

Timeline of Title IX in Fresno, Calif.

Plus selected important related national events. Last updated Sept. 9, 2018. Compiled by Sherry Boschert. Corrections and proposed additions are welcome; please send them to titleixbook@gmail.com. (Sources and abbreviations are listed at the end of the timeline.)

1910: Fresno State College opens as the first junior college.

1911: Fresno State becomes a “state normal school.”

1969-70: Fresno State campus turmoil. Protests erupt after the president dismisses eight members of Ethnic Studies, cancels La Raza Studies Program and other programs for minority students, fires the dean of students, and reorganizes the School of Arts and Sciences without faculty approval. Three resulting lawsuits and settlements cost Fresno State \$100,875.

1970: Bernice Sandler of Maryland files federal complaints against all colleges and universities for sex discrimination under Executive Orders 11246 and 11375, prompting Congress to consider bills outlawing sex discrimination in education and ultimately to pass Title IX in 1972.

1971: 42% of Fresno State students are women. Former Fresno State President Fred Ness, now director of the Association of American Colleges in Washington, D.C., hires Bernice Sandler to direct the new Project on the Status and Education of Women (PSEW) there. From PSEW Sandler promotes Title IX for decades.

1971-1973: Fresno State volleyball players have no school shoes or uniforms: they play in white gym shorts used for P.E. classes. Female coaches politely pester the department each year for better support of women’s athletics.

1972 June 1: California State Colleges become California State Colleges and Universities including California State University, Fresno (CSUF).

1972 June 23: President Nixon signs the Omnibus Education Bill, which includes Title IX. In news articles, he complains about the bill’s busing provisions and does not mention Title IX. Now the implementing regulations must be written.

1972 Fall: CSUF starts one of the nation’s first Women’s Studies Programs with a block of 13 courses. (Some women’s studies classes have been offered since Spring 1971 and attended by approximately 200 students.) The innovative Program is the first to offer classes in some topics including Disabled Women, Female Sexuality, Feminist Art, and Feminist Issues in Counseling.

1973-74: Diane Milutinovich first learns of Title IX while teaching in Perris Union High School District (1971-1978). She attends a professional development training on Title IX in 1975, then another one, inspiring her to file a Title IX complaint against Perris for inequitable gym access and other discrimination. Administrators make a few improvements in response.

1973: Two CSUF Women's Studies students start a 24-hour rape crisis line as Rape Counseling Services of Fresno, which in 1974 becomes a non-profit rape crisis center. By 1980 it is one of 29 in California, part of a growing national movement.

1975 July: The implementing regulations for Title IX become final.

1975: Re-entry Projects at Fresno City College and CSUF recruit homemakers to return to school with the slogan, "To Go Back Is To Move Forward." At Fresno City College, 44% of its 7,095 female students are aged 25 or older. CSUF draws 60 new students into a Re-entry pilot project. One out of nine U.S. households are headed exclusively by a woman; of these, 40% live at or below poverty level.

1975 September: The U.S. Department of Health, Education, and Welfare issues its first guidance on applying Title IX to athletics, saying the regulations focus on the totality of athletic programs rather than on each sport, and clarifying that drill teams and cheerleading are not sports.

1976 March 17: CSUF *Campus Insight* features a full-page spread on rape.

Headlines: "CSU rape fear remains: attitudes, solutions vary" and "Chief: no campus rapes in years." The campus police chief acknowledges two rapes off campus this semester and a kidnapping/rape/robber that starts in a parking lot near the dorms. The same night, an assailant abducts, molests, and robs a Fresno City College student.

Headlines: "Director: rape rumors unfounded" and "Women: fears prevail." The CSUF director of housing believes the "rumors of sexual incidents" are "unfounded" because if they were real, they would have been reported to him.

1976 April 2: Page 1 story in CSUF student newspaper *The Collegian*: "Title IX regulation: Sex bias to be studied." CSUF is conducting a Title IX-mandated survey of its educational practices to eliminate any discrimination based on sex. "One example of changes to be made will be to change course offerings so they do not reflect bias according to sex," such as changing Men's Chorus to Bass-Baritone Chorus open to both sexes, an administrator says. "Athletics is the most complex area," another adds, noting that equal budgets for men's and women's athletics is not required by Title IX. Administrators nearly doubled the budget for women's athletics for the 1975-76 year but it's still far behind the men's budget. The Associated Student Senate guarantees a level of funding for men's sports but considers the women's budget on a year-by-year basis.

1976 April 9: A statewide effort is underway to increase minorities, low-income, and female students in graduate programs and professional schools in California. A Coordinating Committee on Graduate and Professional School Advancement formed and is making presentations on UC and CSU and college campuses regarding opportunities. Numbers have improved in recent years but still lag

behind, especially in business, engineering, dentistry, law, medicine, and the natural sciences.

A CSUF Women's Studies class is helping students overcome "math anxiety." Data at the end of the first semester finds the class significantly lowers math anxiety.

The Beta Chi Chapter of Phi Upsilon Omicron, the home economics honorary society at CSUF, initiates 16 home economics students, all women.

1976 July: Deadline for elementary schools to comply with Title IX.

1977 March 18: Bee: "Sexism Investigation: NOW Files Suit Against Clovis Schools." The National Organization for Women (NOW) Fresno Chapter sues the Clovis Unified School District to get records and information on why the district has not complied with Title IX. The Title IX deadline was June of 1976 "but Clovis, like most other school districts, was granted an extension," the *Bee* reports. The district refuses to release records, the Clovis superintendent says, because "We have an old saying in the superintendency: If someone is trying to light a fire under you, don't give them the wood." He promises a full report scheduled in June, as required by HEW.

1977 Spring: CSUF senior Meg Newman writes on behalf of the women's basketball team to five administrators, demanding greater equity in resources for women's athletics. She cites a "need for growth and expansion" in sports information (publicity), athletic business management (travel arrangements), budgeting (for travel food/lodging and an award system like the men have), and staffing (in the women's athletic office and for statisticians, timers, scorers). "...a lack of responsiveness would compel us to proceed toward a meeting with a representative of H.E.W. for expected compliance under Title IX," she says. "These are basic needs." Newman graduates and the matter is dropped.

1977: Women comprise 48% of CSUF students and 18% of faculty; 79% of students and 91% of faculty are white.

1977 July: The first Title IX lawsuit for sexual harassment and assault is filed, *Alexander v. Yale*.

1977 December 21: A federal court rules for the first time in *Alexander v. Yale* that Title IX covers sexual harassment.

1977 December: NOW Legal Defense and Education Fund's Project on Equal Education Rights (PEER) releases a study of Title IX complaints in school districts (including Fresno), "Stalled at the Start: Government Action on Sex Bias in the Schools." It shows that HEW resolves few complaints, doesn't visit the school district in most cases, and frequently takes years to act, typically too late to be of help to those who complained. In four years, HEW conducted independent checks on just 12 of the nation's 16,000 school districts.

1978: California passes a law requiring state-financed programs to guarantee equal opportunities in athletics.

1978 July 21: Deadline for secondary schools, colleges, and universities to comply with Title IX. Regulators are investigating nearly 100 complaints of discrimination in athletics around the country.

1979 Feb. 28: Front page story in CSUF student publication *Insight*: “Coaches may sue CSUF for Title IX violation.” Nine coaches “have served notice that they may sue the university on charges of discriminating against women’s athletics.” Women’s Basketball Coach Donna Pickel says, “They’ve been stonewalling us all along. The university isn’t going to do anything until they’re absolutely forced.” Volleyball Coach Leilani Overstreet says they don’t want to appear like a “bunch of radicals” waiting “to pounce on” the administration. “If that were true, we would have filed a complaint in 1975.” And, “We don’t want equality. We only want to be treated fairly.” They want more assistant coaches and funds. The women’s budget is around \$80,000 but the men’s is around \$850,000. Women want at least \$200,000 more. CSUF Executive Vice-president D. W. Holmes had sent letter to Califano opposing draft federal guidelines on applying Title IX to athletics, arguing that men’s football and basketball should be exempt. He tells *Insight* the guidelines can’t be met without diminishing men’s athletics. Pickel says other places show that’s not true. UC Berkeley has a women’s budget of \$500,000. If they can do it, CSUF surely can find \$200,000 if it gets more fundraising help from the Bulldog Foundation. Overstreet says last year the Bulldog Foundation raised \$300,000 more than ever before but all of it went to the men’s program. The women only got the money they raised themselves. Athletics administrators make a few changes and the lawsuit threat dissipates.

1979: The Supreme Court (in *Cannon v. U. of Chicago*) affirms the right of an individual to sue under Title IX.

1979 Oct. 25: A *Fresno Guide* article, “Report gives school district good Title 9 mark,” describes an evaluation of Title IX compliance in the Fresno Unified School District by the Fresno Commission on the Status of Women (with Diane Milutinovich and others on the task force). Despite the headline, the evaluation finds mixed results. The Commission initiated the study out of a desire to start a girls’ cross-country team, then decided to evaluate all of Title IX in FUSD. It says FUSD needs to better articulate policies and procedures, systematically evaluate progress in implementing Title IX, and conduct in-service training on sex equity.

1979 December: Federal regulators issue “A Policy Interpretation: Title IX and Intercollegiate Athletics,” which establishes the “three-part” or “three-prong” test for compliance with Title IX. Athletic programs must meet any one of the three parts. (44 Fed. Reg. 71413 et seq.)

1980: In the late 1970s and 1980s, CSUF female athletes enlightened their coaches about disparities in athletics, pushing them to demand better. By 1980, equipment and staffing are similar in women's volleyball and basketball to those for men's teams. But coaches know that if men demand that a women's team give up scheduled gym time for a day, for example, the men get their way. When something like that happens, Coach Overstreet tries to bargain to get something else out of it for the women. Each year in her annual evaluation she urges CSUF to better comply with Title IX to avoid federal trouble. Other female coaches and administrators politely urge change. These efforts produce incremental progress.

1980: The National Women's Law Center files the first lawsuit about athletics under Title IX and the Constitution's equal-protection clause. The case (*Haffer v. Temple University*) will drag on for most of a decade.

1980: CSUF's first annual Take Back the Night event against sexual violence.

Early 1980s: National NOW resolves to support litigation to establish a clear-cut precedent that sexual harassment is sex discrimination under Title VII of the Civil Rights Act and to develop projects for local NOW chapters to publicize the issue and aid victims. The NOW Legal Defense and Education Fund (LDEF) creates a sexual harassment education project providing information and resources. Among local chapters, Fresno NOW teams up with the Fresno City-County Commission on the Status of Women to conduct a survey of sexual harassment in city and county government.

Early 1980s: A parent of a CSUF basketball player calls administrator Diane Milutinovich at 9 pm because the male coach is saying sexually inappropriate things to players during a road trip to Utah. Milutinovich flies there on the pretext of softball scouting and stays close to the team as a buffer. Upon return to Fresno, she starts documenting improprieties, players come forward with reports, and CSUF drops the male coach. He threatens to shoot Milutinovich. She calls police; CSUF bans him from campus for a year.

1982: CSUF Athletic Corporation is created as a nonprofit corporation, the only 1 of 70 auxiliary organizations within the CSU system with "athletic" in its name today. All funding decisions on athletics flow through the Athletic Corporation, dominated by white men.

1984: The Supreme Court decision in *Grove City College v. Bell* obliterates civil rights laws in education, saying civil rights laws apply only to specific departments receiving federal funding directly, not to entire institutions. National coalitions of women, ethnic and racial minorities, the disabled, and the aged lobby Congress to pass a law reinstating civil rights in education.

1985: CSUF establishes a Sexual Harassment Designee employee to whom students can report problems. Before this, there is no direct way to file a

grievance. Nationally in the mid-1980s advocates for women and people of color increase attention on “gang rapes,” domestic violence, dating violence, peer harassment/assault, and anti-gay violence.

1988: Congress overrides President Reagan’s veto to enact the Civil Rights Restoration Act, putting Title IX back in force in education. Soon after, attorneys settle *Haffer v. Temple University* in favor of the female athletes.

1988: Title IX complaints to the Office for Civil Rights (OCR) resume. Over the next 19 years (to 2018), Title IX complaints in Fresno average six per year. OCR dismisses 69% of the 112 complaints in Fresno, records resolution agreements in 18%, and says 13% are handled elsewhere. Most of the Fresno complaints target CSUF (66%), with slightly better success rates: 58% get dismissed; 25% produce resolution agreements, and 17% get handled elsewhere.

1988 April 25: OCR receives a complaint against FUSD for sex discrimination in employment (combined with two complaints under race/color/national origin). Thirteen months later, OCR rules on May 25, 1989 that there’s been no violation.

1988 Spring: CSUF’s Sexual Harassment Designee for Students, Carol Munshower, is investigating six male professors accused of harassing one male and five female students, according to the student publication *Live Wire*. CSUF has no policy about faculty “dating” students. She and CSUF’s director of affirmative action give workshops on sexual harassment for various classes and at a fraternity. The classes turn up two more reports of sexual harassment. Munshower offers students a sample letter they can send to the harasser to get him to stop the behavior. If they decide to file a complaint, victims need to show proof of harassment. “It’s not enough for a student to just say, ‘No.’ They need to prove to some extent that they did say, ‘No,’” Munshower says. Verification can come from another student present when a professor acts unprofessionally or from a student’s diary or log of the events.

1988 May 4: OCR receives complaints against Fresno City College for sex discrimination in services and in health and insurance benefits. The parties reach a resolution agreement on August 15 before OCR’s investigation concludes and OCR closes the case that day.

1989 Aug. 14: OCR receives a complaint against CSUF for sexual harassment. Ten months later, the parties reach a resolution agreement before OCR’s investigation concludes. OCR closes the case Aug 20, 1991.

1990: Congress passes the Clery Act, requiring annual reports of campus crime at postsecondary schools.

1990-1998: OCR updates its manual on Title IX and athletics and issues multiple guidance letters to help schools comply.

1991: OCR distributes a pamphlet summarizing the requirements for intercollegiate athletics to meet Title IX obligations in equally accommodating student interests and abilities, equity in athletic benefits and opportunities, and providing financial assistance.

1991 July: OCR distributes a pamphlet with guidance for handling issues of teen pregnancy and parenthood under Title IX.

1991 July 1: OCR receives four complaints against CSUF for sex discrimination in employment (combined with four complaints of employment discrimination by race/color/national origin and four based on disability). OCR refers them to the U.S. Equal Employment Opportunity Commission (EEOC) and closes its cases on Aug. 27, 1991.

1991 Sept. 10: OCR receives three Title IX complaints against the Central Unified School District (Fresno) for athletics discrimination, general discrimination, and retaliation (combined with two complaints under race/color/national origin). OCR dismisses these on Sept. 23, 1991 saying it has no jurisdiction over the allegations.

1992: CSUF cuts men's water polo as of 1993 due to a "budget crisis."

1992 Jan. 10: OCR receives a complaint against CSUF for sex discrimination in employment (combined with another under race/color/national origin). OCR refers these to EEO and closes its cases on Jan. 17, 1992.

1992 Jan. 17: OCR notifies CSUF it will conduct a Title IX compliance review.

1992 Feb. 2: The Supreme Court rules in *Franklin v. Gwinnett County Public Schools* that plaintiffs can win monetary damages for intentional discrimination under Title IX. (Texas high school teacher/coach Andrew Hill sexually harassed student Christine Franklin for two years; she sued the school for allowing the harassment to continue.) Litigation under Title IX spikes, with 24 legal decisions in the next three years alone.

1992 March 19: OCR receives two complaints against FUSD for sexual harassment and sex discrimination in discipline. OCR declares there's no violation and closes the cases on Nov. 24, 1992.

1992 April 20: OCR receives 12 complaints against CSUF, 1 for sexual harassment and 11 for discrimination in athletics (in the areas of meeting interests and abilities, equipment and supplies, scheduling games and practice times, travel and per diem allowances, coaching and tutoring, assignment and compensation of coaches and tutors, medical and training facilities and services, housing and dining, publicity, and support services).

1992 April 20-24: OCR conducts on-site visit to CSUF.

1992 June 1: OCR receives a complaint against CSUF for sex discrimination in employment; it rules on Oct. 13, 1992 that there's no violation and closes the case.

1992 July 13: OCR informs CSUF of possible Title IX violations identified in the compliance review.

1992 Aug. 17: CSUF responds to OCR's July 13 letter. OCR then requests additional data.

1992 Sept. 23: CSUF replies to OCR request, denying wrongdoing.

1992 Oct. 1: CSUF responds to OCR request for more data, again denies wrongdoing, and offers an "explanation."

1993 Jan. 26: OCR receives a complaint against CSUF for sex discrimination in admissions (combined with one for age discrimination). OCR closes the cases on Oct. 27, 1993, ruling there's insufficient evidence of non-compliance with Title IX.

1993 Feb. 3: After a successful campaign to force the California State University, Fullerton to improve equity in athletics, California NOW (CalNOW) announces on National Women in Sports Day that it is suing all 19 schools in the California State University (CSU) system for violating Title IX and California Education Codes (which require equal opportunities in athletics and sports funding).

A CSU Chancellor's Office report says women's athletics opportunities declined from 36% in 1978-79 to 30% in 1988-89. Men's sports got 74% of athletic budgets in 1978-79, women's sports got 20%, and coed programs got 6%. A decade later (1988-89), men's sports got 74% of athletic budgets, women's sports got 25%, and coed sports got 1%. The greatest inequities in 1989 male/female athletics funding ratios are at CSUF (86%/14%) and CSU San Diego (84%/16%), *The Los Angeles Times* reports on Feb. 4. The next year, CSUF improves a bit to 78%/22%. "We've made some progress but we have a ways to go," says CSUF athletics administrator Diane Milutinovich. CalNOW attorney Jared Huffman says, "These laws have been on the books for 20 years. We've waited long enough."

1993 to the present: Men's minor sports start to sue, blaming Title IX for cuts in athletics instead of administrators' decisions to preserve football at their expense. Almost all of these suits fail.

1993 Aug. 18: OCR reveals its findings from the January 1992 compliance review and asks CSUF to create an action plan.

1993 November: OCR receives CSUF's plan addressing some compliance deficiencies.

1993 October: CalNOW and CSU reach a settlement while multiple lawsuits by female athletes across the country also generate headlines. Advocates for women see the wave of suits as a warning to the National Collegiate Athletic Association (NCAA), which will meet in January to consider proposed gender-equity guidelines for its members. In 1991 men are 69% of intercollegiate athletes, NCAA figures show. Men get 70% of scholarships, 77% of operating budgets, and 80% of recruiting funds.

The CSU and CalNOW consent decree requires all CSU athletics departments to be within specific percentages of campus male/female attendance ratios (within 5% for participation, 5% for scholarship dollars, and 10% for expenses). It also requires each campus to report annually to the Chancellor's office its statistical progress in the three areas.)

1993 December: OCR gives CSUF guidance for improving its proposal for complying with Title IX.

1994: Congress passes the Equity in Athletics Disclosure Act so students can access data on Title IX athletics compliance in higher education (though not in elementary to high schools).

1994 Jan. 24: CSUF submits a corrected action plan for Title IX compliance.

1994 Feb. 11: OCR offers revisions of CSUF's compliance plans.

1994 March 11: CSUF counters OCR's proposed revisions with a revised corrective plan.

1994 Spring: An informal women's network supporting equity in athletics creates a more formal group to pressure CSUF, the Title IX Equity Coalition of Fresno County. The Coalition includes NOW, the Association of American University Women, the League of Women Voters, the National Women's Political Caucus, Fresno County Women Lawyers, and more.

To pressure CSUF to build a new softball stadium or renovate the old diamond, Coalition members get a CSUF staff member to unlock the fence to the softball diamond. They hold a press conference/protest with 50 or 60 women on the field, saying, "We want what the men have."

1994 April 14: OCR cites CSUF for non-compliance in 11 of 13 areas under Title IX in a Letter of Finding from the review initiated in January 1992. The 38-page OCR report lists violations in athletic competitive facilities, locker rooms, selection of sports, recruiting funds, practice times, medical services. CSUF only complies with Title IX in athletic financial assistance and coaching opportunities and compensation. Using primarily 1990-91 data, the OCR report says women

are 54% of full-time undergraduates at CSUF but get 27% of athletic opportunities, below the 31% nationwide average found in an NCAA 1992 study of Division I schools.

CSUF President John D. Welty tells *The Fresno Bee* that he has been negotiating with OCR since August 1993 and CSUF agrees in principle to reach compliance. Welty says CSUF athletes will be 45% women by 1997-98 if CSUF drops men's water polo (done in 1993) and men's swimming, adds two women's sports (one being soccer), and does some "roster management" (in which some teams get larger and others smaller). CSUF says it will build a \$2.5 million softball stadium and a new women's locker facility for basketball, volleyball, and softball that's comparable to the baseball locker room.

1994 April 15: CSUF President Welty releases a draft plan that he says is a conceptual agreement between CSUF and OCR. Besides changes described earlier, changes should create greater equity in travel, scheduling, and meal policies, medical care, and the size of team posters. Associate Athletic Director Diane Milutinovich comments, "This will go a long way toward providing equitable opportunities for male and female student athletes." CSUF expects to meet with OCR next week to discuss the plan.

1994 April 20: The Supreme Court bars sex bias in selecting juries. The three dissenting justices -- Scalia, Rehnquist, and Thomas -- predict that trials will become longer and more expensive because "every case contains a potential sex-based claim."

May 1994: CSUF President Welty takes Milutinovich and Human Resources Director Arthur Wint to meet with the head of OCR's office in San Francisco.

1994 May 27: OCR receives a complaint against CSUF for sexual harassment. The parties reach a resolution agreement on Oct. 31, 1994 before the OCR investigation concludes. OCR closes the case on Jan. 3, 1997.

June 1994: OCR and Fresno State agree on a very prescriptive 26-page Corrective Action Plan (CAP) requiring annual reports to be submitted to OCR for the 11 areas of Title IX non-compliance. CSUF will create a Gender Equity Monitoring Committee (GEM) to monitor and review all reports prior to submitting them to OCR. CSUF also will open both gyms to both sexes, build locker rooms for women's basketball, softball, and volleyball, install air conditioning, regularly refinish floors, build the new softball facility by spring 1996, build a weight room for both sexes by July 1995, provide four courtesy cars to women's coaches, and more.

1994, June 24: OCR rules there's insufficient evidence of non-compliance in 3 of the 12 complaints filed against CSUF on April 20, 1992 (for sexual harassment, coaching and tutoring, and assignment and compensation of coaches and tutors). CSUF agrees to correct violations in six other areas after an OCR

investigation finds it does not comply with Title IX in support services, scheduling, publicity, travel and per diem, housing, and dining. CSUF fights three other OCR findings of violations (in meeting interests and abilities, providing equipment and supplies, and offering medical and training facilities and services) until OCR sends a Letter of Impending Enforcement Action (meaning CSUF could lose all federal funding). CSUF finally accepts a resolution agreement for changes. Federal monitoring continues until Sept. 27, 2001 (9+ years).

1994 July 20: OCR receives a complaint against CSUF for sexual harassment and closes it on Dec. 27, 1994 with a ruling of no violation.

1994, July 21: The Title IX Equity Coalition of Fresno County keeps up pressure for CSUF to meet its commitments. Says OCR's John Palomino, who oversaw the Fresno case, "There is a coalition of citizens of Fresno that is bird-dogging what we're doing... And if you look at when the law was passed, it's understandable."

1994 Dec. 5: OCR receives two complaints against Central Unified School District (Fresno) for sex discrimination in its grievance procedures and retaliation. OCR dismisses these on Feb. 1, 1995, saying the complaints are not timely.

Spring 1995: The CSUF softball team tells Human Resources Director Jeannine Raymond that the baseball team called them "dykes on spikes." She tells them to "turn the other cheek."

1995: April 4: OCR's rulings in a complaint against Evergreen State College (Wash.) regarding sexual harassment clearly state that using a "clearly and convincing" standard of proof violates Title IX; the standard is "a preponderance of evidence."

1995 April 17: The Title IX Equity Coalition of Fresno County expands its focus to elementary schools starting with Clovis Unified School District, "well known for its athletic facilities and programs." Former Fresno Mayor Karen Humphrey chairs the Coalition; Donna Newman McKittrick chairs the Clovis study committee.

1995: CSUF drops men's swimming.

1995 Oct. 26: After seven CSUF coaches/administrators visit talk show host Ray Appleton of KMJ radio (which covers CSUF athletics), Appleton airs a three-hour tirade against Title IX and CSUF's Diane Milutinovich and Coaches Margie Wright and Lindy Vivas. Appleton laces his comments with homophobia, for example by saying he knows but won't divulge "dirty little secrets" about them. Milutinovich and Wright sue for defamation. During the discovery process, a witness says Associate Athletic Director Scott Johnson told the radio host, "If you get rid of Diane you don't have to worry about Margie or Lindy." The women win approximately \$60,000 in an out-of-court settlement in June 1997 (nearly all of

which goes to legal expenses) and Appleton has to apologize on air and in a written statement.

1995: In Congressional hearings on Title IX and athletics, OCR Director Norma Cantu says that OCR does not require administrators to cut men's sports; there are other ways to comply with Title IX.

1996 Jan. 16: OCR its fourth Dear Colleague guidance, emphasizing that nothing in the three-prong test for Title IX compliance in athletics requires an institution to eliminate athletic opportunities for men. This is in response to Title IX critics claiming that school had to comply with the third prong (proportionality in athletic opportunities), which forced them to cut men's sports. A spike in lawsuits over Title IX and athletics produces 37 case decisions in 1997-1999 alone.

1996 May 22: The Title IX Coalition of Fresno County's year-long study on the Clovis Unified School District finds that overall, Clovis has "good facilities, a good program and generally has few serious gender equity problems," but there are problems. The coaching staff is 75% men and there is no plan to fix the disparity. The district fails to provide annual written notification of the name, address, and phone number of the administrator designated to respond to discrimination complaints. Multiple male coaches submitted hostile comments for the Coalition's reports, such as, "I think this whole IX program is a bunch of crap."

1996 Dec. 31: OCR receives a complaint against CSUF for sexual harassment. The parties reach a resolution agreement on Dec. 11, 1997 before OCR's investigation concludes. OCR closes the case on Aug. 6, 1999.

1997 March 13: OCR distributes its first "Sexual Harassment Guidance" for complying with Title IX (62 Fed. Reg. 12034 et seq.). By the end of the 1990s, sexual harassment complaints increase.

1998: The Supreme Court rules in *Gebser v. Lago Vista Indep. Sch. Dist.* that victims of sexual harassment can recover damages under Title IX if they can show that a school had notice of the harassment and was deliberately indifferent. (In this case, a high school teacher repeatedly rapes a student; the student doesn't report it and later sues the district. She loses her lawsuit but an important legal precedent is set.)

1998: CSUF fails to meet the court-ordered mandate for proportionality in athletics participation, scholarships, and expenses by 1998 under the CalNOW lawsuit. Male athletic opportunities still outnumber spots for women. CSUF continues to offer 85 scholarships for football, more than the maximum number of women's scholarships it's allowed to offer under NCAA rules. CSUF asks the NCAA to relax its rules; the NCAA refuses.

1998: CSUF Director of Media Relations Rose Pieterzak is forced out by Associate Athletic Director Scott Johnson. Milutinovich helps her get an attorney and Pieterzak receives a settlement.

1998 July 23: While investigating 25 complaints regarding scholarships, OCR issues a "Dear Colleague" letter (Guidance #6 in Title IX history) sharing its response to Bowling Green State University (Ohio), which says athletic scholarship distribution should be proportional to athletic participation opportunities.

1998 July 30: OCR receives a complaint against Fresno City College for sex discrimination in grading (combined with complaints under race/color/national origin and age discrimination). OCR rules there's no violation and closes the case on July 30, 1999.

1998 Dec. 14: OCR receives a complaint against CSUF for sex discrimination in access to course offerings. OCR rules there's an insufficient factual basis for the complaint and closes the case on Sept. 23, 1999.

1999 January: An OCR fact sheet lists gains made since passage of Title IX. Math and science scores are similar by sex in eighth grade. Similar proportions of male and female high school students take algebra, geometry, or calculus. Female high school athletes increased from 294,000 in 1971 to more than 2.4 million in 1996-97, comprising 39% of high school athletes. Female intercollegiate athletes quadrupled since 19971 to 125,000, growing from 15% to 37% of college athletes by 1995. The proportion of M.D. degrees earned by women increased from 9% in 1972 to 41% in 1996. The female proportion of dental degrees increased from 1% to 36%. The female proportion of law degrees increased from 7% to 43%. The female proportion of doctoral degrees increased from 14% in 1971 to 40% in 1996. College and university faculties evolved from 24% female in 1982 to 40% in 1995.

1999: The Supreme Court rules in *Davis v. Monroe County Board of Education* that Title IX covers sexual harassment by peers. (In this case, a classmate sexually harasses fifth-grader LaShonda Davis, who reports it but the school does nothing to stop it. Her mother, Aurelia Davis, sues with help from the National Women's Law Center.)

1999 April: CSUF writes to OCR saying it is in compliance with Title IX because it meets the second of three prongs of athletic regulations (i.e., a steady and continuing pattern of improvement). This does not absolve CSUF, however, from the CalNOW court mandate for proportionality.

1999 April: Fresno State students pass a referendum to pay an additional \$6/year to try and convince administrators not to cut six men's sports: wrestling;

indoor and outdoor track; soccer; tennis, and golf. The fee continues for a year or two.

1999: The U.S. Women's Soccer team wins the World Cup for the first time.

1999 Aug. 26: OCR receives a complaint against Fresno City College for Sexual harassment (combined with another under race/color/national origin). OCR dismisses the complaints on Sept. 9, 1999, saying they're not timely.

1999 Fall: CSUF's Women's Studies starts "a class on feminist activism that teaches students how to create their own feminist responses: to events, injustices, and institutional oppression: while providing experience in coalition building among our very diverse student body."

2000: CSUF Men's basketball/media relations Secretary Karen Verodi is "forced to retire" after she files a sexual harassment complaint. Milutinovich helps her get an attorney; Verodi wins a small settlement.

2000 March: Mandatory monitoring of CSU athletic departments under the CalNOW consent decree ends. Voluntary compliance begins. NOW continues watching.

2000 April: Female staffers in the CSUF athletics department hold an "Ugly Women Athletes Day" lunch in response to misogynist comments by male coaches. They decorate by putting the faces of men's coaches on female stick figures. Four male administrators attend but do nothing to stop it. Some softball players athletes walk in; outraged, they tear down the sign to take it to softball practice. Milutinovich counsels them to take it back and apologize, but the players refuse and file a complaint with administrators. The four male staffers get letters of reprimand.

2000 Sept. 7: OCR receives a Title IX complaint against Fresno Unified School District for retaliation. OCR closes the case on April 16, 2001, saying it was addressed recently or is addressing the same issue/allegation in a compliance review, directed inquiry, or complaint.

2001 Jan. 19: OCR issues revised guidance on sexual harassment, putting schools on notice again that they're liable for harassing conduct and must have strong sexual harassment policies and complaint procedures.

2001 October: OCR notifies CSUF that it is closing the file on the Corrective Action Plan (CAP) from 1994, saying the school has fulfilled its commitments. The athletics department then starts backsliding in Title IX compliance, Coach Vivas says later.

2001 November 1: The CSUF "Gender equity battle not over," *The Fresno Bee* reports. "The school's greatest on-going challenge regarding gender equity lies not with Title IX, but with the mandate-driven 1993 Superior Court settlement" in the CalNOW suit against the CSU system. Women now are 54% of CSUF students but get only 47% of athletics opportunities to play. Scholarships for female athletes have improved from \$29,500 nine years ago to \$1,152,408 in 2001, but the overall athletic budget is \$18 million and most of it goes to men.

2002 Jan. 2: OCR receives a complaint against CSUF for sex discrimination in housing and dismisses it on Jan. 16, saying "OCR has no jurisdiction over allegation."

2002 February: CSUF Athletic Director Scott Johnson (appointed in January) reorganizes the Athletics administration. He requires only one person to reapply for a job: Diane Milutinovich.

2002 Feb. 7: OCR receives a complaint against CSUF under Title IX for retaliation and sex discrimination in grievance procedures and dissemination of policy. OCR rules there's no violation and closes the case on Aug. 29, 2002.

2002 March: CSUF announces "budget problems" in the Athletics Department in the same month that President Welty speaks to the Commission on Athletics about "Achieving Gender Equity in Intercollegiate Athletics: Planning and Implementation Within the California State University."

2002 Spring: CSUF Athletics Director Scott Johnson allegedly tells new Coach Stacy Johnson-Klein, "we need to get rid of the lesbians," later legal discovery asserts. Johnson later testifies that when Johnson hired her, he said, "You'll be on our team, the 'home team,'" code for being straight.

2002 April: CSUF's Johnson fires Diane Milutinovich, the only person to lose her job due to the Athletics "budget problems." Over the next two years, the Athletics budget increases by \$250,000. The department adds 17 positions but does not rehire Milutinovich. She protests through university grievance procedures.

2002 May: CSUF hires Randy Welniak as Associate Athletics Director for External Operations; he starts sexually harassing Coach Johnson-Klein. Welniak keeps up a running commentary on her clothing, telling her that her blouse is too low-cut and her pants too tight. Athletics Director Scott Johnson makes a pass at Johnson-Klein while they are in a car wash and later invites her on a trip to his lake cabin without their spouses, she later testifies.

2002 June 20: Girls and women now are 42% of all competitive athletes at U.S. high schools and colleges.

2002 September: CSUF responds to Milutinovich's complaint in its reconsideration process by hiring her to be director of the Student Union. It reappoints her to the Gender Equity Monitoring Committee (GEM), giving her access to data and news.

2002 Sept. 30: OCR receives a complaint against CSUF for sexual harassment (combined with a complaint of racial harassment). OCR dismisses the case on Oct. 18, 2002, saying it is speculative, conclusory, or incoherent.

2002 Nov. 20: Milutinovich testifies as an individual (not representing CSUF) at HEW Secretary Rodney Paige's Commission on Opportunities in Athletics town hall meeting in San Diego: "Without laws like Title IX, nothing would change. Those who have benefits and opportunities don't willingly give them up... At my institution there are 10 women's teams, but there is more interest. We have women's club teams in water polo, bowling, and we have community colleges and high schools who participate in golf, but we have no golf team at my university..." CSUF President Welty also testifies, along with 11 other high-profile speakers and comments submitted by 38 famous athletes, celebrities, and others. The HEW Commission is part of President George W. Bush's attempts to change or limit Title IX.

2002 Nov. 12: OCR receives a complaint against CSUF under Title IX for sexual harassment and differential treatment/exclusion/denial of benefits (combined with two complaints of racial harassment). OCR dismisses the complaints on Jan. 10, 2003, saying two are not timely and two lack sufficient factual basis.

2002 November: CSUF President Welty changes the name and charge of the Gender Equity Monitoring Committee to Athletic Equity Monitoring Committee. Pool chlorine problem result in serious injuries to a female swimmer, generating a lawsuit and settlement. Milutinovich holds a press conference announcing she has filed a complaint against CSUF with the California Department of Fair Employment and Housing (a necessary prelude to a lawsuit). She also files Title IX complaints with OCR for retaliation and sex discrimination.

2002 Nov. 27: OCR receives complaints against CSUF under Title IX for retaliation and five issues in Athletics: inequities in equipment/supplies; meeting interests and abilities; coaching and tutoring; financial assistance, and locker rooms, practice and competitive facilities. OCR's administrative closure of the case on April 25, 2004 says it was addressed recently or is addressing the same issue/allegation in a compliance review, directed inquiry, or complaint.

2003: CSUF Coach Lindy Vivas asks for a long-term contract like men's coaches have. Instead, Athletics Director Scott Johnson adds performance clauses to her contract but no one else's in a "sign it or leave it" ultimatum. Reluctantly, Vivas signs. When she learns that her volleyball team will not be able to play in the new

CSUF Save Mart Center, her patience snaps. She files a complaint with OCR against CSUF for retaliation in May.

2003 Jan. 2: *USA Today* tackles Title IX controversies in its editorial, "Schools pamper football, punt on women's sports. Our view: Gender-equity law unfairly blamed for shrinking men's athletics." The editors write, "...the biggest drain on athletic budgets isn't women's sports but football, with 80- to 100-man squads (twice the size of NFL teams) and fat salaries for coaches." And, "A 2001 government study found that 72% of colleges and universities added women's programs without cutting men's sports."

2003 Jan. 8: "Poll: Most adults want Title IX law left alone," *USA Today* reports. Seven of 10 adults who are familiar with Title IX say it should be strengthened or left alone in a poll of 1,000 adults including 715 who are familiar with the law. HEW'S Commission on Opportunities in Athletics will meet Jan. 29-30 to consider recommendations on possible changes to Title IX.

2003 April: Fresno State drops men's soccer, cross country, and indoor track and women's swimming and diving due to "budget problems."

2003 April 23: OCR receives complaints against CSUF for three Athletics issues: meeting interests and abilities; equipment and supplies, and assignment and compensation of coaches/tutors. OCR closes the case on April 24, 2004 because it was "Addressed recently or is addressing the same issue/allegation in a compliance review, directed inquiry, or complaint."

2003 June: CSUF reinstates men's soccer and women's swimming and diving for 2003-2004. CSUF renews the contract of volleyball Coach Lindy Vivas for only two years, less than the 3- to 8-year contracts offered to other Tier 1 coaches.

2003 July 11: OCR's nationwide Dear Colleague letter emphasizes that it will negotiate on Title IX compliance to encourage schools not to drop sports. Any part of the three-part test for athletics can be met for Title IX compliance.

2003 July 28: An OCR Dear Colleague letter emphasizes that Title IX and OCR do not conflict with First Amendment free-speech rights and do not prohibit all offensive speech. Conduct must be sufficiently serious to deny or limit a student's ability to participate in or benefit from the educational program for it to be considered harassment.

2003 August 5: CSUF forces out Equestrian Coach Megan McGee and announces her resignation effective Aug. 15, 2003. McGee offers to stay until a coach is hired but Athletics Director Scott Johnson declines (and later replaces her with a man).

2003 August: CSUF Coach Vivas files an on-campus grievance.

2003 Sept. 27: A CSUF riding accident kills equestrian team member Shana Eriksson before Athletics Director Johnson hires a new head coach to replace McGee. The student's parents file a wrongful death lawsuit.

2003 November: The California Department of Fair Employment and Housing notifies CSUF's Diane Milutinovich that she has a right to sue.

2004: Coach Stacy Johnson-Klein tells Sharon Welty, wife of President John Welty, "I can't wait until those lesbians are gone."

2004 February: CSUF puts men's soccer and women's swimming on a 1-year hiatus.

2004 March: CSUF softball Coach Margie Wright and a female swimmer file Title IX complaints with OCR. CSUF fires women's soccer Coach Stacy Welp (and later replaces her with a man).

2004 April: OCR notifies Fresno State of three Title IX complaints (from Milutinovich for retaliation and discrimination, from a female athlete for discrimination, and from Coach Wright for discrimination, harassment, and retaliation.)

2004 May: Coach Vivas files a retaliation complaint with OCR.

2004 May 5: Responding to a Nov. 20, 2002 complaint about Georgetown University's handling of a sexual assault report, OCR reiterates that "a preponderance of the evidence" is the standard to use to assess these cases.

2004 May 25: OCR receives a complaint against Federicos Career Colleges for sex discrimination in employment. OCR refers it to the EEOC and closes the case on May 28, 2004.

2004 July 12: OCR receives a complaint against CSUF under Title IX for discrimination in Athletics in assignment and compensation of coaches and tutors. OCR closes the case on July 22, 2004 because the issue is in litigation.

2004 July 19: OCR receives three Title IX complaints against CSUF, two for discrimination in employment and one for inequities in Athletics publicity (combined with two complaints of retaliation by race/color/national origin). OCR dismisses the complaints on Dec. 15, 2004 as being "speculative, conclusory, or incoherent."

2004 August 4: An OCR review of selected colleges found some did not have a trained Title IX coordinator, did not have or disseminate a nondiscrimination policy, did not have or publish Title IX grievance procedures, or failed to publicize

how to contact the Title IX coordinator (the most common violation). OCR releases a Dear Colleague letter reminding postsecondary institutions of these decades-old responsibilities.

2004 September: CSUF's Athletics Equity Monitoring Committee decides to focus on athletic department policies and procedures instead of on reviewing Title IX compliance reports.

2004 October: Milutinovich sues CSUF for retaliation and sex discrimination.

2004 Nov. 5: Coach Johnson-Klein makes several demands of the Athletics Department: provide equity in parking, a director of operations for women's athletics, and a soda machine, and stop the sexual harassment by Associate Athletics Director Randy Welniak. When Johnson-Klein sends Athletics Director Scott Johnson an email asking for Welniak's harassment to stop, Johnson shows it to Welniak. The next day the Athletics Department starts to "investigate" Johnson-Klein.

2004 December: CSUF dumps Coach Lindy Vivas (by not renewing her contract) despite a winning season, and later replaces her with a man.

2004: The Fresno Democratic Women's Club gives Diane Milutinovich its "Eleanor Roosevelt, Following in Her Footsteps Award."

2005: The Supreme Court rules in *Jackson v. Birmingham Board of Education* that Title IX covers retaliation. (A high school removed Roderick Jackson from his post as a women's basketball coach after he complained about unequal funding, equipment, and facilities. He sued and won with help from the National Women's Law Center.)

2005 January: CSUF announces another budget crisis, leading to the layoff of five female clerical workers including Iris Levesque (men's basketball administrative assistant, who has been documenting unethical behavior by Men's Basketball Coach Ray Lopes).

2005 Jan. 31: OCR receives complaints of sex discrimination against Fresno Unified School District, two for grievance procedures and two for designation of responsible employee. OCR closes the case on Aug. 9, 2005 for insufficient evidence of non-compliance.

2005 February 9: CSUF places Women's Basketball Coach Stacy Johnson-Klein on administrative leave pending an investigation of her behavior.

2005 February 25: CSUF Athletics Director Scott Johnson gets reassigned to the President's office as a special assistant through December 2005.

2005 February 28: CSUF appoints an interim Athletics Director -- Paul Oliaro, former vice-president for Student Affairs and chair of the CSUF Athletic Corporation Board.

2005 March 2: CSUF President John Welty posts a 380-page report about Coach Stacy Johnson-Klein and fires her effective March 9. He appoints a man to be interim basketball coach for the remainder of the season.

2005 March 17: CSUF allows Men's Basketball Coach Ray Lopes to resign and continue getting paid through August 2005 even though he violated NCAA rules by making more than 400 illegal phone calls while CSUF is on NCAA probation for violations by previous Coach Jerry Tarkanian.

2005 March 17: OCR issues a controversial Additional Clarification easing interpretations of Title IX athletics compliance using the three-part test, saying emailed surveys are okay to assess interest and non-responses can be considered a lack of interest in sports. Also, instead of monitoring schools' compliance, the Office will respond to complaints. Even the NCAA criticizes the Clarification. The OCR will withdraw this Clarification in 2010.

2005 April 9: CSUF hires a new men's basketball coach, Steve Cleveland, paying him twice his former salary at Brigham Young University.

2005: CSUF Women's Equipment Manager Judy Nowell, who is retiring, files a wage and hour complaint and is awarded more than \$7,000.

2005 April 11: OCR receives a complaint of sex discrimination in employment against CSUF (combined with two complaints of retaliation based on race/color/national origin. OCR closes the case Aug. 26, 2005 because the matter is in litigation.

2005 July: CSUF hires Thomas Boeh as the new Director of Athletics.

2005 July 14: OCR receives a complaint against CSUF of sex discrimination in grading. OCR dismisses the case Aug. 17 for being speculative, conclusory or incoherent.

2005 August 30: Diane Milutinovich files another Title IX complaint against CSUF for three violations under Athletics: for general sex discrimination; inequitable financial assistance, and not meeting students' interests and abilities. OCR closes the case Oct. 31, 2005, saying the issues were addressed recently or are being addressed in a compliance review, directed inquiry, or complaint. General; Financial assistance; and Interests and abilities. Closed Oct. 31, 2005

2005 August: CSUF Women's Studies Prof. Janet Slagter distributes a list of suggestions for the Policy and Procedures for Addressing Sexual Harassment at

a meeting of the Academic Senate. The proposed policy is sent to the Personnel Committee for further rewriting.

2005 September: CSUF President Welty suspends the Gender Equity Monitoring Committee.

2005 October: Coach Stacy Johnson-Klein sues CSUF for sex discrimination.

2005 November: CSUF hires a man with no college degree and only a Broadcast Certificate to be Associate Athletic Director for Broadcast and External Relations.

2006 Jan. 25: OCR again sends out the 2001 Revised Sexual Harassment Guidance in a Dear Colleague letter as a reminder to all schools, colleges, and universities.

2006: The California State University system issues a Campus Sexual Assault policy. The U.S. Department of Education rescinds long-standing regulations prohibiting single-sex classes within coeducational schools.

2006 February: Coach Lindy Vivas sues CSUF for sex discrimination.

2006: CSUF: Former Men's Basketball Administrative Assistant Iris Levesque files a complaint with the Equal Employment Opportunity Commission against CSUF for sex discrimination in firing her.

2006 June: CSUF eliminates wrestling as a sport immediately, even though the budget has been approved with wrestling in it. CSUF blames the cut on Title IX mandates but does not try to negotiate with OCR to reach compliance without dropping sports. Wrestling Coach Dennis DeLiddo pays for an ad in *The Fresno Bee* stating, "This is not a Title IX Issue."

2006 July: CSUF fires Diane Milutinovich from her job as director of the Student Union.

2006 August: CSUF President Welty disbands the Athletic Equity Monitoring Committee.

2006 December: The courts combine Diane Milutinovich's two lawsuits over her two firings into one case.

2006 Dec. 11: OCR receives a Title IX complaint against Alliant International University for different treatment/exclusion/denial of benefits. OCR dismisses the case on Dec. 13, 2006 as not timely.

2007: Nineteen percent of cases litigated under Title IX between 1972 and 2007 (or 37 cases) focused on claims of employment discrimination, a study finds.

2007 Jan. 31: OCR distributes amended Title IX regulations that took effect Nov. 24, 2006 allowing more single-sex classes, extracurricular activities, and schools at the elementary and secondary levels. The original regulations prohibited single-sex classes in a coeducational school except for sex education and physical education. The new rules allow single-sex classes if they meet a school's "important objective."

2007 June 25: In response to national media reports about educational institutions terminating athletic scholarships for students who get pregnant, an OCR Dear Colleague letter reminds them that Title IX protects students from discrimination based on pregnancy.

2007 June 25: Trial begins for former Women's Volleyball Coach Lindy Vivas's suit against CSUF. She seeks \$4.1 million, motivated by a decade of CSUF devaluing female athletes and coaches and persistent homophobic rumors about her sexual orientation, which she declines to discuss. "Over the years, it was very wearing," she says. When Vivas asked for a copy of the Athletics Department budget to document inequities and the hostile climate, administrators refused, telling her to file a Freedom of Information Act request. Vivas also testifies that a male supervisor came up after one match and rubbed her back from her neck to lower back and across her shoulders. "I wanted to cringe," she said. "I froze because there were lots of people standing in the gym. If I did something they would think something had happened."

Supporters of Vivas pack the court oom. Diane Milutinovich appears as an expert witness. Coach Margie Wright testifies for Vivas. Exchanges sometimes get testy between attorneys. At one point, the judge threatens to bar video cameras and audio devices to stop "the show" between attorneys.

The jury awards Vivas \$5.85 million, which the judge reduces to \$4.5 million plus attorney's fees and interest (another \$660,000). CSUF appeals.

2007 June 27: OCR receives complaints against CSUF for sex discrimination in benefits and for different treatment/exclusion/denial of benefits (combined with a complaint of retaliation by race/color/national origin). OCR dismisses the complaints on July 13, 2007, saying one is not timely and the others lack sufficient factual basis.

2007 July: State Senate committee led by Senator Florez holds hearing on discrimination at Fresno State. Among those testifying: Milutinovich, Vivas, Wright, Welty, and more.

2007 August: CSUF President Welty appoints a Gender Equity Plan Task Force, to report by December 2007.

2007 Aug. 30: OCR receives a Title IX complaint against CSUF for different treatment/exclusion/denial of benefits (combined with a complaint of retaliation

based on race/color/national origin. OCR dismisses the case on Sept. 28, 2007 for “insufficient factual basis.”

2007 September: Iris Levesque, former men’s basketball administrative assistant, sues CSUF for discrimination and retaliation.

2007 October 11: Milutinovich settles her combined lawsuits against CSUF for \$3.5 million and receives Emeritus status, titled Associate Athletic Director Emerita of the Athletics Department. With her mother and two brothers looking on at a news conference, Milutinovich thanks her family, friends, and legal team. She says the long journey taught her the important of standing up for fairness and equity: “Hopefully, when you do that, you’ll leave it better for those who come after you.” Later, she recalls that the community wasn’t very supportive until she won the settlement. After that, women would stop her in the supermarket or post office to thank her for taking a stand.

2007 October-December 6: The trial of Stacy Johnson-Klein’s suit against CSUF again fills the courtroom. CSUF says it fired her for verbally abusing players and for asking a player for painkiller medication. Johnson-Klein admits to the one-time mistake of asking a student to share one of her Vicodin pills when Johnson-Klein forgot to bring her own during a period in which she was recovering from a car accident. Given how administrators treated her before her firing and the more lenient treatment of male coaches, CSUF’s actions amount to sex discrimination, she argues.

After an eight-week trial and just four hours of deliberations, a jury of 11 women and 1 man award Johnson-Klein damages of \$19.1 million, a record for discrimination cases. Observers gasp as the verdicts get read, creaking the benches as they lean to shake hands and pat each other’s backs. Not all are happy with the verdicts. Two students who testified for CSUF are in tears. “You would think people would have a heart with what we went through and what we testified,” Angelica Lopez says. Jury forewoman Yolanda Cerrillo tells the press, “Anybody could have seen that Stacy deserved justice.” A judge later reduces the award to \$6.6 million plus \$2.5 million in legal fees. CSUF appeals.

2007-2008: The Vivas, Milutinovich, and Johnson-Klein cases generate national publicity and raise awareness of the potential for significant liability for retaliating against employees who raise Title IX concerns. Raising concerns, however, proves to be career suicide – none of these women find jobs as coaches or administrators in higher education.

2007 Nov. 2: OCR receives a Title IX complaint against CSUF for different treatment/exclusion/denial of benefits (combined with a complaint of retaliation based on race/color/national origin. OCR closes the case on Nov. 29, 2007, saying the issues were addressed recently or the same issue/allegation is being addressed in a compliance review, directed inquiry, or complaint.

2007 December 5: CSUF Coach Ruben Nieves, who replaced Lindy Vivas as head volleyball coach, resigns after three years with a record of 18-71. He is replaced by a female coach.

2008: CSUF cancels wrestling and adds women's lacrosse.

2008: OCR issues a "Dear Colleague" letter further clarifying what is a sport under Title IX.

2008 January: Iris Levesque, former administrative assistant for men's basketball, sues CSUF for age discrimination and retaliation. She says Coach Ray Lopes harassed her when she started documenting NCAA violations he committed and fired her in 2005. Levesque says President Welty promised she'd be rehired to a permanent position but none of her more than 60 applications for permanent or temporary jobs produced a job at CSUF.

2008 January 9: CSUF announces it will reinstate women's swimming and add women's lacrosse for the 2008-2009 academic year to comply with Title IX.

2008 January 17: A Senate Select Committee on Gender Discrimination and Title IX Implementation led by State Senator Dean Florez holds a hearing on CSUF and the Johnson-Klein case. Among those who testify: Johnson-Klein, Milutinovich, and Welty

2008 February 8: A judge reduces Johnson-Klein's award for damages from CSUF to \$6,624,000 and reaffirms there was sufficient evidence to support the verdict on all counts. CSUF appeals.

2008 March 25: A judge awards \$2.5 million in attorneys' fees to Johnson-Klein from CSUF.

2008 May: Eighty percent of colleges have compliance problems significant enough that technically they violate Title IX, a consultant estimates. Since January 2007, sex discrimination lawsuits resulted in \$4.5 million in damages to be paid the University of California at Berkeley, UC Davis, and California State University, Sonoma. Thirteen other complaints, suits, or appeals are pending, including a federal complaint against USC now in its ninth year (filed by NOW in December 1998 on athletics). Asked why there have been so many Title IX complaints against CSUF over the years, CSUF Counsel Dawn Theodora says, "I can't explain that."

2008 June 18: Stacy Johnson-Klein and CSUF agree to a settlement of \$9.1 million.

2008 June 24: CSUF agrees to pay approximately \$605,000 to settle Coach Margie Wright's 2004 Title IX complaints. CSUF will pay Wright \$157,000, cover

her legal fees of \$45,000, and increase her retirement and other benefits.

2008 July 1: Yolanda Cerrillo, the forewoman in the Johnson-Klein case, sues her employer, West Park Elementary School District. Cerrillo, an assistant to the principal, says he fired her two days after she returned to work because he didn't like the jury's verdict.

2008 Aug. 2: Former men's basketball administrative assistant Iris Levesque settles her suit against CSUF for \$125,000 and a job.

2008 September: OCR issues an 18-page pamphlet, "Sexual Harassment: It's Not Academic," defining sexual harassment and providing guidance on responding, reporting, and preventing sexual harassment. It includes a reminder that Title IX protects gay and lesbian students.

2008 Sept. 17: OCR's Dear Colleague letter further clarifies what qualifies as a sport under Title IX.

2008: California Senate District 16 gives Diane Milutinovich its Woman of the Year Award. She becomes a busy speaker, panelist, and consultant for many educational and athletics organizations and women's advocacy groups.

2009 March: CSUF announces budget cuts including a 7% across-the-board cut to its sports operating budgets.

2009 April 6: OCR receives a complaint against Fresno Unified School District for "Issue code 998" and dismisses it April 21, 2009, saying it has no jurisdiction.

2009 May: NCAA certifies Fresno State for 10 yrs. DM

2009 August: CSUF enter into a Voluntary Resolution Agreement with the Office for Civil Rights to take 45 specific remedial action steps that eventually could resolve multiple long-standing Title IX athletics complaints. CSUF also must provide monitoring reports and data demonstrating compliance with the Agreement.

2009 November: CSUF and Women's Track Coach Ramona Pagel (the "Throw" coach) settle Pagel's lawsuit claiming that CSUF denied her promotion to head coach and wouldn't renew her contract because she advocated for equal treatment for female athletes. CSUF will pay \$300,000. "Track is still a problem to this day," Diane Milutinovich says in 2018.

2009 Dec. 4: OCR receives a Title IX complaint against Fresno Pacific University for discrimination based on marital or parental status. The OCR determines that the university is not in compliance with Title IX. The parties reach an agreement on May 28, 2010.

2010 January: CSUF Athletic Director Thomas Boeh minimizes the role of Title IX in all the recent lawsuits against his department in a presentation to coaches, saying the “lawsuits were just personnel issues.”

2010 Jan. 15: OCR receives complaints against Fresno Unified School District for sexual violence and sexual harassment (physical harassment or intimidation). OCR closes the case on Feb. 16, 2010 because “Consent not received.”

2010 February: CSUF President says wrestling will be reinstated only if boosters raise \$4 million to fund both wrestling and the addition of women’s water polo.

2010 Feb. 23: OCR receives a Title IX complaint against Fresno Unified School District for gender harassment (not of a sexual nature) and dismisses it on March 25, 2010 because the allegation is being investigated elsewhere (through federal, state, or internal procedures).

2010 Feb. 25: OCR receives a Title X complaint against State Center Community College District System for gender harassment (not of a sexual nature) combined with a complaint of racial harassment. OCR refers these to the EEOC and closes the case on Feb. 26, 2010.

2010 April 20: The Office for Civil Rights withdraws the Additional Clarification of 2005 and issues an Intercollegiate Athletics Policy Clarification: The Three-Part Test -- Part Three. It rejects non-responses to surveys as representative of lack of interest, provides other guidance on conducting surveys, and says schools must “periodically” assess student interest in athletic programs.

2010 July: Most coaches receive no formal Title IX training; they rely largely on the media for their knowledge of the law and as a result are steeped in misperceptions or uncertainty, academic research finds. Coaches see Title IX as the responsibility of administrators. “Back in the 1970s, female athletes were learning about Title IX from their coaches. That link has disappeared,” one blogger writes.

2010 September: Diane Milutinovich writes to a CSUF executive to protest a proposal to name the planned Aquatics Center after former Swimming Coach Ara Hairabedian, who has a long record of animosity toward Title IX and gender equity. “We never seem to mention who gets trampled on to achieve this so-called equity,” he wrote in “The NCAA News” for Title IX’s 25th anniversary in 1997. “Whose civil rights are being violated now?” CSUF does build the Aquatics Center but doesn’t name it after anyone.

2010 Sept. 9: OCR receives complaints against CSUF for sex discrimination in grievance procedures and for different treatment/exclusion/denial of benefits. The parties reach a resolution agreement March 2, 2011 before the conclusion of

OCR's investigation. OCR closes the case Aug. 24, 2011.

2010 Oct. 6: OCR sends a Dear Colleague letter about bullying, stressing schools' obligation to protect students from student-on-student harassment.

2011 April 4: OCR issues a national "Dear Colleague" letter and additional guidance with specific suggestions for dealing with complaints of sexual assault or harassment under Title IX. It includes emphasis on using "preponderance of evidence" standard of proof long used by civil law instead of a tougher "clear and convincing evidence standard or the criminal-law standard of "beyond a reasonable doubt." Subsequently, complaints about sexual assault on campuses spike as women now can point to ways that their educational institutions are not complying with federal guidelines. Male backlash to the women's activism begins to build.

2011 June 8: OCR receives a Title IX complaint against Pacific Union Elementary for different treatment/exclusion/denial of benefits (combined with four complaints related to disability). OCR rules says there is insufficient details or evidence for the Title IX complaint and one of the disability complaints; the parties reach a resolution agreement on the other three complaints before the OCR investigation concludes. OCR closes the case on May 19, 2016.

2011 Aug. 22: OCR receives a Title IX complaint against Fresno Unified School District for not meeting athletic interests and abilities equitably. OCR dismisses it on Oct. 11, 2011 for lacking sufficient detail to infer discrimination.

2011 Sept. 30: OCR receives a complaint against Fresno Unified School District for sexual harassment and determines the district is not in compliance with Title IX. FUSD and OCR reach a resolution agreement. OCR closes the case Aug. 27, 2013.

2012: The California State University system issues a revised Campus Sexual Assault policy.

2012 Dec. 5: OCR receives complaints against CSUF for sex discrimination in grading and different treatment/exclusion/denial of benefits (combined with two complaints based on race/color/national origin and one based on disability. OCR dismisses the case Jan. 15, 2013 as "not timely."

2013 March 26: OCR receives complaints against Fresno City College for sex discrimination in meeting athletic interests and abilities. OCR dismisses the case May 20, 2013 as lacking sufficient detail to infer discrimination.

2013 March 26: OCR receives complaints against Fresno Pacific University for sex discrimination in meeting athletic interests and abilities. OCR dismisses the case May 20, 2013 as lacking sufficient detail to infer discrimination.

2013 April 24: OCR issues its first public guidance on the issue of retaliation, the principles of retaliation law, and OCR's methods of enforcement, saying "...a significant portion of the complaints filed with OCR in recent years have included retaliation claims."

2013 May: Joseph Castro replaces John Welty as president of CSUF.

2013 Spring: Seven Women's Studies students in an Activism class create reports on Title IX problems at CSUF around LGBTQQI issues, pregnant and parenting students, and more. They sign it "The Feminist Coalition" and present it to the CSUF president. Two students create an information sheet that class members distribute around campus. University administrators ask the Women's Studies director to meet with two vice-presidents, the dean of student affairs, and the Title IX coordinator, who want to know what's brewing. She tells them it's a class project. "Oh," says one vice-president, "I thought something big was happening." Nationally, women's advocates are connecting and the anti-violence movement is surging, generating increasing media coverage and formation of groups like Know Your IX and End Rape on Campus.

2013 June 25: OCR issues a national Dear Colleague letter and a 26-page pamphlet reminding schools that Title IX prohibits discrimination based on pregnancy or parenting status.

2013 Aug. 28: OCR receives Title IX complaints against the University of Phoenix for retaliation and sexual harassment (insults, slurs derogatory expressions, verbal intimidation). OCR closes the case on Sept. 10, 2013 because the retaliation complaint is withdrawn and the harassment is being investigated by other federal, state, or internal procedures.

2013 Nov. 21: OCR receives complaints against Central Unified School District for sexual harassment (insults, slurs derogatory expressions, verbal intimidation) and closes the case on July 10, 2014 for insufficient evidence of non-compliance.

2013 Dec. 17: OCR receives a complaint against Fresno Unified School District for sexual harassment (physical harassment or intimidation) and closes the case Jan. 15, 2014 because it is being investigated by other federal, state, or internal procedures.

2014: Of the 707 CSUF faculty with a professor rank, 317 are women (45%).

2014: The California State University system issues a revised Campus Sexual Assault policy.

2014 January: The White House announces a Task Force to Protect Students from Sexual Assault.

2014 Jan. 13: OCR receives separate complaints against Fresno City College and against Fresno Pacific University for sex discrimination in meeting the athletic interests and abilities of students. OCR dismisses both on March 11, 2014, saying they lack sufficient detail to infer discrimination.

2014 February: CSUF: Diane Milutinovich meets with CSUF President Castro to discuss Title IX issues there.

2014 April 29: OCR issues additional guidance and resources for preventing and responding to sexual violence, part of which clarifies that the guidance applies to all students including lesbian, gay, transgender, and undocumented students. The White House issues "Not Alone," the first report of the Task Force to Protect Students from Sexual Assault.

2014 May: OCR for the first time names 55 colleges and universities being investigated for mishandling sexual assaults, generating lots of media coverage.

2014 June 30: OCR receives complaints against CSUF for sex discrimination in grievance procedures and retaliation (combined with two complaints of discrimination based on race/color/national origin and one based on disability). OCR dismisses the Title IX complaint and two others as not timely and dismisses the remaining complaint for failing to state a violation.

2014 August 15: CSUF Athletic Director Thomas Boeh, who got to keep his job during nine years of multimillion-dollar verdicts and numerous complaints about Title IX violations, gets reassigned to be a special assistant to CSUF President Castro for the remaining four years of Boeh's contract.

2014 Sept. 19: President Obama launches the "It's On Us" campaign encouraging men to step up and stop sexual violence on campuses.

2014 Sept. 24: The CSU system announces that it will hire a systemwide Title IX compliance officer (which has been required but ignored for decades) and declares that all 23 campuses must have sexual assault victim advocates by June 2015. A CSUF administrator whose job encompasses human relations, Title IX compliance, and meeting the Americans with Disabilities Act says CSUF does not have a full-time, stand-alone Title IX coordinator, "nor do we believe such a singularly-focused role is required for the campus." CSUF may convene a Title IX team to review incidents and identify ongoing issues.

2014-15: On a new Facebook page, "Fresno State Needs Feminism," CSUF students and anonymous posters describe sexist incidents on campus.

2014 Nov. 4: Bernice Sandler, the "godmother" of Title IX, meets with Women's Studies students at CSUF and gives a public speech in the library.

2014 November 5: Diane Milutinovich is inducted into Fresno Athletic Hall of Fame.

2014 Nov. 14: Police arrest a CSUF student for having sex with a sheep.

2014 Dec. 10: *The Fresno Bee* publishes an opinion column stating, "...the stigma of having been raped is hardly as deleterious to one's reputation as the stigma of being accused of being a rapist."

2015 January: A new California law replaces "no means no" with an affirmative-assent standard (only yes means yes) regulating sexual relations between students, a standard adopted by more than 800 colleges and universities.

2015: OCR is investigating more than 100 colleges and universities and 32 school districts for sexual assaults.

2015 Feb. 1: The CSUF men's basketball team's humiliating 80-57 defeat by Colorado State and losing record (10-12) gets front-page coverage in *The Fresno Bee* sports section, which buries coverage of the women's basketball game on page eight despite a 53-49 win over Colorado State and an overall winning record (17-3 and 9-0 in conference).

2015 Feb. 16: Only 7 of 22 school districts in Fresno, Madera, and Tulare counties (with some of the highest teen pregnancy rates in California) have support programs for pregnant or parenting teenagers, according to a new report by the ACLU, "Breaking Down Educational Barriers for California's Pregnant & Parenting Students." These students get shunted to continuation high schools or independent study. Schools and students don't know their rights under Title IX and state law. National data show a 30% graduation rate among teens who have children. "Having a baby isn't an academic problem any more than having a disability is, and it shouldn't be treated like one," the ACLU says.

2015 Feb. 17: OCR receives separate complaints against Fresno City College and Fresno Pacific University for sex discrimination in meeting athletic interests and abilities. OCR dismisses both on April 3, 2015, saying the lack sufficient detail to infer discrimination.

2015 March: A national report card on gender and racial equality in intercollegiate sports assigns grades of C- for gender hiring practices and C+ for racial hiring practices, both lower grades than in the 2013 report card by the Institute for Diversity and Ethics in Sports. The Title IX Blog notes there is a "dire" need of female coaches of color in leadership positions.

2015 April 11: Seven years after CSUF eliminated wrestling and added women's lacrosse, people still erroneously blame the lacrosse team for the loss of

wrestling, a *Fresno Bee* columnist notes. High school wrestling coaches have confronted CSUF lacrosse players on airplanes with shouts of, “You took wrestling away!” People have left hostile messages on the lacrosse players’ social media accounts, cursing them and saying there shouldn’t even be a lacrosse program.

2015 April: CUSF’s online survey of more than 2,500 of its sports fans finds 88% of the 1,830 respondents have no inclination to support women’s teams, 85% say their loyalty to CSUF athletics is high or extremely high, 62% have been fans for more than 20 years, and 44% are Bulldog Foundation donors.

2015 April 24: OCR issues a national Dear Colleague letter reminding all educational institutions receiving federal funds that they must designate at least one employee to be the Title IX coordinator -- preferably full time -- and that it may be a good idea for larger institutions to have more than one. It also sends a resource guide to Title IX coordinators.

2015 June 2: Fresno Pacific University requests exemption from Title IX, saying the religious tenets of the U.S. Mennonite Brethren churches cannot accept people or activities that “are nonconforming with gender stereotypes.” The Department of Education grants the university exemption from more than 15 Title IX provisions covering admissions, housing, athletics, employment, and more. The university serves 3,500 students and employs around 700 people on campuses in north Fresno, Bakersfield, Visalia, and Merced. A Facebook page, “Fresno Pacific Pride,” says it’s for Christian LGBT students and allies “who have formed a private underground community” to decrease isolation, pain, and fear of LGBT people.

2015 June 23: The CSU system issues a revised executive order for its Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy.

2015 July 5: The U.S. women’s national soccer team beats Japan, 5-2, to win the World Cup in the most-watched soccer telecast in American history.

2015 Nov. 2: OCR receives two complaints against Fresno Unified School District for sexual harassment (combined with a complaint of harassment based on disability and four complaints based on race/color/national origin). OCR closes the case on Aug. 29, 2016, saying the complaints lacked sufficient detail or sufficient evidence on non-compliance with civil rights laws.

2015 Nov. 20: CSUF hosts Transgender Day of Remembrance events with tabling, screening of a documentary, and a march with chanting and speakers. The LGBT + Allies Network has been active on campus since the early 1990s.

2015 December: Title IX exemptions granted so far by OCR to 27 religious

educational institutions (including Fresno Pacific University) mainly cite religious objections to LGBT students (especially transgender people) and to students who are unmarried and pregnant. The 27 institutions receive \$130 million/year in federal funds.

2016: The CSU system issues a revised Campus Sexual Assault policy.

2016: CSUF installs more gender-neutral bathrooms and begins helping some students change their names on student ID cards to fit their gender identity.

2016: Clovis Unified School District is embroiled in controversy around policies that some view as anti-transgender people. The school board refuses to adopt a gender-neutral dress code, so students protest by swapping clothes to defy gender norms.

2016 February 9: While Diane Milutinovich is away on travel and without consulting her, CSUF President Castro enlists the help of U.S. Rep. Jim Costa (D-Fresno) to get OCR to close its monitoring of the 2009 Voluntary Resolution Agreement. Castro says CSUF met the 45 conditions of the agreement by 2014. Milutinovich later meets with Castro, Costa, and CSUF Athletics Director Jim Bartko to protest how this was handled. "Fresno State never improves on Title IX and gender equity issues unless they get pushed," she tells *The Fresno Bee*. "I will say the attitude of the new administration towards Title IX has improved. The public attitude is better. But a lot of the functioning is not better." OCR closes the case on March 10, 2016.

2016 Feb. 12: OCR receives a complaint against CSUF for sex discrimination in employment (combined with two complaints of age discrimination). OCR closes the case on March 10, 2015, saying it's being investigated through other federal, state, or internal procedures).

2016 Feb. 17: OCR receives a complaint against CSUF for sex discrimination in employment (combined with two complaints of age discrimination). OCR closes the case on March 10, 2015, saying it's being investigated through other federal, state, or internal procedures).

2016 Feb. 19: OCR receives a complaint against CSUF for sex discrimination in employment (combined with two complaints of age discrimination). OCR closes the case on March 10, 2015, saying it's being investigated through other federal, state, or internal procedures).

2016 March: CSUF announces the reinstatement of wrestling and addition of women's water polo.

2016 March: CSUF renames its baseball stadium after former Coach Bob Bennett, a "brutal anti-Title IX" critic in the eyes of some women's athletics fans.

Bennett's baseball players called the softball team "dykes on spikes" and he threatened to sue CSUF in 1999 for trying to comply with Title IX by cutting back on men's sports.

2016 March 5: CSUF's \$36 million athletic budget is the eighth largest in the Mountain West Conference but CSUF is third in the number of sports to be offered (21) in 2017-18, behind only Air Force (with the largest budget, offering 25 sports) and New Mexico (third-largest budget, offering 22 sports). Five other universities in the Conference have larger budgets than CSUF but offer fewer sports (CSU San Diego, Boise State, Las Vegas, Hawaii, and Colorado State). A *Fresno Bee* column on this topic discusses the costs of restarting men's wrestling and adding women's water polo but refers to football only as a potential revenue source without discussing its costs.

2016 May 13: The Department of Education's OCR and the Department of Justice issue a joint Dear Colleague letter clarifying that gender identity is protected under Title IX; both agencies will treat a student's gender identity as the student's sex under Title IX.

2016 June 15: OCR issues a Dear Colleague letter emphasizing that all students must have equal access to the full range of career and technical programs.

2016 June 7: Changes in federal disclosure rules make this the first year that people can see the volume of rape reports on each college campus instead of the broader category of "forcible sex offenses." A Washington Post analysis of reports by more than 1,300 schools with at least 1,000 students found CSUF reported 1 rape, and nearly 100 schools had at least 10 reports of rape. More reports may indicate a better environment for reporting, the article notes.

2016 Aug. 5: OCR receives a Title IX complaint against Fresno Unified School District for discrimination in meeting athletics interests & abilities. OCR dismisses the case Oct. 5, 2016, saying it lacks sufficient detail to infer discrimination.

2016 Aug. 5: OCR receives a Title IX complaint against Central Unified School District for discrimination in meeting athletics interests & abilities. OCR dismisses the case Oct. 5, 2016, saying it lacks sufficient detail to infer discrimination.

2016 Aug. 5: OCR receives a Title IX complaint against Carter G. Woodson Public Charter School for discrimination in meeting athletics interests & abilities. OCR dismisses the case Oct. 5, 2016, saying it lacks sufficient detail.

2016 Aug. 19: OCR receives a Title IX complaint against California Health Sciences University for different treatment/exclusion/denial of benefits (combined with similar complaints based on disability and race/color/national origin). OCR dismisses the case on Sept. 28, 2016, for lacking sufficient detail.

2016 Aug. 30: The national LGBT group Campus Pride includes Fresno Pacific

University on its “shame list” of places dangerous for LGBT students.

2016 August: Mandatory reporting for the 2015-16 school year shows there were 79 reports of sexual assault/harassment at CSUF, with 67% of complaints filed by students who were involved; most of the rest were filed by third parties.

2016 September: Girls are 49.4% of students and 44.6% of athletes at 18 elementary, middle, and high schools in Fresno Central Unified School District.

2016 September: 2016: A U.S. Department of Education study is able to identify Title IX coordinators in only 16,000 school districts and 7,000 colleges and universities (23,000 total). There should be more than 100,000, given that there are 95,000 K-12 public schools alone, plus State Education Agencies, Local Education Agencies, postsecondary institutions, and other educational entities (like libraries, museums, and health and justice facilities). “Most of all, the dramatic reduction of resources and support for Title IX implementation that took place over the past two decades has almost eliminated our capacity to achieve full gender equity in schools,” the Feminist Majority Foundation says in a report, “Reinvigorating the Role of Title IX Coordinator: A Requirement and Resource.”

2016 Oct. 5: The CSU system issues a revised executive order on sexual harassment/violence policy and complaint procedures, saying a “preponderance of evidence” is the standard for evaluating complaints. (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students; and Systemwide Procedure for Addressing Such Complaints by Students.)

2016 Oct. 18: OCR receives a Title IX complaint against Fresno Unified School District for a “service issue not related to education” (combined with a complaint based on disability). OCR dismisses the case Nov. 28, 2016 for lacking sufficient detail to infer discrimination.

2016 Oct. 21: A CSUF transgender student of Aztec/Nahuatl heritage says CSUF’s Cross Cultural and Gender Center has worked with him for two years to give transgender students access to bathrooms of their choice and to create more gender-neutral stalls across campus in the past year. He becomes one of the first CSUF students to change his name on a student ID card. President Castro’s annual address this year focuses on LGBT issues. He says, “The call on our LGBTQ community for the freedom to designate individual students’ name preference was heard, and we put that into action,” the *Fresno Bee* reports.

2017: Women comprise 59% of CSUF students and 52% of faculty; 20% of students and 58% of faculty are white.

2017 January: CSUF Athletic Director Jim Bartko, two years into his job, reveals he was sexually molested as a boy in the early 1970s by his Catholic priest and

basketball coach.

2017 Jan. 21: Women's marches to protest Donald Trump's inauguration as president draw around 2,000 to a sidewalk march in Fresno, approximately 200 along a highway to Yosemite in Oakhurst, and others to a quiet park in Visalia, some of the more than 600 marches in the world on this day.

2017 Feb. 22: OCR withdraws its Jan. 7, 2015 letter and its May 13, 2016 Dear Colleague letter and no longer requires that schools give transgender people access to sex-segregated facilities (like bathrooms or locker rooms) consistent with their gender identity.

2017 April 17: OCR receives a Title IX complaint against CSUF for discrimination in meeting athletic interests and abilities. OCR dismisses it March 25, 2017, saying it lacks sufficient detail to infer discrimination.

2017 April 17: OCR c receives a Title IX complaint against Fresno Pacific University for discrimination in meeting athletic interests and abilities. OCR dismisses it March 25, 2017, saying it lacks sufficient detail to infer discrimination.

April 17, 2017: OCR receives a Title IX complaint against Fresno City College for discrimination in meeting athletic interests and abilities. OCR dismisses it March 25, 2017, saying it lacks sufficient detail to infer discrimination.

2017 July 7: The *Fresno Bee* profiles an 18-year-old Fresno City College student and mother of a 3-year-old who was impregnated at age 14 by a 15-year-old. A school counselor advised her to transfer to an alternative school when her pregnancy started to show. "At 14, she was told to hide her baby bump and switch schools. Her shaming wasn't unique," the *Bee* reports. After graduating from there at age 17, she now struggles financially as a single parent. Fresno has the sixth highest teen birth rate in the state.

2017 August: Mandatory reporting for the 2016-17 school year shows there were 131 complaints of sexual assault/harassment at CSUF, 94% filed by students.

2017 Sept. 22: OCR rescinds the 2011 and 2014 guidance for handling sexual assaults and for transgender rights, replacing them with interim guidelines permitting schools to use mediation, direct cross-examination, and a stringent clear-and-convincing standard of proof in campus disciplinary proceedings. OCR also removes timelines for investigations and gives schools the option to deny sexual assault survivors (but not the accused) the right to appeal.

Oct. 11, 2017: OCR receives a complaint against Fresno City College for sex discrimination based on pregnancy, childbirth, or termination of pregnancy. The parties reach a resolution agreement on April 10, 2018 before OCR concludes its

investigation.

2017 Oct. 18: The 2017 Annual Security Report by CSUF police says no rapes were reported “last year” but “one rape was reported in 2015 and in 2014. Three fondling cases were reported last year on campus and once at a campus residence,” they report.

2017 Oct. 24: CSUF has only one interim Title IX coordinator. At the annual Take Back the Night event, the Women’s Alliance president asks attendees to take photos and tweet them to President Castro to raise awareness of understaffing for Title IX on campus.

2017 Nov. 6: CSUF Athletic Director Jim Bartko resigns. CSUF has 21 varsity sports, the third most in the Mountain West Conference, on a \$37.8 million budget that ranks in the lower half of the conference, at a time of flat ticket sales for football and declining interest from an aging fan base. The 2016-17 budget shows \$12.6 million in university support “propping up the athletic department.”

2018 Jan. 24: Three female coaches at Fresno City College and Reedley College sue the State Center Community College District, saying its unfair system pays male coaches more than women (by giving men more “duty days”) and violates Title IX (by giving better employment conditions and resources to men).

2018 Jan. 26: California State pays more than \$25 million in the last three fiscal years to settle sexual harassment claims against state agencies and public universities, \$3.9 million of which is covered by university insurance plans and \$21.3 million paid by taxpayers, a *Fresno Bee* investigation finds. The *Bee* finds 92 sexual harassment settlements between July 1, 2014 and June 30, 2017 involving 24 agencies and 10 university campuses. The CSU system settles five sexual harassment cases during that period involving four campuses for a total of \$440,500. The University of California system refuses to provide settlement data but media accounts identify four settlements in 2016-17 and payouts exceeding \$3.4 million in the last three fiscal years. The Department of Corrections and Rehabilitation pays the most settlements (36) totaling more than \$15.1 million.

Two employment lawyers describe the UC system and the Corrections system as two powerful state institutions that tend to fight, often behaving as though taxpayer resources are limitless, dragging out cases for years and driving up legal costs. “They litigate like they are billionaires. They literally don’t care at all about how much money is going into their litigation,” says Lawrance Bohm.

2018 Spring: OCR says it no longer will review mass filings of complaints (like those filed historically by Title IX “godmother” Bernice Sandler, or the National Women’s Law Center, or Herb Dempsey, an Oregon man who has submitted thousands of complaints since 2000 about athletics inequities nationwide).

2018 April 9: A federal appeals court rules employers can’t consider previous

salary in deciding pay (which creates gendered pay gaps), the result of a lawsuit by Aileen Rizo, an employee of the Fresno County Office of Education. FCOE says it will seek review by the U.S. Supreme Court.

May 9, 2018: OCR receives a Title IX complaint against Fresno City College for discrimination in meeting athletic interests and abilities. COR dismisses it on June 7, 2018, saying it lacks sufficient detail to infer discrimination.

2018 May 9: OCR receives a Title IX complaint against Fresno Pacific University for discrimination in meeting athletic interests and abilities. OCR dismisses it on June 7, 2018, saying it lacks sufficient detail to infer discrimination.

Abbreviations:

CSU	California State University system
CSUF	California State University, Fresno
FUSD	Fresno Unified School District
HEW	U.S. Department of Health, Education and Welfare (Education became a separate department in 1980)
LGBTQQI	Lesbian, gay, bisexual, transgender, queer, questioning, or intersex
NCAA	National Collegiate Athletic Association
NOW	National Organization for Women
NOW LDEF	NOW Legal Defense and Education Fund
OCR	U.S. Department of Education's Office for Civil Rights

Sources:

- Office for Civil Rights (OCR) records on Fresno from April 1988 to June 7, 2018 through FOIA request. Also, online OCR documents and records.
- California State University, Fresno (CSUF) special collections archives to April 25, 2018
- *The Fresno Bee* archives and selected articles from *The San Francisco Chronicle*, *The Los Angeles Times*, *The Washington Post*, *USA Today*, and other newspapers
- *The Collegian* newspaper archives
- Interviews with current and former CUSF staff, students, and faculty plus Fresno community advocates
- Interviews with dozens of other subjects connected with the broader history of Title IX
- Archives of multiple subjects and organizations at the Schlesinger Library on the History of Women in America, Radcliffe Institute, Cambridge, Mass.
- Books including: *Getting in the Game: Title IX and the Women's Sports Revolution* (Deborah L. Brake, New York University Press 2010); *Equal Play: Title IX and Social Change* (Nancy Hogshead-Makar and Andrew Zimbalist, editors, Temple University Press 2007); *The Women's Movement Against Sexual Harassment* (Carrie N. Baker, Cambridge University Press 2008); *A Place on the Team: The Triumph and Tragedy of Title IX* (Welch Suggs, Princeton University Press 2005); *Title IX* (Linda Jean Carpenter and R. Vivian Acosta, Human Kinetics 2005); *Let Me Play: The Story of Title IX* (Karen Blumenthal, Atheneum Books for Young Readers 2005), and more.