<sup>30</sup> "Groups Approved," *Gateway*, September 29, 1971; John Malone, "Everywoman: Service Goal," *Gateway* November 19, 1971.

<sup>31</sup> Claussen, interview.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*



department, Connie Claussen played an important role in the advancement of women's athletics at UNO beginning in the 1960s.<sup>36</sup>

The competition level for women at UNO in the 1960s still consisted of intramural play. In 1969, the outlook changed drastically for women's athletics at the University. That year Carl Kelley from the Omaha Softball Association approached Claussen and asked if she could help put together a national softball tournament. The Omaha Softball Association functioned as a competitive league for women, which Claussen participated in during the summer. As a member of the Division of Girl and Women in Sports (DGWS), Claussen was able to get the Women's College World Series (WCWS) sanctioned by the Commission on Intercollegiate Athletics for Women (CIAW). Claussen recalled the next steps, "Since UNO was hosting it, I thought, well, we probably should have a team. Since I had played summer softball I knew the girls that played summer softball that were going to UNO and so I got them together and we had a couple practices."<sup>37</sup> The team finished with a 0-2 record at the tournament and the following year organized into the first intercollegiate sport for women at UNO. "That's how it [Women's Athletics] got started though; it was trying to start up a championship for women's softball."<sup>38</sup>

In the athletic season of 1969-70 the softball team, the Indianettes, participated in their first official season under the Nebraska Women's Intercollegiate Sports Council (NWISC). Under the NWISC, any interested Nebraska postsecondary school paid dues of five dollars for eligibility. The Indianettes received a little financial support from the WRA, but none from the University. As contrasted to the men's intercollegiate teams, the only intercollegiate women's team borrowed equipment from the women's physical education department and supplied their

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<sup>36</sup> "Claussen Busy with Meeting," *Gateway*, November 11, 1960; "Physical Education Majors hold First Meeting of the Year," *Gateway*, October 14, 1952; Claussen, interview.

<sup>37</sup> Claussen, interview.

<sup>38</sup> *Ibid.*; Claussen, "History of Women's Athletics," 1.

own uniforms. The “team uniforms were yellow sweatshirts . . . and [we] used electrical tape for numbers and shorts from the bookstore.”<sup>39</sup> Despite the financial shortfalls, the softball team won the state tournament and received third place in the WCWS. With a successful season in place, the Indianettes paved the way at UNO for more women’s intercollegiate sports.<sup>40</sup>

The seventies certainly looked promising for women athletes at UNO, but the progress also included challenges and discrimination against the women’s athletic program. In spite of a note from “President Naylor saying one intercollegiate athletic program is enough,”<sup>41</sup> Claussen pushed forward, adding volleyball and basketball to the women’s intercollegiate level of play during the 1970-71 school year. As before, the programs operated on a limited budget from the WRA as well as from the Women’s Physical Education Department. Whereas the men received practice and game uniforms from the school, the women provided for themselves. The three sports, volleyball, basketball, and softball shared uniforms. The women also continued to compete in the Quonset hut, a temporary structure set up in the late forties to address overcrowding issues in the physical education department. The women’s physical education department was moved from the Fieldhouse to the Quonset hut during that time. The Quonset hut presented many challenges to women’s athletics. For example, the volleyball team ran into the issue of ceiling height during matches and practice, with games hindered by the ball hitting the ceiling. The Quonset also did not have locker rooms. The athletes cornered off the shower area and “there are baskets for clothing, but safe storage for such items as purses in the baskets is out of the question.”<sup>42</sup> Claussen recalled another area of discrimination for the women athletes. “At the time, we had a men’s athletic trainer and so eventually I got him to help do [sic] with some of

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<sup>39</sup> Claussen, “History of Women’s Athletics,” 1.

<sup>40</sup> Claussen, interview; Claussen, “History of Women’s Athletics,” 1.

<sup>41</sup> Claussen, “History of Women’s Athletics,” 1.

<sup>42</sup> “Women’s Athletics Given Top Priority Rating by Study Group,” *Gateway*, June 29, 1973.

the women, but what he had to do was kind of curtain off an area of the men's training room for the women to use."<sup>43</sup> Even though the conditions and support from the University wavered and were unfavorable at times, the women's athletic program progressed further the following year.<sup>44</sup>

Advancing women's athletics in late 1971, UNO became a charter member in the Association for Intercollegiate Athletics for Women (AIAW). The AIAW was "conceived by the physical-education associations to give female athletes expert coaching and better competition on varsity-style teams."<sup>45</sup> Despite being a charter member of the AIAW, the University provided minimal funding for the women's program. However, women's athletics received support from the Alumni Association in the form of new red uniforms, still shared among the three sports, for the newly named Maverettes in the spring of 1972. The following fall, the women's athletic program at UNO obtained the support of the federal government with the signing of Title IX into law by President Nixon.<sup>46</sup>

### **Passage of Title IX**

When Title IX became law, compliance by schools was a slow process. On the campus of UNO, Claussen recalled there was "not really a lot of awareness"<sup>47</sup> of the law before it was passed and even after, as there was no mention of athletics in Title IX. Regardless of the missing word, Title IX did encompass athletic programs within postsecondary schools nationwide. After the regulations of 1975 and interpretation of 1979, colleges and universities examined their current offerings and treatment of women's athletics. The women's intercollegiate program at UNO already knew of discrimination towards women's athletics because intercollegiate sports

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<sup>43</sup> Claussen, interview.

<sup>44</sup> Ibid.; *Reflections in Time*, VHS, Host Jack Newton interviews Connie Claussen. (Omaha, NE: UNO Television, University of Nebraska at Omaha, 2000).

<sup>45</sup> Suggs, *A Place on the Team*, 47.

<sup>46</sup> Claussen, interview.

<sup>47</sup> Ibid.

for women began in 1969 at the University. The legislation provided a spotlight on women's athletics as inequalities between men and women were uncovered in terms of athletics, which set some parents into action.<sup>48</sup>

In February 1972, UNO released a report from the Intercollegiate Athletic Study Committee; however, women's athletics were not included in the report. In response, in April, the Chancellor's Commission on the Status of Women followed up on the previous examination of intercollegiate athletics at UNO and recommended budget increases for the women. The current budget for women's intercollegiate activity was \$1,000; the recommendation put the budget at \$9,000 and requested hiring a full-time professor. The addition of a professor was intended to enable coaches to have a teaching load reduction. Coaches of women's sports volunteered their role at this time. Volunteering or being willing to work part-time was seen as a typical characteristic behavior for women. By volunteering, women created positions in areas of society previously unavailable or unaccepted for themselves. Historian Sara Evans argued women's voluntary associations bridged the gap between private and public life allowing women to create a new role in society beginning in the eighteenth and continuing into the twentieth century. Women volunteering at UNO in the women's athletic programs created a presence for women in the realm of athletics. In contrast, men's athletics received a \$230,000 budget with load reduction for coaches. Although the recommendations were positive, no action took place.<sup>49</sup>

In the fall of 1972, Howard Rudloff, a parent of student athlete Cindy Rudloff, took an active role in pursuing equity when his daughter "came home from practice crying and said they were going to cancel the women's athletic program."<sup>50</sup> The budget of \$1,000 had not increased from the previous year. Claussen asked for a copy of the men's athletic budget from the Athletic

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<sup>48</sup> Claussen, "History of Women's Athletics," 2-4.

<sup>49</sup> Ibid., 2; Evans, *Born for Liberty*, 3.

<sup>50</sup> Claussen, "History of Women's Athletics," 2.

Director Clyde Biggers, but he would not comply. The copies of the budget also disappeared from the school library. Struggling to find a way to keep the program operating with such a lack of funding, Claussen notified University administration that the women's athletics program would not be able to exist the following year. Concerned for his daughter, Rudloff began calling those affiliated with UNO to see if something could be done. Not successful in his attempts to make a change through the administration, Rudloff started to speak to the media as well as make public appearances. He recalled his participation at a women's equality meeting. "One question a lady in the audience asked (I will never forget) was, if I didn't have six daughters if I would be up on the stage fighting for women's athletics? I said . . . if she were a man, would she be here? She stated, probably not. It gets down to the fact that people get involved in things that affect them."<sup>51</sup>

In addition to Howard Rudloff, another concerned parent, Mary Ellen Drickey, took action motivated by the impact that enforcement of Title IX would have on her daughter. As a friend of Claussen's, Drickey learned of the conditions of women's athletics at UNO over a game of golf. Drickey recalled, "Connie shared with me the conditions that existed at UNO – no money for programs, coaches, and no money available for uniforms, etc. I was troubled and disgusted."<sup>52</sup> Drickey filed suit with the Office of Civil Rights in Kansas City, Missouri against the University of Nebraska. Whereas University administration previously ignored their requests for action, now parents had their full attention.<sup>53</sup>

The discrimination suit against UNO brought the attention of the media, which had previously ignored the attempts of Rudloff to get them to cover the issue. The *Omaha World-Herald* reported that Mary Ellen Drickey sent a complaint to US Department of Health

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<sup>51</sup> Claussen, "History of Women's Athletics," 3.

<sup>52</sup> Ibid., 3.

<sup>53</sup> Ibid., 2-4.

Education and Welfare (HEW) to investigate sex discrimination at UNO. The article highlighted the issues of unfairness that women athletes faced within the athletic program at UNO. This included inadequate funding, the unpaid coaches, the lack of scholarships unavailable for women, the conditions that existed in the Quonset hut, and the sharing of uniforms by three teams. The *Gateway* also noted the Mayor's Commission on the Status of Women, which was formed in response to the suit. UNO Chancellor Ronald Roskens shared with the Commission that the women's program was "deplorable" and "improvement has been a primary aim for the university."<sup>54</sup> Pushed into action by parents and media coverage, UNO slowly began to improve the women's athletic program.<sup>55</sup>

Over the course of the next two years, UNO increased the budget for women's athletics. The budget for 1973 included the first state funding of \$7,500, while another \$2,500 was collected from student fees. The following year made a considerable jump to \$20,500 in state aid and \$6,000 from student fees. Connie Claussen's role changed to Coordinator of Women's Athletics and she received a teaching load reduction for coaching. The next year, the women's and men's athletic department joined under the direction of the new Athletic Director Don Leahy. In addition to funding for the women's athletic program, scholarship funding, previously not given, also was mandated for women. During the course of these years, HEW continued to investigate the discrimination suit and would not make a ruling until the following year.<sup>56</sup>

## **Conclusion**

The history of athletics at the University of Nebraska at Omaha reinforced traditional gender roles. While both men and women participated in the early beginnings of sports at UNO, men were clearly supported as shown by the funding of the University and the intercollegiate

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<sup>54</sup> "Women's Athletics Given Top Priority Rating by Study Group," *Gateway*, June 29, 1973.

<sup>55</sup> Eileen Wirth, "UNO Girls Fight Weak-Sister Ideas Toward Athletics," *Omaha World-Herald*, June 1973.

<sup>56</sup> Claussen, "History of Women's Athletics," 4.

level of play. Women reinforced the accepted gender roles by playing their part in the gender system. They maintained sports for cooperation and not competition, and focused on the accepted lady-like sports of tennis, swimming or dance. The WAA functioned as a social club, as the student body was informed of their refreshments and decorations as opposed to their athletic ability. Gender roles were clearly in place during the first half of the twentieth century at the University of Omaha.

Impacted by the civil rights movement of the 1960s, the nation examined equality to all individuals. Students on college campuses nationwide, including UNO, formed groups seeking racial, gender or ethnic equality. The civil rights movement highly impacted the following decade for the women's athletic department as it birthed Title IX.

Title IX forced UNO to confront the reality of discrimination prevalent in the women's athletic program. Merely recognizing and forming commissions to issue recommendations was not enough to ensure equity. In order to force action, parents stepped up and filed suit against the University. During the two year investigation by HEW, UNO started to turn the recommendations into action. While the University started addressing the requirements of Title IX, the process to comply with the legislation proved to be a period of transition and struggle.

## TITLE IX & UNO: TRANSITIONS

### **Introduction**

A successful athlete advances through the season by learning, developing and applying his or her skills. At UNO, compliance with Title IX involved many of the same elements athletes use against their opponent. The opponent for UNO was discrimination against women athletes. Although women's athletics were further in development than some other universities since intercollegiate competition occurred at UNO before the legislation was enacted, the athletic program at UNO was plagued by inequalities between the men's and women's teams. Meeting the requirements of Title IX at UNO progressed much like a team competing in a game.

Under the leadership of Connie Claussen, the women's athletic program at UNO entered intercollegiate play officially three years before Title IX. While certainly noticeable at the intramural level of play, the inequalities between men and women athletes at the University emerged more clearly once both men and women played at the intercollegiate level. In charge of women's athletics, Claussen was well aware of disparities in the budget, equipment, and facilities before 1972. Title IX forced others on campus to seriously evaluate the gap between the two programs. In order to correct the discrimination, UNO first defined what discrimination existed within the athletic program. Once areas of inequity were identified the University proposed actions to correct the disparities.<sup>1</sup>

The examination of the athletic program at UNO resulted in recommendations to correct discrimination. Eliminating the existing discrimination lasted into the next decade. Although common opinion supported women, barriers hindered the process toward full compliance with Title IX. Some inequities were solved relatively quickly. By the time the regulations of the law were released in 1975, UNO had completed a number of reports on the status of women,

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<sup>1</sup> Claussen, interview; Claussen, "History of Women's Athletics," 1-2.



increased the budget for women's athletics, and merged the athletic departments of men and women into one. The new leadership of the Athletic Department also aided the achievement of equity for women in sports. By 1975 the outlook of women's athletics was positive, but compliance with Title IX still proved to be a struggle. Financial constraints, political interference and other challenges ensured an uphill battle for compliance with Title IX. Success for women athletes was produced by the continued determination of the women's athletic department at UNO.<sup>2</sup>

### **Scouting Report**

Before moves are made in a game, the coach and team examine the scouting report on the opposing team. Paying attention carefully to the weaknesses the opposition possesses, the team prepares its game plan. Without this preparation, the team is more likely to face difficulties and lose the game. Perhaps the most crucial aspect of the game, the scouting report directs the team's time and energy into the appropriate approach, resulting in smooth play and a win. After the passage of Title IX, UNO put together its own scouting report. In order to achieve a smooth transition and correct assessment of what needed to occur to comply with Title IX, the University needed to be aware of the current discrimination and inequalities in the athletic program. The next few years included fact gathering groups, reports, and recommendations that prepared UNO for compliance with Title IX.<sup>3</sup>

The discrimination suit filed against the University by Mary Ellen Drickey in 1973, exposed discrimination that took place on campus. The Mayor's Commission on the Status of Women sent a report to HEW in the summer of 1974, to aid in the investigation against the

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<sup>2</sup> Claussen, "History of Women's Athletics," 1-6.

<sup>3</sup> Dr. Ronald Beer, Coordinator, July 1976, "The University of Nebraska at Omaha: Title IX Self Evaluation Report," University of Nebraska at Omaha Library Archives, Omaha, NE.; Claussen, "History of Women's Athletics," 5.

University. The report expanded beyond the women's athletic program, as Title IX prohibited sex discrimination in all areas of postsecondary schools. The document produced for HEW, entitled "Fact Sheet: UNO and Title IX," reported inadequacies on campus for women in the areas of employment, services, curriculum, and women's athletics. Women comprised 18 percent of the faculty, a decline from previous years. Services provided on campus for women, such as the Women's Resource Center, lacked funding from the University. The commission also found the curriculum "'to be male-centered' at UNO, with individual courses about women being 'subjects to shifts of circumstance' and 'not offered consistently.'"<sup>4</sup> Finally, the report focused on women's athletics, mentioning that the lack of funding led to inadequate facilities and fewer sports offered. The commission compared women in sports at UNO to girls in the community's high schools. "In 1973-74 over 2,000 high school girls in Omaha were engaged in some form of athletics. Some of these high schools have highly-sophisticated facilities for athletics . . . while UNO, in addition to its substandard facilities for women athletes general, has the added distinction of being the only college in the state without a swimming pool."<sup>5</sup> Based on the Mayor's Commission on the Status on Women findings, along with its own investigations, on January 17, 1975, the Office of Civil Rights ruled against the University.<sup>6</sup>

Prior to the decision by the Office of Civil Rights, the filing of the discrimination suit provoked a response from the University. UNO addressed inequalities in women's athletics by adding the women's athletics department officially to the University's Athletic Department, increasing their budget, and compensating some of the coaches. Despite these actions toward equity, the University, as verified by the Office of Civil Rights decision, needed to do more. The

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<sup>4</sup> "Women Shortchanged: Report Claims Bias At UNO." *Gateway* July 19, 1974.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*; Claussen, "History of Women's Athletics," 3-4.

year following the verdict, UNO established a team to conduct a self-evaluation of the University's compliance with Title IX.<sup>7</sup>

Although certainly good timing with response to the discrimination suit, the Title IX self-evaluation report by UNO was required by the Title IX regulations which were released June 4, 1975 and were effective July 21, 1975. According to the regulations, "Each recipient education institution shall, within one year of the effective date of this part: (1) Evaluate, in terms of the requirements of this part, its current policies and practices and the effect thereof concerning admission of students, treatment of students, and employment of both academic and non-academic personnel work in connection with the recipient's education program or activity. . ."<sup>8</sup> To abide by the regulations, Chancellor Roskens of UNO appointed Dr. Ronald Beer as the University Coordinator for Title IX. Beer served as Vice Chancellor for Educational and Student Service and put together a Title IX Committee comprised of faculty, staff and students. The Committee compiled information regarding admissions, education programs and activities, counseling, financial assistance, employment, and athletics. The information gathered for the report was done through department self-evaluations and multiple hearings at the school open to the public. The committee released the Title IX Self-Evaluation Report in July 1976.<sup>9</sup>

The result of the self-evaluation found in most areas that UNO met the regulations of Title IX. In regards to education programs and activities the report stated, "There are no University regulations, procedures or practices that distinguish in any way between men and women students."<sup>10</sup> However, this conclusion was false as the document next identified areas where treatment of women and men was based upon their sex. The report also noted two active

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<sup>7</sup> "Women Shortchanged," *Gateway*; Claussen, "History of Women's Athletics," 5.

<sup>8</sup> Title 34, *Code of Federal Regulations*, Part 106: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, June 4 1975.

<sup>9</sup> Beer, "Title IX Self-Evaluation Report."

<sup>10</sup> *Ibid.*, 1.

student organizations on campus as gender biased in membership. The University recommended changes in the treatment of the organizations based on the outcome of litigation brought about by the national organizations of both. “Furthermore, University policy . . . hereafter requires student organizations desiring official recognition to provide assurance that it will not discriminate on the basis of sex, race, religion, age or national origin in the membership eligibility practices or procedures, except those student organizations exempted under Title IX.”<sup>11</sup> The self-evaluation also recommended the University remove the request for marital and parental status on forms involving admissions and employment to adhere to the regulations. With few exceptions, the majority of discrimination practiced on campus at UNO occurred within the athletic department.<sup>12</sup>

Non-compliance of Title IX was commonly found in the athletic departments of academic institutions during the three year gap between the enactment of the legislation and release of regulations. Once the regulations were released in 1975, schools questioned both the process of self-evaluation in regard to athletics as well as the length of time given for compliance. In a September 1975 letter, The Office for Civil Rights provided schools with help regarding Title IX and athletics. The letter informed academic institutions on sections of the regulations that applied to athletics. “Section 86.41 prohibits discrimination on the basis of sex in the operation of any interscholastic, intercollegiate, club or intramural athletic program offered by an education institution. Section 86.37(c) sets forth requirements for ensuring equal opportunity in the provision of athletics.”<sup>13</sup> Next, the Office of Civil Rights reinforced the deadline for completing of the self-evaluations by July 21, 1976 and clarified the time period for

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<sup>11</sup> Beer, “Title IX Self-Evaluation Report,” 1.

<sup>12</sup> *Ibid.*, 1-4.

<sup>13</sup> Office of Civil Rights, *Letter to Chief State School Officers, Title IX Obligations in Athletics* by Peter E. Holmes, September 1975, Doc. No. 00036, 2.

elementary schools as one year, whereas all other schools had three years for total compliance with the regulations. However, as the letter stressed “the adjustment period is not a waiting period. Institutions must begin now to take whatever steps are necessary to ensure full compliance as quickly as possible.”<sup>14</sup>

In order to help schools comply with the regulations and compile their self-evaluations, the Office of Civil Rights reviewed and clarified the regulations pertaining to athletics. First, schools needed to compare current nondiscrimination policies and practices within athletic programs to the regulations of Title IX. Second, the academic institutions were to assess whether the interests of both sexes in sports are were met by the current athletic offerings. Finally, the outcome was to create a “plan to accommodate effectively the interests and abilities of both sexes. . .”<sup>15</sup> and implement the plan by July 21, 1978. The letter also restated the specific areas to address the meaning of equal opportunity in athletic programs as stated in Section 86.41(c):

Equal Opportunity. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors: (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes; (2) The provision of equipment and supplies; (3) Scheduling of games and practice time; (4) Travel and per diem allowance; (5) Opportunity to receive coaching and academic tutoring; (6) Assignment and compensation of coaches and tutors; (7) Provision of locker rooms, practice and competitive facilities; (8) Provision of medical and training facilities and services; (9) Provision of housing and dining facilities and services; (10) Publicity.<sup>16</sup>

The UNO athletic department used these criteria as a framework for their self-evaluation.<sup>17</sup>

A member of the Title IX Self-Evaluation Committee, Connie Claussen compiled the report for the athletic department at UNO. Claussen’s report followed the ten criteria set forth by

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<sup>14</sup> Office of Civil Rights, *Letter to Chief State School Officers, Title IX Obligations in Athletics* by Peter E. Holmes, September 1975, Doc. No. 00036, 2.

<sup>15</sup> *Ibid.*, 3.

<sup>16</sup> Title 34, *Code of Federal Regulations*.

<sup>17</sup> Office of Civil Rights, *Letter*, 3.

the 1975 regulations of Title IX and reaffirmed by the Office of Civil Rights. The ten criteria and the current compliance level at UNO resulted in the following analysis. For Criteria (1) “nature and extent of the sport programs to be offered,” UNO found itself to be adequate with the growth of women’s varsity level athletics pending increased funding. For Criteria (2) “provision of equipment and supplies,” the University “found there to be a disproportionate inequality in the area of equipment and supplies for women athletics.”<sup>18</sup> Where funds were apportioned for equipment and supplies, the quality of the goods was poor in most cases. For Criteria (3) “scheduling of games and practice times,” the report showed that previous years gave preference to the men’s athletic program with the men receiving prime time practices and game schedules. For Criteria (4) “provision of travel and per diem allowances,” Claussen reported “The farthest game for women is about 200 miles away and women never fly to any games.”<sup>19</sup> Money for food was also lower than for the men; at times women brought packed lunches from home. For Criteria (5) “nature and extent of the opportunity to receive coaching and academic tutoring” neither men nor women athletes received tutoring on the campus of UNO; however, women did not receive as many opportunities as men for coaching. According to the department’s report, “There is no money for game films, to hire graduate assistants, and in some sports there are no assistant coaches.”<sup>20</sup> All of these areas were available for the men’s athletic programs. For criteria (6) “assignment and compensation of coaches and tutors,” UNO coaches for men and women were not equally compensated and assigned. For example, Claussen served many roles as the Coordinator for Women’s Athletics, head coach of volleyball and softball, and Physical Education instructor. The women also did not have the help of a business manager, but did “have

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<sup>18</sup> “University of Nebraska at Omaha Athletic Department: Title IX Self-Evaluation Report,” 1976, University of Nebraska at Omaha Library Archives, Omaha, NE.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

a secretary for two hours per day, whereas the men have two full-time secretaries.”<sup>21</sup> Criteria (7) “provision of locker rooms, practice and competitive facilities,” was perhaps the most recognized shortfall of the athletic department in terms of equal opportunity for men and women at UNO. As noted earlier, the University failed to provide an adequate locker room for the women; the locker room was housed in the taped off shower area of the Quonset hut. The women did not have an equipment manager whereas the men did. “In addition to these problems, the women coaches’ offices are located in a Quonset hut which is far away from the gymnasium. This means the coaches and players do not have ready access to the locker room, business manager, Sports Information Director, equipment manager, etc.”<sup>22</sup> For criteria (8) “provision of medical and training facilities and services,” women did not have a specified physician, trainer, or training room. For criteria (9) “housing and dining services are comparable,” while there were no student residences at UNO in the 1970s, only the men received scholarship money to alleviate the cost of housing. Finally, criteria (10) “nature and extent of publicity,” revealed inequalities as men’s sports received more attention and promotion from the media and the University. The self-evaluation report at UNO reinforced the complaints of discrimination against the school in the area of athletics. The examination of the athletic department found that the athletic department did not have discriminatory policies; however, what actually took place for women and men revealed vast inequalities.<sup>23</sup>

After the Title IX committee received the self-evaluations from the departments on campus and completed the hearings open to students, faculty and others within the University, the committee decided to tour the athletic and physical education facilities at UNO due to the

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<sup>21</sup> “Omaha Athletic Department: Title IX Self-Evaluation Report.”

<sup>22</sup> Ibid.

<sup>23</sup> Title 34, *Code of Federal Regulations*.

number of inequalities uncovered by the report. The information gathered was then compiled into a final report.<sup>24</sup>

The majority of recommendations within the Title IX Self-Evaluation Report focused on the area of athletics. The committee included recommendations in response to each of the ten criteria as the foundations of a plan for the UNO athletic program to meet Title IX regulations. The recommendations of the committee included yearly review of procedures and practices, alteration of current practices, and an increased budget. UNO planned to review student interest and the apportioned budget yearly in order to maintain compliance with offering equitable opportunity for participation in sport. The University also sought to monitor the inequalities present in terms of equipment and supplies for athletics. Title IX did not require equal spending for men and women's athletics, therefore monitoring was needed "so that disproportional support will not result in disproportional opportunity for participation."<sup>25</sup> In other areas, the University moved to eliminate the discrimination against women's athletics more concretely. The prior practice of preference given to men's athletics for both practice and game times was resolved for the following year. Men and women shared facility time and space equally. In terms of equal publicity, the University posted a position for Sports Information Director to be filled the following year whose job description defined the position as providing publicity for both men and women. These recommendations would quickly resolve some discrimination practiced at UNO. Other issues were dependent upon the budget and, therefore, would take longer to achieve equity.<sup>26</sup>

The committee suggested a continual review and modified budget to allow equity for women's athletics in travel, per diem allowances, training table time, full-time coaches,

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<sup>24</sup> Beer, "Title IX Self-Evaluation Report," iv.

<sup>25</sup> Ibid., 5.

<sup>26</sup> Ibid., 4-7.



compensation for staff, hiring assistant coaches, and other personnel, if possible, for the teams. In addition the report addressed the issue of the Quonset huts categorized under Section 86.33, which required “Comparable Facilities” at academic institutions.

The women’s athletic coaches, PE faculty offices, some instructional areas and some locker and storage room facilities are located in an antiquated temporary building which is some distance from the field house (the primary athletic-physical education facility). The field house was originally designed as an athletic facility and is being used (on an interim basis) for health, physical education, and recreation. Coaches/instructors and some students located in the temporary building do not have ready access to adequate locker rooms, storage space, and activity space in the field house.<sup>27</sup>

The committee proposed building a new Health, Physical Education and Recreation (HPER) building, which had been vetoed by the governor for the previous two years. In order to fulfill the requirements of Title IX, UNO pursued the approval of the construction of a new HPER building by the state legislature.<sup>28</sup>

By July of 1976, UNO successfully evaluated and put together a plan of action to achieve compliance with Title IX by July 21, 1978. Armed with the recommendations of the self-evaluation report, the athletic department sought to end the discrimination against women in athletics at the University. As a sports team advances ahead in a game using their preparation and knowledge of the other team, UNO pursued full compliance with Title IX. The University achieved different levels of success over the next four years as it fought to eliminate discrimination in athletics.

### **Offensive Drive**

The passage of Title IX gave women an opportunity in athletics that they had not received before. Reinforced by the federal legislation, academic institutions took notice of practices discriminating against women in sport. The late seventies provided women the chance

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<sup>27</sup> Beer, “Title IX Self-Evaluation Report,” 2.

<sup>28</sup> Ibid., 4-6, 2.

to go on the offensive seeking equity in athletics. The Self-Evaluation Report at UNO identified areas of discrimination and, mandated by the regulations of 1975, worked to correct them by July 21, 1978. Just as athletics teams are led by their coaches or leaders within the team pushing for success, people within the athletic department at UNO led the drive for equity in women's athletics.

As a pioneer for advancing women's athletics at UNO, Claussen experienced resistance to expanding the women's athletics program. Challenged by President Kirk Naylor's opinion that one intercollegiate program was enough for the University as well as by the refusal of the Athletic Director Clyde Biggers in 1972 to share copies of the budget, Claussen regarded the hiring of Don Leahy as a key turning point for women's athletics at UNO. Claussen reflected,

Actually once Don Leahy came on board I had very very few problems of communicating what we needed and I think I was also being very fair by not demanding everything all at once I knew it was going to take a little time. You know the men didn't get started in their first year and have everything they wanted. I think it was give and take. Don Leahy and I just worked well together and I don't think I was considered a threat. I was there with good reasoning, I think that sometimes the way you go about things helped too.<sup>29</sup>

An Omaha native, Leahy replaced Biggers in the fall of 1974. Leahy served as athletic director at Creighton Prep high school in Omaha and worked as director of coliseum activities at Ak-Sar-Ben before he accepted the position of Athletic Director at UNO. From the start, Leahy helped improve women's athletics at UNO.<sup>30</sup>

During his first year at UNO, Leahy cooperated with Claussen when women's athletics joined UNO's Athletic Department in the fall of 1974. Although Leahy's presence could not change the financial constraints, he offered solutions to other inequalities. Leahy actively promoted women's athletics by addressing discrimination in the area of publicity. He

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<sup>29</sup> Claussen, interview.

<sup>30</sup> Claussen, "History of Women's Athletics," 1; Dave Coulton, "UNO Names Athletic Director," *Gateway*, August 2, 1974.

implemented the use of wallet-sized schedules for the promotion of women's games as well as the use of a publicist for women's home games. After learning from Claussen that the women did not have a training room, Leahy created a makeshift training room space by setting up tables in the field house locker room to be used by the women. Although Title IX mandated that academic institutions eliminate sex discrimination in athletics, the cooperation of the administration and athletic director at UNO eased the process for attaining equity at the University.<sup>31</sup>

Claussen appreciated the support and action taken by UNO because the relationship between the women's and the men's athletic department could have resulted in a different outcome. She stated in the *Gateway* on March 19, 1975 the reasons behind tense relations at other universities. "The question is, according to Claussen, 'where's the money going to come from?' If it doesn't come from the state, 'it's got to come from the men's budget. . . I'd be a little scared too.'"<sup>32</sup> At UNO, the women's athletic budget was composed of state and student fees. In 1973, women's athletics received the first state funding of \$7,500. With additional \$2,500 from student fees, the budget for the entire women's program was \$10,000. The following years the women's budget continued to rise. By July 21, 1978, the required date for Title IX compliance, the women's athletic budget for the year received \$129,442 from the state plus \$57,000 in student fees for a total budget of \$186,442. In just five years, the women's athletic program increased by over one thousand percent. The additional funding provided solutions to end some of the inequalities found in the Title IX Self-Evaluation Report.<sup>33</sup>

Increased funding in the women's athletic program enabled UNO to address Criteria (6) "the assignment and compensation of coaches and tutors." By 1975 the women's intercollegiate

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<sup>31</sup> Kathy Rivinius, "Women Athlete's Position Analyzed," *Gateway*, March 19, 1975.

<sup>32</sup> *Ibid.*

<sup>33</sup> Claussen, "History of Women's Athletics," 4, 6.

program included softball, volleyball, basketball, and track, and the additional funds also provided for two part-time coaches for basketball and track. Claussen received a teaching load reduction in 1973 as compensation for her coaching the softball and volleyball teams. In contrast, the men's athletic program included five full-time head coaches and three full-time assistants for their basketball, wrestling, track, baseball, and football teams. In addition, the men's athletic program maintained secretaries as well as equipment and business managers. Expanding staff to include full-time coaches and other support positions proved difficult due to the limitations of the budget. Full-time coaches needed to teach at the University since their salaries came from the athletic department and the department where the employee taught. For example, Claussen's salary was split between the Physical Education Department and the women's athletic budget. The funding procedure made hiring full-time coaches difficult. Slowly, the women's athletic department increased their staffing.<sup>34</sup>

In 1975, Robin McNutt was hired as the first secretary for women's athletics. However, the department could only afford part-time secretarial work. The secretary was available for a few hours a day with the rest of the work provided by students and others on a volunteer basis. In 1976 the women's athletic program managed to add full-time positions to the program. Judy Sexton, who formerly volunteered her role, was hired as the athletic trainer and Cherri Mankenberg became coach of the basketball team. That same year John Fey, a student and sports editor of the *Gateway* at UNO, served as the women's Sports Information Director. By the end of the decade, the women's program also was able to hire a full-time track coach and equipment manager. Claussen received help when Gail Lehrmann became head coach of volleyball and

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<sup>34</sup> Claussen, "History of Women's Athletics," 1-4; "Women Athlete's Position Analyzed," *Gateway*.

softball, allowing Claussen to focus on running the women's athletic program. The budget increase enabled UNO to hire coaches and increase support for the women's athletic program.<sup>35</sup>

The budget also provided equity and growth for the women's program in area of scholarships. Prior to 1974, in order to prevent the illegal recruiting seen within the men's National Collegiate Athletic Association (NCAA), the AIAW did not allow scholarships on the basis of ability for women athletes. Title IX viewed this policy as discriminatory against women athletes. Therefore, the AIAW then allowed women athletic scholarships based on ability. In 1974, UNO provided thirteen scholarships totaling \$2,700, to women in basketball, volleyball, and softball. The same year, the men's athletic department provided 55 scholarships amounting to \$33,000. The opportunity for women to receive scholarships was a step towards gender equity. However, the scholarships for women were restricted by the budget. More funding in the years following the self-evaluation report saw an increase in scholarships in 1978 to \$27,000 for 33 scholarships. Aided by scholarship, as well as paid coaching and auxiliary staff, women's athletics at UNO produced successful teams.<sup>36</sup>

The history of intercollegiate sports for women at UNO began with the softball program in 1969. The following year, basketball and volleyball joined intercollegiate level of play. All of the athletic programs achieved success in various ways, including giving women an opportunity to participate in sport at an intercollegiate level. A mere five years after the start of the first intercollegiate program for women at UNO, the softball team of 1975 won the WCWS and earned the national title. That same year, women had the opportunity to join the newly formed track and field program under the leadership of the part-time track and field coach Doreen Moritz. Uniforms for the members of the team were provided by the athletic department. In the

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<sup>35</sup> Claussen, "History of Women's Athletics," 4-5; Terry Kurtz, "Claussen: Light Flickers for Women's Sports," *Gateway*, December 15, 1976.

<sup>36</sup> Claussen, interview; Claussen, "History of Women's Athletics," 4, 6.

1975-76 season, the volleyball team met their opponents on the main court of the Fieldhouse. Before this season, the team played on the end court with limited space. Increased funding also allowed the athletic department to provide uniforms to the volleyball and basketball teams. Prior to this time, women purchased their own uniforms, whereas the university supplied the men's varsity sports with uniforms. The year was another success for the Maverettes softball team, winning the State Championship and placing third in the WCWS. Offering another opportunity for women to participate, the women's athletic program hired John Rasmussen as a part-time coach for the newly formed tennis program at UNO. By the spring of 1976, the women's athletic department at UNO had five intercollegiate sport programs operating on a total budget of \$38,295. Over the next two years the budget increased, by almost five times that amount, aiding the growth of intercollegiate sports for women.<sup>37</sup>

The Title IX Self-Evaluation Report at UNO revealed the need for full-time coaches and other staff in the women's athletic department. Sexton and Mankenberg became the first full-time hires for the department in the fall of 1976. The women athletes benefited from the access to the athletic trainer and basketball coach. In fact, the basketball team, coached by Mankenberg, claimed the AIAW State Championships that same year. Volleyball had a successful year as they earned their first 30 win season and advanced to the AIAW's Regional. Softball also did well and the team placed second in the AIAW State Championships. The 1976 season marked a change in the name of the women's teams, no longer identified as the Maverettes. The teams became the Mavericks, which eliminated the use of feminine identify to the sports teams. The increase in staff and funding enabled the first volleyball, basketball, and softball summer camps in 1977.<sup>38</sup>

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<sup>37</sup> Claussen, "History of Women's Athletics," 1-5.

<sup>38</sup> *Ibid.*, 5.

In the fall of 1977, an athletic training room for both men and women opened in the Fieldhouse. The new training room ended the practice of using a partition within the men's locker room for women needing services. Claussen, released from her head coaching duties, was able to focus on the athletic program and hired assistant coaches for the track and tennis programs. The track and field team experienced success, sending nine athletes to the AIAW Nationals. Basketball and volleyball also achieved victories and both claimed the AIAW State Championships. The athletic program for women at UNO continued its success and growth into the next season.<sup>39</sup>

In 1979, the women's athletic program became a part of the North Central Conference (NCC). Women's cross country and a full-time track and cross country head coach were added. A first for UNO in any sport, including men's sports, the women claimed a NCC Championship by winning the NCC Outdoor Track Championship in 1979. The women's athletic program led by Claussen and supported by the Athletic Director Leahy was clearly producing quality athletes. Assistant coaches were hired for basketball and softball as well as the first paid women's equipment manager, Bev Sanders, who had volunteered her services in the previous years. Many positive changes occurred from the birth of intercollegiate sports at UNO to the end of the decade, but more needed to be done to comply with Title IX. Unfortunately, the history of women's intercollegiate sports at UNO included challenges and discrimination even after the findings and recommendations of the Title IX Self-Evaluation Report.<sup>40</sup>

### **Full Court Press**

In every game a team will face highs and lows, successes and failures. This is all a part of the process culminating in a win or loss for the team. Complying with the regulations of Title IX

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<sup>39</sup> Claussen, "History of Women's Athletics," 5.

<sup>40</sup> *Ibid.*, 5-6.

brought success to the women's athletic department at UNO. However, with the success and progress came challenges and failures. Much like a basketball team facing the full court press during the final parts of the game, the women's athletic department at UNO fought against barriers in order to gain equity for women in sports.

Even though the regulations of Title IX required schools to “provide equal athletic opportunity for member of both sexes,”<sup>41</sup> change did not happen quickly. Many different challenges occurred at academic institutions, which hindered the compliance with Title IX. The process of compliance at UNO was no exception, as the University, more specifically the women's athletic department, dealt with ignorance, financial constraints, and political battles.

Even in 1975, three years after the passage of Title IX, the public was not highly aware of the legislation that mandated equal opportunity in sports for the sexes. The public was ignorant of the issue, because of the lack of publicity for women's sports. Claussen recalled the lack of media involvement, “Actually, you know the media certainly didn't cover what was happening with women's athletics, so a lot of people didn't know what was going on. If you don't read about it or see it in the paper or on TV, you're not going to know a lot about it.”<sup>42</sup> The response to the softball team claiming the national title was a clear example to the lack of awareness of women's sports as well as illustrating the financial woes of the program. The *Omaha World-Herald* reported on the national title; however, the article was located on the inside of the sports section and did not include pictures. Claussen obtained money to place a sign congratulating the women's team of their victory on Dodge Street, a prominent road on campus. The women's athletic department needed to grow both in size and in finances, but ignorance by the public of the department's existence hindered this goal. Providing her thoughts for an article in the *Omaha*

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<sup>41</sup> Title 34, *Code of Federal Regulations*.

<sup>42</sup> Claussen, interview.



*World-Herald*, Claussen revealed the results of traditional gender roles in society. “I think we were still brainwashed, and society had taught us we [women] shouldn’t compete.”<sup>43</sup> Ignorance of women’s ability to compete in sports as well as the lack of involvement by the media hindered the growth and goal of gender equity in athletics.<sup>44</sup>

Title IX compliance for academic institutions was impossible without an increase in financing. The women’s athletic department saw a larger budget after the enactment of Title IX. However, as Claussen noted in the *Gateway*, “But if you start with nothing, anything is an increase.”<sup>45</sup> Despite an increased budget, disparities existed between men’s and women’s sports. Women needed to adjust or make compromises in order to achieve their priorities. For example, “the best equipment can be purchased or teams can travel farther.”<sup>46</sup> To help with costs women athletes washed their own uniforms, purchased their own shoes, packed sack lunches and slept 4 or 5 to a room for away games – all compromises not made by men. The largest disparity to tackle at UNO dealt with the athletic facility for the women. As Claussen bluntly stated in the *Gateway*, “They cannot keep women in the Quonset huts and abide by Title IX.”<sup>47</sup> Restrained by finances, the women kept using the Quonset huts for years to come. The inequitable finances forced women to make do with their circumstances. Compliance with Title IX however, did not include compromises. UNO needed to end the discrimination taking place.<sup>48</sup>

In addition to finances, the battle in the state legislature over construction of the new HPER building lengthened the amount of time before UNO complied with Title IX. The fight for approval of the facility proved to be a long one. Claussen appeared before the legislature in

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<sup>43</sup> Cathie Carter, “Women’s Athletes No Fledgling Now,” *Omaha World-Herald*, July 20, 1980.

<sup>44</sup> Claussen, “History of Women’s Athletics,” 4.

<sup>45</sup> “Title IX: A Very Broad Issue,” *Gateway*, September 12, 1975.

<sup>46</sup> “Light Flickers,” *Gateway*.

<sup>47</sup> “Title IX: A Very Broad Issue,” *Gateway*.

<sup>48</sup> “Light Flickers,” *Gateway*.

February of 1973 appealing for support to the state because the HPER building would make the Fieldhouse available for the women's athletic program. Although the legislature approved the bill in 1975, Governor J. Exon vetoed the bill. As part of the University of Nebraska System, students at UNO felt the needs of the University of Nebraska at Lincoln (UNL) were given priority before UNO. Student Body President Clint Bellows believed the governor, strong lobbying in Lincoln, and the Board of Regents all contributed in the failure of the bill. Bellows pointed out that not only would the HPER building solve inequalities for women's athletics, but the building would also strengthen the Physical Education Department as well. Bellows felt that "many on the Board of Regents are more concerned with how Nebraska ranks in the Big Eight than with the academic quality between UNO and UNL."<sup>49</sup> Despite the rationale for the HPER building, Governor Exon vetoed the bill again the next year. Exon designated the HPER building a lower priority for the University System. The needs of UNO were set aside to meet requests made by UNL. For example, according to the *Gateway*, "The governor said a plant science building on the UNL campus is more important to the interests of the state than 'a swimming pool for UNO.'"<sup>50</sup> The state legislature increased the women's athletic budget in 1976, as it had every year since 1973, but without the approval of the new HPER building, UNO faced noncompliance with Title IX. Finally, in 1977 the legislature passed and the governor signed the bill enabling the funding for the HPER building at UNO.<sup>51</sup>

## **Conclusion**

The Title IX Self-Evaluation Report found discrimination against the women's athletic department. By July 21, 1978 the University made great progress in complying with Title IX.

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<sup>49</sup> Rich Fairchild, "Bellows Blames Governor And Regents for Disparity," *Gateway*, July 11, 1975.

<sup>50</sup> "Exon: UNO Not '2<sup>nd</sup> Class,'" *Gateway*, February 13, 1976.

<sup>51</sup> Claussen, "History of Women's Athletics," 4; Claussen, interview; "Bellows Blames Governor" *Gateway*; "Exon: UNO Not '2<sup>nd</sup> Class,'" *Gateway*; Bob Whitmore, "HPER Moves Into Final Stage," *Gateway*, September 2, 1977.

Support for the women's athletic program had changed as Claussen went from tracking down hidden athletic budgets in the early seventies, to working alongside Leahy as part of the merged Athletic Department at UNO. Success for women's athletics translated into increased funding. A larger budget enabled Claussen to hire coaches, athletic trainers, an equipment manager, and auxiliary staff for the department. By the end of the seventies, women's athletics included softball, volleyball, basketball, track and field, tennis, and cross country.<sup>52</sup>

The success of the women's athletic department was not without challenges. The community was ignorant of the women's program, even one that claimed a national championship. The lack of media coverage for women's athletics as well as the belief that women could not compete contributed to the slow progress of gender equity in sports. Finances played the largest role in hindering compliance with Title IX. To provide equal opportunity to women in sport, UNO needed to increase intercollegiate programs, coaches, quality equipment, scholarships, and more to arrive on the same level as the men's athletic program. The pursuit of these items could not be done without budget increases. Finally, as a state funded school, UNO struggled with political decisions, favoring UNL, which delayed compliance with Title IX.

While UNO actively pursued equity for women's athletics, by 1979 the University still struggled to comply with of Title IX. UNO as well as other academic institutions across the nation grappled with what full compliance of Title IX meant, especially when HEW announced new interpretations of Title IX to be released in March of 1979. In the meantime, UNO continued pursuing the regulations of 1975. The future looked promising at UNO with the HPER building entering into the final stages of construction. The women's athletic department reaped the benefits of Title IX, but not without hard work and determination.<sup>53</sup>

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<sup>52</sup> Claussen, "History of Women's Athletics," 2, 4-6.

<sup>53</sup> "Parity Nears For Men, Women Athletes," *Gateway*, March 2, 1979.

## TITLE IX & UNO: AFTERMATH

### Introduction

The 1970s was a decade packed with action in regards to women's athletics. Whether their actions inhibited or aided the progress of women's athletics, academic institutions responded to Title IX. The next decade produced action as well; however, newly released interpretations and judicial decisions hindered the advancement of gender equity in athletics. Notable moments occurred, yet at the same time inequity still existed in athletic departments. By the end of the twentieth century, measures taken by Congress and a landmark Supreme Court decision reinvigorated academic institutions to evaluate their success in providing equity for women in athletics.

After the deadline for compliance with the 1975 regulations passed in July of 1978, HEW received many complaints that accused schools of discrimination. Due to the level of complaints, HEW determined academic institutions needed clarification of the regulations. On December 11, 1978, the Department released preliminary interpretations and requested public comment before the final Policy Interpretation was published on December 11, 1979. The incessant requests for clarification on Title IX since the enactment of the law in 1972 stalled the advancement of women's rights in athletics. Five years later, the Supreme Court ruling in *Grove City College v. Bell* limited the power of Title IX in women's athletics as the court found application of the law was limited to programs which received direct federal funding. Despite the continued clarification of Title IX and the action of the judicial branch, women's athletics at UNO continued to pursue gender equity while facing various obstacles.<sup>1</sup>

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<sup>1</sup> *Federal Register*, Vol.44, No. 239 (December 11, 1979), <http://www2.ed.gov/print/about/offices/list/ocr/docs/t9interp.html>. (Accessed October 6, 2012); Suggs, *A Place on the Team*, 89-90.

Action by the legislative branch in the late eighties restored the power of Title IX in athletics. Overriding President Reagan's veto, Congress passed the Civil Rights Restoration Act which effectively overrode the Supreme Court's 1984 *Grove City* decision. Title IX applied to academic institutions that received federal funding for any program within the school. In 1992, the Supreme Court affirmed monetary damages to the plaintiff in *Franklin v. Gwinnet County Schools*. The Title IX lawsuit, filed by a female student, alleged an employee of the school sexually harassed her. Schools and the media took notice of the case as realization sank in that failure to confront and correct discrimination could result in monetary penalties in court decisions. "The decision put every institution on notice that it now faced a realistic threat of losing substantial and unpredictable amounts of money for noncompliance."<sup>2</sup> As a result of these two actions, UNO created the first evaluation since the University's self-evaluation in 1976 and investigated steps needed to attain equity in athletics. Almost thirty years later, Title IX continued to pave the way for women's athletics.<sup>3</sup>

### **Moving, yet Standing Still**

On March 2, 1979, the *Gateway* reported the women's athletic program was advancing, although still trailing behind the men. The article, "Parity Nears for Men, Women Athletes," stated, "Funding for men's and women's athletic programs at UNO is closer than most schools in meeting new equality standards, although not without some disparities, according to two UNO athletic administrators."<sup>4</sup> The new standards referred to the preliminary interpretation of the Title IX regulations published by HEW. The interpretation determined athletic programs needed to provide equal per capita spending for men and women athletes by 1981. This meant that spending should be equal for similar programs between men and women. In the article, Athletic

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<sup>2</sup> Carpenter and Acosta, *Title IX*, 124.

<sup>3</sup> Suggs, *A Place on the Team*, 91-92, 105-106; Claussen, "History of Women's Athletics," 12.

<sup>4</sup> "Parity Nears for Men, Women Athletes," *Gateway*.

Director Don Leahy argued inequalities between male and female programs are a result of priorities set for the program. Leahy cited Claussen's need for a Sports Information Director in women's athletics, which affected the amount of money available in the budget for women's programs.

This rationale for disparities in the per capita expenditures was shared by many athletic programs in the nation. Therefore, the published Policy Interpretation by HEW eliminated equal per capita expenditures and based equity upon proportionality. Equal opportunity in sport, using the new interpretation at UNO, meant the budget was determined by the ratio of men and women in sports. As reported by the *Omaha World-Herald* on May 18, 1980, Leahy stated the increase of the women's athletic budget was to comply with Title IX. Leahy stated, "If we don't reach full compliance by '80-81, we will be there in '81-82." Almost ten years after Title IX existed, UNO still worked toward compliance.<sup>5</sup>

After enduring the wait for the approval and construction of the HPER building by the state, the Physical Education Department at UNO moved into the HPER building in 1980. The move freed up space for the women's athletic department in the Fieldhouse. Leahy addressed the importance of this transition in the *Gateway* and stated, "For years women have been using the Quonset huts, which aren't designed for athletic equipment storage. . . The space allocation was inadequate. But I feel the facilities they will be using now are very adequate."<sup>6</sup> The facility was updated to ensure comparable equipment and facilities for men and women under Title IX. The renovations included locker rooms for women, visitors, and coaching staff. The renovations of the Fieldhouse also added a women's equipment room. Equipment manager Bev Sanders gave the women athletes a glimpse of the past inequalities by hanging up three old uniforms on the

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<sup>5</sup> *Federal Register*, Vol.44, No. 239.

<sup>6</sup> "First Phase of Locker Room Renewal Complete," *Gateway*, April 27, 1980.

wall within the new space. The uniforms were “patched with hand-sewn numbers on them and one torn and sewed but all clean.”<sup>7</sup> Sanders explained, “These are reminders so the kids don’t forget how lucky they really are.”<sup>8</sup> The move to the Fieldhouse located the women’s athletic offices, locker rooms and equipment space into one facility. The recommendation of the Title IX Self-Evaluation Report in 1976, in terms of “Comparable Facilities,” had finally come to fruition.<sup>9</sup>

Moving forward into the decade, the mention of Title IX in sources from the *Gateway*, *Omaha World-Herald*, and the “History of the Women’s Athletics” faded away. Into the 1980s, the sources focused on recording the women’s games or records as well as fundraising for advancement of women’s athletics at UNO. The disparities between the athletic programs of women and men still existed, but the enforcement of the discrimination law waned in the eighties due largely to the Supreme Court’s ruling in *Grove City College v. Bell*. Although enforcement of Title IX lost power within athletic programs, the UNO women’s athletic department, led by Claussen, pushed forward in expanding their program. The UNO women athletes, known as the Lady Mavs in 1980, produced successful seasons. The success included winning multiple NCC Championships in basketball (1980-1982), softball (1981), indoor track and field (1981), and volleyball (1983-1988). As part of the AIAW, UNO women were also victorious, achieving state titles in volleyball and basketball in 1980.<sup>10</sup>

In 1982, Claussen recommended and the Board of Regents approved the move for women athletics at UNO to join the NCAA. UNO joined many other schools which moved into the NCAA, leading to the collapse of the AIAW. The end of the organization created to provide

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<sup>7</sup> “Sanders Watches ‘Dream Come True’ As Lady Mav Program Improves,” *Gateway*, July 10, 1981.

<sup>8</sup> Ibid.

<sup>9</sup> Claussen, “History of Women’s Athletics”; Beer, “Title IX Self-Evaluation Report.”

<sup>10</sup> Claussen, “History of Women’s Athletics,” 6-9; Suggs, *Place on the Team*, 47-65.

women an opportunity in intercollegiate competition could be interpreted as a positive and negative for women athletes. It could be positively interpreted because due to the advancement of women's athletics, they were now received by the formerly men's only organization. On the negative side, women lost perhaps the strongest consistent advocate of equity for women in sports, whereas the NCAA possessed a history of opposing women in sport as well as the legislation of Title IX. However, the power and resources available to the NCAA could not be ignored by institutions seeking growth in their women's athletic departments.<sup>11</sup>

In the 1980s, the most effective tool used to advance the UNO women's athletic program was not the awareness or enforcement of Title IX, but fundraising and corporate sponsors. The most notable corporate sponsorship of women's athletics started in January 1981 with Pepsi Cola sponsoring Pepsi Nights with the Lady Mavs basketball team. Pepsi Nights featured free giveaways of admission, food, drinks, and t-shirts to some spectators of the women's basketball team. The first sponsored game attracted many spectators leading one football player to suggest UNO use the same tactic in increasing football game attendance. The sponsorship attracted more spectators to watch women compete as well as provided the financial means to offer benefits of free admission, food, drinks, and t-shirts. In addition to sponsorships, women's athletics put together jog-a-thons and walk-a-thons to raise additional money for the program.<sup>12</sup>

The benefits of sponsors and fundraising proved to be a needed assistance after the legislative budget cuts in 1985. The Nebraska state legislature needed to eliminate a total of 15 million dollars from the budget. The Appropriations Committee recommended one way to reduce spending was to cut state support of intercollegiate athletics. Therefore with the approval

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<sup>11</sup> Claussen, "History of Women's Athletics," 7.

<sup>12</sup> Ibid., 7.



of the legislature, on June 1, 1985, all state schools received a significant budget cut in athletics.<sup>13</sup>

Both the women and men's athletic department struggled in 1985 when the state legislature cut \$366,000 from the athletic budget for UNO. The athletic department determined that men's and women's track as well as baseball needed to be dropped in order to offset the 27% decrease in funding. In addition to compensate for the cuts, the department circulated a brochure and newspaper to promote their programs. New fundraising programs started in order to raise the additional funds needed as well. Bobby Thompson, the new Athletic Director hired after Leahy accepted the Athletic Director position at Creighton University, started the fundraiser of pull-tabs for UNO athletics. Sold at convenience stores and other locations, the pull-tabs, known as pickle cards, rewarded the consumer with up to \$200 in cash if the correct display of symbols appeared under the tabs. By December of 1987, the pickle cards generated \$50,000 worth of income for the athletic department. The pickle cards worked well as a fundraiser until the opening of the Nebraska Lottery and casinos in Council Bluffs, Iowa. As a result the income generated dropped by 50% early in the following decade.

In addition to this legal form of gambling, UNO created the first women's athletic department's UNO Women's Walk in 1985. The Women's Walk raised \$12,000 in the first year and its success continued in the years to come. While fundraising played an important role by tackling the issue of inadequate budgets, it could not prevent casualties to the women's athletic program. In the 1986-87 school year, the women's track team, despite the decision to drop the program from athletics earlier in 1985, subsisted on donations. However, unable to sustain itself

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<sup>13</sup> Claussen, "History of Women's Athletics," 7; Ernie May, "UNO women roll past foes," *Gateway*, January, 21, 1981; "Letters," *Gateway*, February 26, 1982; "With Cuts UNO Athletics May Be Going... Going... Gone," *Gateway*, June 28, 1985.

through donations and with no room in the budget, the track program was eliminated from women's athletics the next year.<sup>14</sup>

In addition to financial problems, publicity also represented a barrier to growth for the women's athletic program at UNO. The main issue of publicity in women's sports was the lack of coverage provided to the programs. The article in the *Omaha World-Herald*, "Progress... Lady Mavs Not Taking a Back Seat at UNO," identified this issue through the words of Claussen. "'We have a publicity gap,' Miss Claussen said. 'The media often forget to tell the public we're playing. How can people attend if they don't know we're playing?'"<sup>15</sup> In an attempt to solve the inadequate coverage by the media, UNO women's athletics employed sponsorship nights, like Pepsi Nights, as well as entertainment to draw more spectators to the sport. In the late eighties the Lady Mavs basketball included an appearance by Tanya Crevier, known for her incredible ball handling skill. The rationale for appearances by known sports figures not only focused on drawing larger crowds, but also helped generate more revenue for women's athletics.<sup>16</sup>

The struggles for increased publicity and spectators for women's sports resulted from society's gender stereotypes. The identity of the women's athletic program at UNO as the Lady Mavs reinforced the role of gender in limiting the development of the athletic program. In 1984, the *Gateway* included an article which criticized the use of the term Lady Mavs for the women athletes. "Dr. Jerry Authier, a specialist in psychologist self-help said the word 'lady' becomes a sexist term when placed in front of a team nickname, such as the UNO Lady Mavericks."<sup>17</sup>

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<sup>14</sup> "The Top 5 Sports stories of the '80s at UNO," *Gateway*, December, 15, 1989; Claussen, "History of Women's Athletics," 8-9; Scott Nichelson, "Brisk Pickle Card Sales Boost UNO Athletics," *Gateway*, December 8, 1987.

<sup>15</sup> Jerry Fricke, "Progress... Lady Mavs Not Taking a Back Seat at UNO," *Omaha World-Herald*, February 11, 1982.

<sup>16</sup> David Jahr, "World's Finest to Celebrate Coming of Age in Athletics," *Gateway*, February 2, 1989.

<sup>17</sup> Cindy Gonzales, "Psychologists: Lady Mavs a Sexist Term," *Gateway*, January 20, 1984.

Authier argued the use of the word conjured up imaged of an inferior lady in the Middle Ages whose job was to take care of her master, children and home. The article included a defense of the nickname by UNO softball coach Chris Miner who felt that the name helped women claim their own identity and balance the masculinity of the Maverick mascot. However, the women's athletic director at UNL, June B. Davis, opposed the nickname of the women's team. Davis believed the different nickname for the team identified them as different from their male counterparts. Davis argued that the school's athletes should be identified in the same category and clarified her position stating, "a husker is a husker."<sup>18</sup> The article drew a response from the State Coordinator for Nebraska National Organization for Women (NOW). Colleen Hughes adamantly opposed the use of lady as well. Responding to the word, Hughes stated, "What does the image conjure up in your mind? Well for me it is certainly not an athlete."<sup>19</sup> Despite the concern for the differentiation of the women's athletic nickname at UNO, the term Lady Mavs was used through the end of the century.

Almost fully compliant with the legislation of Title IX, the women's athletic program at UNO began well in the 1980s. However, because of the loss of enforcement of the federal law in 1984 in terms of athletics and the extreme budget cuts by the state legislature to the Athletic Department at UNO, the women's athletic department fought for growth and success through the use of sponsorships and fundraisers. These tactics helped to break down the barriers of stereotypes and to increase publicity for women's sports. Through the continued struggle, the women athletes claimed victories on the court and field. The head of the women's athletic department, Connie Claussen also achieved success in the 1980s. She was the first woman inducted into the UNO Athletic Hall of Fame in November of 1983. In 1986, Claussen served on

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<sup>18</sup> "Psychologists: Lady Mavs a Sexist Term," *Gateway*, January 20, 1984.

<sup>19</sup> Colleen Hughes, letter to the editor, *Gateway*, February 1, 1984.

the NCAA Executive Committee. This position included being a part of the search committee for the new NCAA executive director. Claussen's initiative and determination for women in sports persisted in the years to come. By the end of the decade, women's athletic programs received the support of federally mandated gender equity again when Congress reinstated the strength of Title IX over athletics by passing the Civil Rights Restoration Act in 1988.

### **Continued Determination**

With the passage of the Civil Rights Restoration Act in the spring of 1988, the issue of Title IX and women's athletics returned in court cases and newspapers. The result revitalized the support for women's athletics. The development of the women athlete's skill and ability over the ten years since the beginning of Title IX action resulted in increasing spectators and media coverage. The published *Gender Equity Report* by the NCAA in 1992 also caused schools to spring into action. The awarding of monetary damages in the *Franklin v. Gwinnet County Schools* case the same year made institutions aware of the repercussions for failing to act on cases of discrimination. UNO responded positively to the turnaround of events and continued to develop an athletic program that offered equity to all.<sup>20</sup>

On April 22, 1988, the *Gateway* published an article reflecting on the progress made in women's athletics at UNO. The women athletes struggled to obtain 50 spectators at the games in the seventies; however, by the late 1980s a crowd of 500 or more easily attended. The growth of spectators was due to the change in women athletes and the game. Basketball coach Cherri Mankenberg stated, "The athletes have gotten physically stronger, faster and bigger. The game is much quicker. . . It's a more crowd-pleasing game."<sup>21</sup> When people started to form dependable crowds for the women's games, the media paid more attention to them as well. Mankenberg

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<sup>20</sup> Suggs, *Place on the Team*, 91-96.

<sup>21</sup> Terry O'Connor, "Title IX Legacy Revolutionizes Women's Athletics," *Gateway*, April 22, 1988.

believed the media and women's athletics benefitted from this change. She hypothesized that newspapers' subscriptions grew as more women read the sports section, which led to increased participation by women in sports. A former sports editor and the SID for the women's athletic department, John Feye, also argued "the days are gone for good when women's athletics can be ignored by the media, and that should help sustain growth."<sup>22</sup> By the late eighties women enjoyed increased coverage by local media.

While the media helped support women athletes by providing coverage, the women's athletic department successfully employed the use of fundraisers to increase the budget. Due to donations, a weight room was created for women's varsity athletes in the spring of 1989. Viewed as "a real morale booster for coaches and athletes,"<sup>23</sup> the weight room was the culmination of persistent fundraising by the women's athletic department and a tangible representation of how donations helped improve the program. The same spring, the Women's Walk received official sponsorship by Pepsi Cola and netted \$92,016. The walk developed into the largest and most successful fundraiser at UNO for women's athletics. Fundraising increased the women's athletic budget at UNO, which enabled the department to sustain and expand the women's program.<sup>24</sup>

In 1990, UNO upgraded Claussen's title from the Coordinator of Women's Athletics to the Assistant Athletic Director. Although taken out of her former job title, Claussen still directed the women's athletic department. The department possessed two full time secretaries and was able to start a track program again, although it was not funded through the budget. In the following year, track was reinstated as a funded program for women's athletics. The year 1991 was a turning point for compliance with Title IX. Claussen remembered "it [Title IX] really started having an effect and that was when University's finally realized that they could be

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<sup>22</sup> "Title IX Legacy Revolutionizes Women's Athletics," *Gateway*.

<sup>23</sup> "Women's Varsity Enjoy Separate Lifting Area," *Gateway*, October 7, 1988.

<sup>24</sup> Claussen, "History of Women's Athletics," 10.

sued.”<sup>25</sup> The *Franklin* case brought about fast action by the NCAA as the organization investigated and published a study on the compliance with Title XI by member institutions. UNO also investigated obtaining gender equity within the athletic department. In 1995, Claussen, Bob Danenhauer, Associate Athletic Director and Compliance Director, and Leahy, who returned to UNO as Athletic Director that year, took a trip to Fargo, North Dakota. The purpose of the trip was to investigate combining the women’s and men’s athletic department into one entity. At this point, the athletic training services were the only portion of the department under one budget and serving both genders. North Dakota State University served as an example for UNO of how to combine the athletic department into one. As a result, UNO published its own Gender Equity Plan.

Establishing a plan for achieving compliance with Title IX occurred at the right time. In 1996, the NCAA released its findings of inequity on campuses across the nation, including UNO. An article in the *Gateway* identified areas of disparities, “In 1995-96, only 28% of UNO team positions were for women. In addition, operational budget allocations and scholarship opportunities must meet this criterion, UNO fails here, also.”<sup>26</sup> In order to eliminate the inequalities between the men’s and women’s athletic department, the Gender Equity Plan outlined an eight year period of actions by UNO. The plan included merging the men’s and women’s athletic departments and offices into one. “In the following years, the SID Office, Business Office, Secretarial Staff, Marketing Department, Compliance Office, Equipment Room, Strength Training, etc. all worked for both men’s and women’s athletics.”<sup>27</sup> The Gender Equity Plan addressed the disparity in athletic scholarship given to women and stated that with fundraising, it would meet the goal of 48% by 2003. The differences of team positions led to a

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<sup>25</sup> Claussen, interview.

<sup>26</sup> “Title IX Expectations Fall Short at UNO,” *Gateway*, August 27, 1996.

<sup>27</sup> Claussen, “History of Women’s Athletics,” 12.

decrease in size of the men's football, wrestling and baseball teams. However, the addition of ice hockey for men and four more women's sports of swimming and diving, soccer, golf and tennis addressed the inequities of positions available for women. The Gender Equity Plan determined over a period of eight years, gender equity would be put into practice at UNO.<sup>28</sup>

The end of the twentieth century proved intercollegiate athletics needed gender equity to eliminate the threat of lawsuits and penalties of monetary damages. Because the backing of the court system and support by the NCAA, most notably in 1992 with the *Franklin* case and the *Gender Equity Report*, Title IX received new life. UNO, like many universities, continued in the fight to provide equity to athletes. Claussen reflected that during this time, UNO was able to establish gender equity and the women's athletic program without taking away from the men's athletic program. However, while the men's programs did not face elimination, they did experience cuts to the size of the teams. Therefore, women gained equity with some cost to the male athletes. In the end, the Gender Equity Plan mapped out steps to obtain equity for women athletes for compliance of Title IX.<sup>29</sup>

### **After Graduation**

The effect of Title IX at UNO as well as other academic institutions went far beyond the boundaries of the institution. Although the enforcement and compliance of the legislation was a slow process, the benefits derived from Title IX are ongoing. Title IX broke traditional stereotypes placed on women and redefined women's roles. Prior events also helped create the atmosphere which developed new opportunities and revamped the traditional gender role for women. The flapper movement of the twenties, the blue collar women workers of World War II, and the influence of the civil rights movement all contributed to changing the definition of

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<sup>28</sup> "Title IX Expectations Fall Short at UNO," *Gateway*, August 27, 1996; Claussen, *History of Women's Athletics*, 12.

<sup>29</sup> *Reflections in Time*, VHS.

gender for predominately middle class white women. Title IX built upon on the events of the past as the legislation reached into the academic realm and provided equal opportunity for women. Gender equity in athletics was a byproduct which created a new role for women, the role of an athlete. Enacted in 1972, Title IX nurtured the full participation in sports for female student athletes and indirectly instilled character traits beneficial for life beyond school.

In 1993, UNO celebrated the 25<sup>th</sup> anniversary of the women's athletic department which included a video presenting how far the women progressed since early seventies. When Claussen served as Associate Athletic Director, she made sure incoming athletes were aware of how far women's athletics had come. "I always tried to get my coaches to show that videotape to the incoming female athletes so they know what they have now compared to what they had in the 1970s. . . I think they need to appreciate what they have."<sup>30</sup>

Further research into the effect of Title IX at UNO could look at the women athletes during this period at UNO, this study primarily focused on the history from the view of the administration in the athletic department. Interviewing students would offer another insight into the impact of Title IX. The women athletes at UNO have the history of the previous athletes and administrators who made it possible to play at an intercollegiate level. A female athlete was no longer limited to intramurals and city leagues for participating in sports. Title IX ensured the opportunity for the female athlete to participate in intercollegiate sport. The support of the judicial system in the nineties led the NCAA to investigate continuing inequities and publish *The Gender Equity Report* which identified emerging sports for women. Therefore, Title IX not only enforced the equity of women's athletics, but also provided future opportunities for the growth of

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<sup>30</sup> Claussen, interview.



women in sport. The legacy of Title IX continues to grow today as universities periodically evaluate their compliance to Title IX.<sup>31</sup>

By developing and ensuring the opportunity for women to participate in intercollegiate athletics, Title IX indirectly developed valuable character traits for women. Former coach and pioneer of the women's athletic program, Claussen believed the success of women in professional careers can be attributed to the growth of women's intercollegiate athletics. "I think that Title IX certainly in all of education helped for that but certainly for athletics, the female. I think corporations look to hire athletes because of their background."<sup>32</sup> An athletic background, according to Claussen, cultivated leadership skills. Athletics provided women the opportunity to learn how to be a team player, accept criticism, and set goals. Claussen pointed out that athletics taught women how to be aggressive, a trait that previously only men had the opportunity to learn in athletics. Title IX indirectly produced qualities in women that prepared them to achieve success in their future.<sup>33</sup>

## **Conclusion**

The enactment of Title IX by Congress in 1972 accelerated the development of intercollegiate women's athletics. The original legislation offered a general definition of gender equity within academic institutions. In 1975, regulations to Title IX provided institutions more clarity on the coverage of Title IX and mandated each school conduct a self-evaluation report about their compliance with Title IX. Due to complaints and questions by institutions, HEW released interpretations of the regulations in 1979. The following decade, Title IX lost enforcement over athletics due to the Supreme Court's 1984 *Grove City* decision. Less than five years later, Congress restored the coverage of Title IX through passing the Civil Rights

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<sup>31</sup> Ibid.; Jackie Callaghan, "Title IX: Part I – Conceptions and Misconceptions," *Gateway*, February 8, 2000.

<sup>32</sup> Claussen, interview.

<sup>33</sup> Ibid.

Restoration Act. The end of century witnessed a number of judicial decisions that further proved the strength of Title IX. Women's athletics across the nation began and grew in universities due to the passage of Title IX.

The effect of Title IX created the women's athletic program at UNO. Today, as the result of the Gender Equity Plan of 1995, the program functions as one with the men's program within the athletic department. The women's athletic program is treated equitably with the men's programs as mandated by Title IX. Women athletes have the opportunity to compete in nine sports. In addition to the first sports for women at the University of softball, basketball, volleyball, track and field, tennis, and cross country, today UNO also includes the opportunity to compete in golf, swimming and diving, and soccer for women. The Diet Pepsi Women's Walk continued to be the biggest fundraiser for women's athletics at UNO into the 21<sup>st</sup> century. As a tribute to the people who pioneered the women's athletic department at UNO, the event name was changed to the Claussen-Leahy Run & Walk in 2012. Along with the name change, the proceeds of the fundraiser go to the general funds of athletic department or to a team designated by the donor. UNO can celebrate the growth and success of their women's athletic program. However, there are still questions of equity at the University.<sup>34</sup>

Despite achieving the opportunity for women to participate in nine different sports at UNO, the men's program consists of six sports. The historical athletic program of football, begun in 1911, was eliminated from the athletic program in 2011. The UNO wrestling team also was cut the same year. The response from the public and media to the removal of these programs included interpretations that the cuts were a response to compliance with Title IX. In response,

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<sup>34</sup> The Official Site of the University of Nebraska Omaha Athletics, Sports Heading, <https://www.omavs.com/index.aspx> (accessed October 10, 2012); "Claussen-Leahy Run-Walk Set for Saturday," The Official Site of the University of Nebraska Omaha Athletics, April 20, 2012, [https://www.omavs.com/news/2012/4/20/CLRW\\_0420123309.aspx?path=clrw](https://www.omavs.com/news/2012/4/20/CLRW_0420123309.aspx?path=clrw) (accessed October 10, 2012).

Claussen stated, “No, Title IX didn’t have anything to do with that.”<sup>35</sup> UNO transitioned from Division II to Division I and became part of The Summit League in 2012. Football and wrestling were not a part of the athletic competition in the conference. As a result, the men had only three sports to compete in the conference. The solution UNO provided added soccer and golf to the men’s athletic programs. Football was eliminated due to the costs involved to keep the program going outside of the conference and “wrestling really had to go . . . to make room for these other sports. It didn’t have anything to do with Title IX.”<sup>36</sup> However, the elimination of two men’s programs and addition of two others did involve the impact of Title IX. As current Athletic Director at UNO Trev Alberts stated, at the meeting of the Board of Regents to vote on the move to Division I, the additions of golf and soccer would provide an opportunity for the men to compete proportionately with the women in the Summit League. Without these additions, UNO would not be compliant with Title IX. For the first time in the history of athletics at UNO, the men’s programs experienced cuts as an effect of Title IX. The case of cutting men’s teams at UNO was not a unique occurrence, as other universities have gone through the hard decisions in response to Title IX. However, the elimination of men’s programs at UNO resulted in the addition of two programs in order to transition into the Summit League. Therefore, the changes to the men’s athletic department were in response to the move of the University to the Summit League not as an effect of Title IX.<sup>37</sup>

Overall, the effect of Title IX is a controversial area for athletic departments and administration at universities across the nation. The experience at UNO is similar to many other universities nationwide. The primary benefit of Title IX cannot be argued. The legislation is

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<sup>35</sup> Claussen, interview.

<sup>36</sup> Claussen, interview.

<sup>37</sup> Mo Nuwwarah, “Board of Regents Approve Move to Summit League,” *Gateway*, March 29, 2011; Claussen, interview.

responsible for the presence and development of the large number of women participating in athletics today. A high school girl no longer needs to wait for Play Days to play sports in an organized manner. The college woman does not have to practice early mornings or late nights just to play in inadequate facilities with poor equipment. Disparities still exist in sport; stereotypes of men and women athletes are still held on to, but with support and enforcement of Title IX, women will continue to build upon the legacy of Title IX.

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