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CSA 543: Legal and Ethical Issues in College Student Affairs

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Athletics and Title IX. Evaluate the status of Title IX in American higher education. Review the history of Title IX compliance, discuss the central issues, and analyze the latest trends. What have been the benefits of Title IX and what are some of the latest examples of lingering resistance or problems with Title IX?

History of Title IX

Title IX was passed in 1972 as part of the Educational Amendments; this amendment forbids both academic and athletic sex discrimination in schools receiving any federal aid. Title IX states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” (US Department of Labor-

<http://www.dol.gov/oasam/regs/statutes/titleix.htm>).

All institutions (ranging from elementary schools to colleges and universities) that receive federal funding of any kind are required to abide by Title IX. This includes private institutions if they accept any financial aid from the Federal government (Women’s Issues-<http://womensissues.about.com/library/blwyntktitleix.htm>).

In order to assure that this happens in the athletic realm, various measures of evaluating equality have been developed. These factors include the following (Sheridan,2004; About Title IX-<http://bailiwick.lib.uiowa.edu/ge/aboutRE.html>):

- Making sure equipment and supplies are maintained and available to both sexes
- Equal scheduling of games and practice times
- Equal travel and allowances
- Ability to receive academic tutoring if needed
- Ability to receive coaching and compensation
- Locker rooms, practice and competition facilities are provided for all

- Use of medical and training facilities
- Provision of housing and dining services
- Publicity
- Equal recruitment opportunities
- Ensuring that sport selection meets the needs of both sexes and their abilities

There are also three tests that show a university or college is in compliance with Title IX standards. A university must be able to prove that at least one of these tests is true of their institution. The first test is “substantial proportionality”, which focuses on numbers. For this test to prove true of an institution, the ratio of enrollment of males/females in student body needs to equal the ratio of males/females in sports. The second test is that of “history and continuing practice of program expansion for the underrepresented sex”. For this test to be accurate in an institution, the university/college must show that it has added sports programs over the past years and that it is continuing to do so in order to allow for more equal opportunities for the underrepresented sex. The third test is that of “full and effective accommodation of the interests and abilities of the underrepresented sex”. For this to be true, it needs to be shown that every program needed to meet the interests and abilities of the underrepresented sex is currently in place at the institution. (all from Sheridan, 2004)

Central Issues and Latest Trends

The central issues of Title IX focus on creating equal opportunity for all people and putting an end to discrimination. Though Title IX is most often recognized within the scope of athletics, its effects can also be seen in the following areas: admissions to universities, courses available for students to take, housing options, financial aid

opportunities, and counseling services (Position paper-Title IX-<http://www.aauw.org/takeaction/policyissues/titleix.cfm>). Title IX's goal is to end discrimination within colleges and universities by creating opportunities for both sexes in all realms of university life. Title IX truly exists to help all people gain opportunities and have access to opportunities allowing them to further their educational goals, career pursuits, athletic ambitions, and other instances of college life.

One of the latest trends produced by Title IX is creating equality for all people from various backgrounds and cultures (not just focusing on athletes). Title IX works to create an environment within universities and colleges that provides opportunities not only for women, but also for ethnic minorities and people from all cultures. It is important to recognize that applying Title IX to programs outside of athletics is a current trend (Update on Title IX-<http://www.maec.org/titleixupdate.html>). This can be seen in that current discussion on Title IX explains that Title IX has helped in getting women involved in more scientific and technical fields and in college administration positions (Title IX: More than about a sport- http://www.nea.org/nea_today/0304/trends.html). Thus, a recent trend of Title IX is expanding its influence to opportunities separate from athletics, especially in scientific and technological fields of study.

A second trend that can be seen in statements on Title IX shows the gains produced for the women in society by using statistical analysis. For instance, in 1963, only 43% of female high school graduates enrolled for college; this number rose to 63% in 1994 (Update on Title IX). Statistics highlight the effects of Title IX on increasing women's involvement. Research is using statistical analysis to prove if Title IX is truly effective,

especially in showing gains for women. This trend gives backing and support to the continuing use of Title IX in all aspects of college life.

A third issue/trend in assessing Title IX can be seen in the work of The Commission that met six times between July 2002 and January 2003 to address Title IX's ability to provide equal opportunities in athletics. This Commission looked into the standards determining if Title IX was really promoting equal opportunities, if there was adequate help for colleges to know what is expected of them, how larger, revenue producing teams affect equal opportunity, if there are other efforts that schools may use to help provide equal opportunities, and various other questions. After processing the questions charges to them, The Commission found that after 30 years, Title IX had helped in making progress, but there is still much work needed, especially in terms of the tests that schools can use to show they are in compliance with Title IX (Connell, 2003). The Commission also made recommendations for how to address current concerns with Title IX. The Commission's work raised many questions for people to consider about Title IX. Many women feel that Title IX has helped bring about more equality, but male wrestlers, gymnasts, and other groups do not feel the same. These men's groups see that many of their programs have been cut in order to comply with Title IX standards of proportionality (Connell, 2003). One of the central issues surrounding Title IX is determining how and if it is truly promoting equality for all people.

Benefits of Title IX:

The most obvious benefit of Title IX is the potential equality it creates for women, especially in the athletic field. Title IX seeks to give opportunities to all people allowing them to participate in any federally funded program without facing

discrimination because of their gender. Title IX puts regulations and standards in place forcing schools to consider how they operate their programs, ensuring that schools are moving in the direction of creating equal programs for both sexes.

The benefit of creating equality for women can be seen in athletic opportunities given to women, the number of women who are in teaching and administrative positions at universities, and the increasing numbers of women enrolling in scientific and technological fields of study. Though Title IX creates benefits for women, Title IX also expands into ethnic backgrounds and cultural identities; the needs of these groups are often unique, and lumping people together simply in the categories of “male” and “female” does not give adequate justice to all people. Because of the impact of Title IX, women from all cultural and racial backgrounds, as well as men from various cultural backgrounds, have been given a chance to explore fields of study, careers, and athletic opportunities that they may not have otherwise been able to succeed in.

Latest examples of lingering resistance or problems with Title IX:

As mentioned briefly in the section on current issues surrounding Title IX, one of the biggest groups resisting Title IX include wrestlers, gymnasts, and other men’s sporting groups whose funds have been cut as a result of Title IX. In January 2002, the National Wrestling Coaches Association filed suit against the department of education regarding Title IX policies relating to athletics (Title IX at 30: Report Card on Gender Equity-<http://www.ncwge.org/title9at30-6-11.pdf>, 2002). Eliminating programs like wrestling and gymnastics to allow bigger budgets for programs like football and basketball takes away opportunities from the men involved in wrestling and gymnastics to participate in the sports of their preference. A recent study notes the following: “The

GAO (General Accounting Office) found that since Title IX was passed, more than 170 wrestling programs, 80 men's tennis teams, 70 men's gymnastics teams and 45 men's track teams have been disbanded. Many men's and women's teams have been shut down to comply with the law” (Stark, 2003). These groups find problems inherent in Title IX because they claim that instead of creating equal opportunities for all people, Title IX forces certain programs to lose funding, resulting in the loss of some programs for men. This group raises the following question: Is Title IX taking away opportunities from men, rather than creating opportunities for women?

A second problem relating to Title IX is that of sexual harassment. It is becoming more and more evident that sexual harassment should be viewed as a Title IX issue. From research, it appears that inequalities exist for women because of the sexual harassment issues often facing them (A License for Bias- <http://www.aauw.org/research/titleix.cfm>; Title IX at 30: Report Card on Gender Equity). This issue is a problem that should be addressed. Sexual harassment should not be permitted, yet it appears to be fairly common in the experience of women. In order to truly provide equal opportunities for women, this issue must be addressed and dealt with in the context of Title IX.

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