

A Discussion on Title IX

A Starting Point

Q. What is Title IX?

Title IX of the Education Amendments Act of 1972 is a federal law that 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."

Q. Who does Title IX apply to?

Title IX applies to all educational institutions, both public and private, that receive federal funds.

Q. How is Title IX applied to athletics?

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 boys and girls be provided equitable opportunities to participate in sports. Title IX does not require schools to offer identical sports but it does require an equal opportunity to play;
2. Scholarships: Title IX requires that college 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.

Q. Does Title IX apply only to athletics?

Although it is the application of Title IX to athletics that has gained the greatest public visibility, the law applies to every single aspect of education, including course offerings, counseling and counseling materials, financial assistance, student health and insurance benefits and/or other services, housing, marital and parental status of students, physical education and athletics, education programs and activities, and employment.

Q. How does an institution comply with Title IX?

An institution must meet all of the following requirements in order to be in compliance with Title IX:

1. For participation requirements, school officials must meet one of the following three tests. An school may:
 - a. Provide participation opportunities for girls and boys that are substantially proportionate to their respective rates of enrollment of full-time undergraduate students;
 - b. Demonstrate a history and continuing practice of program expansion for the underrepresented sex;
 - c. Fully and effectively accommodate the interests and abilities of the underrepresented sex; and,
2. Female and male college student-athletes must receive athletics scholarship dollars proportional to their participation; and,
3. Equal treatment of female and male student-athletes in these eleven provisions (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.

Q. Does Title IX benefit only girls and women?

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. Elimination of discrimination against women and

girls has received more attention because females historically have faced greater gender restrictions and barriers in education. However, Title IX also has benefited men and boys. A continued effort to achieve educational equity has benefited all students by moving toward creation of school environments where all students may learn and achieve the highest standards.

Q. Who is responsible for enforcing Title IX?

Schools are responsible for complying with federal laws. The Illinois State Board of Education is the enforcement agency in Illinois. In addition, 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.

Q. How is Title IX compliance assessed?

Title IX compliance is assessed through a total program comparison. In other words, the entire boy's program is compared to the entire girl's program, not just one boy's team to the girl's team in the same sport. The broad comparative provision was intended to emphasize that Title IX does not require the creation of mirror image programs. Males and females can participate in different sports according to their respective interests and abilities. Thus, broad variations in the type and number of sports opportunities offered to each gender are permitted.

Q. Does Title IX require that equal dollars be spent on boys and girls sports?

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

Q. Why does Title IX not require the same amount be spent on boys and girls sports?

The Javits Amendment stated that legitimate and justifiable discrepancies for nongender related differences in sports could be taken into account (i.e., the differing costs of equipment or event management expenditures). A male football player needs

protective equipment such as pads and a helmet, and a female soccer player needs shin guards. Title IX does allow for a discrepancy in the cost of the equipment as long as both the football and soccer player received the same quality of equipment. However, a female ice hockey player must receive the same protective equipment that a male ice hockey player would receive, inasmuch as the protective equipment is the same.

Q. Does Title IX require identical athletics programs for males and females?

Title IX does not require identical athletics programs for males and females. Rather, Title IX requires that the athletics programs meet the interests and abilities of each gender. Under Title IX, one team is not compared to the same team in each sport. OCR examines the total program afforded to male student-athletes and the total program afforded to female student-athletes and whether each program meets the standards of equal treatment. Title IX does not require that each team receive exactly the same services and supplies. Rather, Title IX requires that the men and women's program receive the same level of service, facilities, supplies and etc. Variations within the men and women's program are allowed, as long as the variations are justified.

Q. Is any sport excluded from Title IX?

Under Title IX there are no sport exclusions or exceptions. Individual participation opportunities (number of student-athletes participating rather than number of sports) in all boy and girl's sports are counted in determining whether an institution meets Title IX participation standards. The basic philosophical underpinning of Title IX is that there cannot be an economic justification for discrimination. The institution cannot maintain that there are revenue productions or other considerations that mandate that certain sports receive better treatment or participation opportunities than other sports.

Q. Does Title IX mandate that a decrease in opportunities for male athletes be made in order to provide an increase in opportunities for female athletes?

Title IX does not require reductions in opportunities for male student-athletes. One of the purposes is to create the same opportunity and quality of treatment for both female and male student-athletes. Eliminating boy's sports programs is not the

intent of Title IX. The intent of Title IX is to bring treatment of the disadvantaged gender up to the level of the advantaged group.

Q. Is there someone at my school who would know about Title IX?

Compliance with Title IX is a shared responsibility of an entire school, from top-level administration to individual staff members. Title IX mandates that institutions or other recipients of federal funds designate at least one employee as a Title IX coordinator to oversee compliance efforts. Schools also are required to investigate any complaints of gender discrimination. In addition, all students and employees must be notified of the name, office address and telephone number of the designated Title IX coordinator. A student-athlete who has questions about Title IX specific to their school may find the following individuals as a good resource: (1) director of athletics; (2) guidance counselor; (3) Principal; (4) Superintendent.

Q. What is gender equity?

Gender equity is an atmosphere and a reality where fair distribution of overall athletic opportunity and resources, proportionate to enrollment are available to girls and boys and where no student athlete, coach or athletic administrator is discriminated against in any way in the athletic program on the basis of gender.

Q. What should we do at this time to ensure that our program meets these expectations?

Conduct a self-review by including members of your staff and community to build “ownership” in the process and the results of the study. A “Playing Fair Checklist” is available on the IHSA Equity web page as a resource for self-review.