

Gender Discrimination in Education: Athletics

Title IX & Athletics

SOURCES

1. <http://www.ncaa.org/about/resources/inclusion/title-ix-frequently-asked-questions>

ADDITIONAL RESOURCES

- 1.

1

HOW IS TITLE IX APPLIED TO ATHLETICS?

- A. Athletics programs are considered educational programs and activities. There are three basic parts of Title IX as it applies to athletics:
1. **Participation:** Title IX requires that women and men be provided equitable opportunities to participate in sports.
 2. **Scholarships:** Title IX requires that female and male student-athletes receive athletics scholarship dollars proportional to their participation; and
 3. **Other benefits:** Title IX requires the equal treatment of female and male student-athletes in the provisions of:
 - (a) equipment and supplies;
 - (b) scheduling of games and practice times;
 - (c) travel and daily allowance/per diem;
 - (d) access to tutoring;
 - (e) coaching,
 - (f) locker rooms, practice and competitive facilities;
 - (g) medical and training facilities and services;
 - (h) housing and dining facilities and services;
 - (i) publicity and promotions;
 - (j) support services and
 - (k) recruitment of student-athletes.

2

DOES TITLE IX REQUIRE IDENTICAL ATHLETICS PROGRAMS FOR MEN AND WOMEN?

- A. **No.** Instead, Title IX requires that the athletics programs meet the interests and abilities of each gender. Title IX requires that the men and women's program receive the same level of service, facilities, supplies, not that such programs are identical. Variations within the men and women's program are allowed, as long as the variations are justified.

3

HOW DOES AN INSTITUTION COMPLY WITH TITLE IX?

4

DOES TITLE IX ONLY BENEFIT WOMEN AND GIRLS?

- A. An institution must meet all of the following requirements in order to be in compliance with Title IX:
1. For participation requirements, institutions officials must meet one of the following three tests. An institution may:
 1. Provide participation opportunities for women and men that are substantially proportionate to their respective rates of enrollment of full-time undergraduate students;
 2. Demonstrate a history and continuing practice of program expansion for the underrepresented sex;
 3. Fully and effectively accommodate the interests and abilities of the underrepresented sex; and,
 2. Female and male student-athletes must receive athletics scholarship dollars proportional to their participation; and,
 3. Equal treatment of female and male student-athletes in the eleven provisions as mentioned above.
- A. **No.** One of the purposes is to create the same opportunity and quality of treatment for both female and male student-athletes. Title IX benefits everyone -- girls and boys, women and men. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone on the basis of gender.
-

5

WHO IS RESPONSIBLE FOR ENFORCING TITLE IX?

- A. The Office for Civil Rights (OCR) of the U.S. Department of Education enforces Title IX. OCR has the authority to develop policy on the regulations it enforces. Anyone may file an OCR complaint, and the identity of the party who files the complaint will be kept confidential.

6

HOW IS TITLE IX COMPLIANCE ASSESSED?

- A. Title IX compliance is assessed through a total program comparison. In other words, the entire men's program is compared to the entire women's program, not just one men's team to the women's team in the same sport. Title IX does not require the creation of mirror image programs. Men and women can participate in different sports according to their respective interests and abilities.

7

DOES TITLE IX REQUIRE THAT EQUAL DOLLARS BE SPENT ON MEN AND WOMEN'S SPORTS?

- A. **No.** The only provision that requires that the same dollars be spent proportional to participation is scholarships. Otherwise, male and female student-athletes must receive equitable "treatment" and "benefits."

8

IS ANY SPORT EXCLUDED FROM TITLE IX?

- A. **No.** Individual participation opportunities (number of student-athletes participating rather than number of sports) in all men's and women's sports are counted in determining whether an institution meets Title IX participation standards.

— — —

9

WHY DOES TITLE IX NOT REQUIRE THE SAME AMOUNT BE SPENT ON MEN AND WOMEN'S SPORTS?

- A. The Javits Amendment stated that legitimate and justifiable discrepancies for non-gender related differences in sports could be taken into account (i.e., the differing costs of equipment or event management expenditures). Title IX does allow for a discrepancy in the cost of the equipment as long as both receive the same quality of equipment.

10

HOW DO I KNOW IF MY INSTITUTION IS IN COMPLIANCE WITH TITLE IX?

- A. **Just Ask.** It has become easier for anyone to find out if an institution is in compliance with Title IX. In 1994, the U.S. Congress passed the Equity in Athletics Disclosure Act, which requires all colleges and universities to report each year on athletics participation numbers, scholarships, program budgets and expenditures, and coaching salaries by gender. Information may be obtained by contacting your institution's athletics department and requesting this information.

Cases and Resources

THE CIVIL RIGHTS RESTORATION ACT OF 1987,
102. STAT. 28 (1988)

JACKSON V, BIRMINGHAM BOARD OF
EDUCATION, 544 U.S. 167 (2005).

ZIMMERMAN V. UNIVERSITY OF
CALIFORNIA-BERKELEY

Overtured *Grove City College v. Bell* and held that once any part of an institution receives federal funds, the entire institution is covered by Title IX. The Act, which became law after Congress overrode a veto by President Ronald Reagan, restored Title IX's coverage to athletics programs.

Roderick Jackson, a teacher and high school basketball coach, filed a suit after being fired from his coaching position when he complained that his girls' basketball team was receiving inferior treatment. The U.S. Supreme Court ruled that retaliation is prohibited under Title IX and that an 'indirect victim of sex discrimination could bring a Title IX case against a school that retaliates against him because he complained of sex discrimination.'

Katherine Zimmerman, a self-employed single parent with 10 years experience in the computer industry, was running her own computer consulting business from home while raising two daughters.

Cases and Resources

NATIONAL WRESTLING COACHES
ASSOCIATION V. UNITED STATES
DEPARTMENT OF EDUCATION

LAVALLI V. TEXAS STATE UNIVERSITY, SAN
MARCOS

COHEN V. BROWN UNIVERSITY

The United States Court of Appeals for the D. C. Circuit affirms dismissal of a case brought by wrestling coaches and others asking that Title IX's athletics policies be declared illegal on the grounds that they discriminate against men.

Kari Lavalli was an Assistant Professor of Biology at Texas State University-San Marcos on a tenure track, with a good record of teaching, scholarship and service.

In November 1996, women at Brown University won a ruling in federal court that the University discriminated against women when it demoted its women's gymnastics and volleyball teams from university-funded to donor-funded varsity status and then argued that it was in compliance with Title IX.

Cases and Resources

PEDERSON V. LOUISIANA STATE UNIVERSITY

ALEXANDRIA, VIRGINIA HIGH SCHOOL

DAVIS, AURELIA V. MONROE COUNTY BOARD OF EDUCATION

SHARIF V. NEW YORK STATE EDUCATION DEPARTMENT

In 2000, female students at Louisiana State University sued their school for refusing to offer them athletic participation opportunities equal to those it offers its male students.

At an Alexandria, Virginia high school, the boys' baseball team plays on a field that the city itself calls the "Field of Dreams."

In December 1992, a fifth-grader named LaShonda was the victim of prolonged sexual harassment from a boy who sat next to her in class at Hubbard Elementary School in Monroe County, Georgia.

In 1989, a federal court ruled in Sharif v. New York State Education Department that the state of New York could no longer rely only on SAT scores to determine who would receive state college scholarships.
