

Title IX:

Give Everyone a Sporting Chance.



Title IX provides that . . .

“[n]o 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”



Title IX is essentially a contract . . .

Congress conditioned an offer of federal funding on a promise by the recipient not to discriminate.



Title IX is enforceable . . .



OCR can take away federal funding and private parties can bring causes of action against the recipients of federal funds.

But You are only Responsible for What You do . . .



What are we seeing?

Title IX and Athletics

She has
the right
to play.



Equal Opportunity:

A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes.

- Selection of Sports
- Equipment
- Scheduling
- Travel
- Coaching
- Locker rooms and facilities
- Publicity

SELECTION OF SPORTS: THREE PART TEST

- The number of male and female athletes is substantially proportionate to their respective enrollments; or
- The institution has a history and continuing practice of expanding participation opportunities responsive to the developing interests and abilities of the underrepresented sex;
- The institution is fully and effectively accommodating the interests and abilities of the underrepresented sex.

Office of Civil Rights, Department of Education

Dear Colleague Letters



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Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test

Jan 16, 1996

Dear Colleague:

It is my pleasure to send you the enclosed Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test (the Clarification).

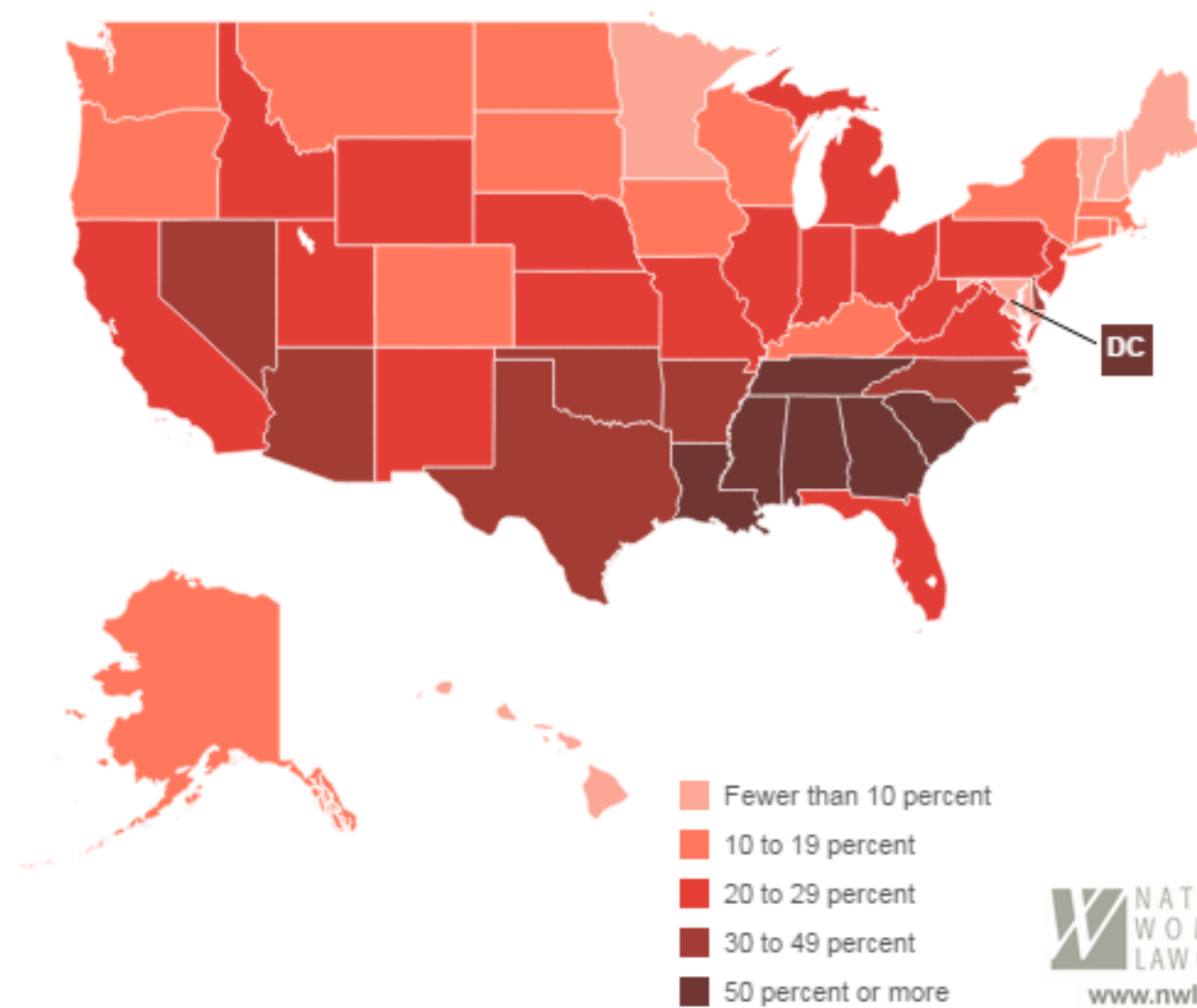
As you know, the Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. The regulation implementing Title IX and the Department's Intercollegiate Athletics Policy Interpretation published in 1979--both of which followed publication for notice and the receipt, review and consideration of extensive comments--specifically address intercollegiate athletics. Since becoming Assistant Secretary, I have recognized the need to provide additional

PROPORTIONALITY

Whether participation for male and female students are provided in numbers substantially proportionate to their respective enrollments.



Percentage of High Schools with Large Gender Equity Gaps in Sports



History & Continuing Practice



Adding new sports

Increasing number of participants

Responding to requests to add new sports

EFFECTIVE ACCOMMODATION TEST

Unmet Interest

Sufficient Ability

Reasonable Expectation of Interest

Assessing Interest



Look at indicators of interest: participation in club, high schools, intramural, and community teams in an institution's boundaries, and requests for the elevation of an existing club sport.

SURVEY SAYS!

Student Athletic Interest Survey

03645501

The purpose of this survey is to gauge your athletic interests. Your answers will help your school determine whether it is meeting the athletic interests of all students. Your responses are confidential.

INSTRUCTIONS:

- Use a pencil or pen with blue or black ink.
- Fill in the circle next to your answer for each question.
- To change your answer, erase completely or clearly cross out unintended response. See sample.
- Choose only one answer for each question unless the instructions say otherwise.

1. What is your current grade level?

☐ 9th grade ☐ 10th grade ☐ 11th grade ☐ 12th grade

2. During the past 12 months, have you participated in school-sponsored competitive sports at your school?

☐ Yes → Go to question #4

☐ No, but I have participated on other sports teams
(such as club, intramural, recreation, or select teams)

Continue to question #3

☐ No, I have not played sports on a team in the last 12 months. **Continue to question #3**

3. Which of the following reasons best describes why you have not played school-sponsored competitive sports at school during the past 12 months? Select all that apply.

- ☐ I am not interested in playing competitive sports
- ☐ I choose to do other school-sponsored things besides competitive sports
- ☐ The sport I would like to play is not offered at my school
- ☐ I am too busy with school
- ☐ I am too busy with other activities
- ☐ I tried out for a team I wanted to play on, but did not make the team
- ☐ My grades are too low to play sports
- ☐ I am too busy with family responsibilities
- ☐ Religious or cultural reasons
- ☐ My parents do not want me to play sports
- ☐ I have a conflict with one or more coaches
- ☐ Participating is too expensive
- ☐ There are not enough teams offered in the sport I would like to play
- ☐ Two of the sports I would like to play are offered at the same time
- ☐ I prefer to play sports outside of school-sponsored teams, such as club, intramural, recreation league, or select teams
- ☐ Other, please specify:

4. Below is a list of school-sponsored sports available at your school. Which, if any, of the following sports have you participated in during the last 12 months? Select all items that apply, including sports and organizations you have participated in during the last 12 months.

	Played in school organization	Played in non-school organization	Played for fun, but not in an organization	Did not play
Baseball	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Basketball	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cross country	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Drill	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Football (co-ed)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Golf	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lacrosse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Soccer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Softball	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Swimming	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tennis	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Track	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volleyball	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Wrestling (co-ed)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. Below is a list of sports that are not currently sponsored by your school. Which, if any, of the following sports have you participated in during the last 12 months? Select all items that apply, including sports and organizations you have participated in during the last 12 months.

	Played in non-school organization	Played for fun, but not in an organization	Did not play
Archery	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Badminton	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bowling	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cheerleading / Spirit, competitive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Crew	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disc golf	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fencing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Football (flag)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Football (girls tackle)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gymnastics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ice hockey	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Mountain biking, competitive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Pickleball	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rodeo	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rugby	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sand volleyball	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Skating, competitive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Table tennis / ping pong	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ultimate frisbee	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Water polo	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Wrestling (girls)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify):	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Survey is continued on the other side, please turn over.

6. Considering your time, interests, responsibilities, and other activities you are involved in – which, if any, of the following sports would you be interested in playing at your school as a school-sponsored sport? (Please include any sports you are already planning to play.) Select all that apply.

- | | |
|--|---|
| <input type="radio"/> Archery | <input type="radio"/> Rugby |
| <input type="radio"/> Badminton | <input type="radio"/> Sand volleyball |
| <input type="radio"/> Baseball | <input type="radio"/> Skiing, competitive |
| <input type="radio"/> Basketball | <input type="radio"/> Soccer |
| <input type="radio"/> Bowling | <input type="radio"/> Softball |
| <input type="radio"/> Cheerleading/Spirit, competitive | <input type="radio"/> Swimming |
| <input type="radio"/> Crew | <input type="radio"/> Table tennis / ping pong |
| <input type="radio"/> Cross country | <input type="radio"/> Tennis |
| <input type="radio"/> Disc golf | <input type="radio"/> Track |
| <input type="radio"/> Drill | <input type="radio"/> Ultimate frisbee |
| <input type="radio"/> Fencing | <input type="radio"/> Volleyball |
| <input type="radio"/> Football (co-ed) | <input type="radio"/> Water polo |
| <input type="radio"/> Football (flag) | <input type="radio"/> Wrestling (co-ed) |
| <input type="radio"/> Football (girls tackle) | <input type="radio"/> Wrestling (girls) |
| <input type="radio"/> Golf | <input type="radio"/> Other (please specify): _____ |
| <input type="radio"/> Gymnastics | <input type="radio"/> Other (please specify): _____ |
| <input type="radio"/> Ice hockey | <input type="radio"/> Other (please specify): _____ |
| <input type="radio"/> Lacrosse | <input type="radio"/> Other (please specify): _____ |
| <input type="radio"/> Mountain biking, competitive | <input type="radio"/> None of the above |
| <input type="radio"/> Pickleball | |
| <input type="radio"/> Rodeo | |

7. In the spaces provided below, please rank the sports you indicated that you are interested in from the prior question, #6, by writing them in order from TOP to BOTTOM where the sport on the TOP is the one you are MOST interested in and the one on the BOTTOM is the one you are LEAST interested in.

- (1) _____
- (2) _____
- (3) _____
- (4) _____
- (5) _____
- (6) _____
- (7) _____
- (8) _____

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OPTIONAL

If you have any additional comments you would like to share about the sports offered at your school, please write them below.

[illegible]

If you would like your school to contact you to discuss your responses to this survey or to share your interest in adding a sport, please write your first and last name below.

First Name

[illegible]

Last Name

[illegible]

☐ Other (please specify):

☐ Other (please specify):

☐ Move of the shore

☐ None of the above

Reasonable Expectation of Competition?

Looks to normal competitive region

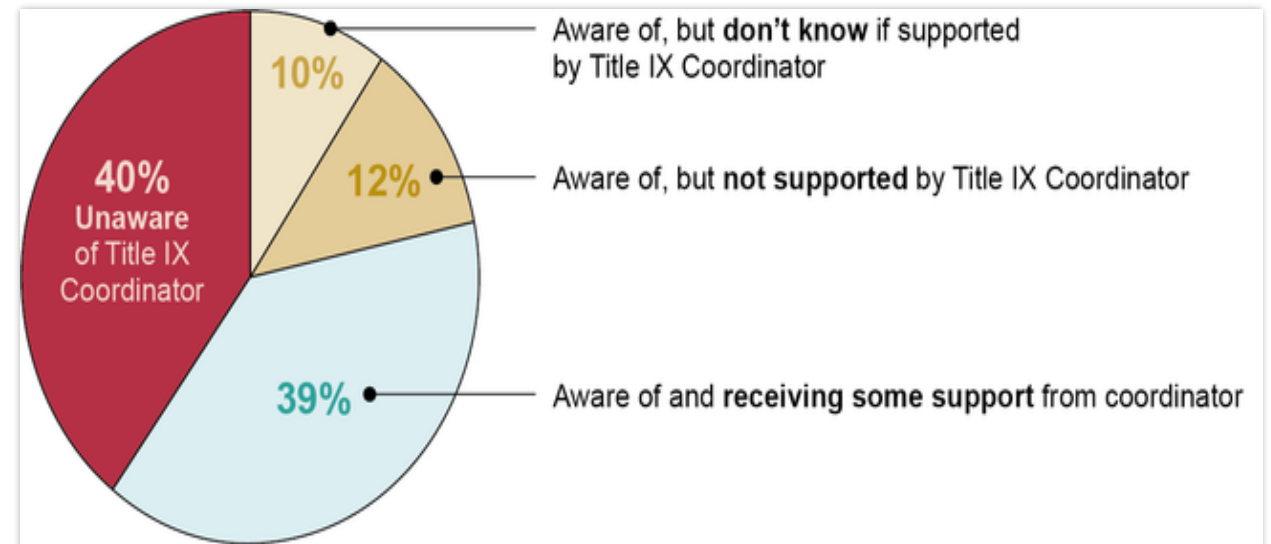


OCR (and Rachel's) Compliance Suggestions

- Run the Numbers
- Checklist
- Survey
- Assess Interest
- Review your policies
 - Do you have policies regarding equity in athletics
- Emerging Sports Policy
- Make a Plan
 - Title IX Coordinator should meet with athletic directors
 - Identify areas for Improvement



Whose Job Is It, Anyway?



Source: GAO survey of public high school athletics administrators. | GAO-18-425