

TITLE IX AND ATHLETICS

LEVELING THE PLAYING FIELD LEADS TO LONG-TERM SUCCESS

AT THE 2016 SUMMER OLYMPIC Games in Rio de Janeiro, the U.S. Olympic team fielded a record 292 female athletes. These women not only outnumbered their male teammates, they formed the largest group of women ever to compete in Olympic history. The U.S. women earned 61 medals at the games, more than any other group—male or female—from any country. U.S. women performed similarly well in the Paralympic Games, earning 70 of Team USA's 115 medals.

In the wake of the games, many players, coaches, and commentators have noted the impact of Title IX on the success of U.S. women athletes. Figures from the past 45 years of international competition support this connection. In 1972, the year the legislation passed, the U.S. summer Olympic team's 400 athletes included just 84 women; the trend in female participation and success has been upward ever since.¹

While most have lauded the new heights of achievement reached by U.S. women athletes, a few naysayers have resurrected the complaint that by

granting female students equal access to school sports, Title IX somehow discriminates against male athletes. In fact, the success of U.S. women in the global sports arena not only affirms the value of Title IX, it negates the claim that girls and women don't deserve equal access to athletics because they don't have the same level of interest as their male counterparts.

Although the athletic provisions of Title IX are probably the most well-known aspects of the legislation, myths about the requirements

and impact of Title IX are prevalent. The law requires that schools treat the sexes equally with regard to participation opportunities, athletic scholarships, and the benefits and services provided to male and female teams. It does not require that schools spend the same amount on both sexes, nor has it resulted in reduced opportunities for boys and men to play sports.

Despite substantial gains since the passage of Title IX, the playing field is still not level for girls and women. Compared with their male counterparts, girls are twice as likely to be inactive, enter into sports later in life, drop out of sports earlier in life, and have fewer opportunities to participate in both high school and college sports. Greater enforcement of Title IX and diligent efforts to advance women and girls in sports are still necessary to achieve truly equal opportunity on the playing fields.

KEY FINDINGS

- 1. Title IX has led to unprecedented participation and success for girls and women in sports.** With more opportunities to play, the number of female high school athletes has risen more than tenfold in the past 45 years, while seven times as many women compete in college sports. These gains have helped elevate U.S. women's sports both nationally and internationally.
- 2. Participation in sports confers health and social benefits that extend well beyond school.** Female athletes are less likely to develop health problems, less likely to engage in risky behavior, and more likely to do well in school than their non-athlete peers. They also develop leadership skills that can help them succeed professionally.
- 3. These gains have not come at the expense of male athletes.** In fact, participation in sports among boys and men has continued to expand under Title IX, at both the high school and the college level.
- 4. Attacks on Title IX often spring from misconceptions about the law.** In specifying equal opportunity for women and girls in sports, the law does not mandate quotas or lower opportunities for male athletes.
- 5. Despite many gains over the past 45 years, more needs to be done to address barriers for girls and women in sports.** Greater enforcement of the law by the federal and state governments, self-policing of compliance by schools, and greater transparency of information on sports participation and spending will help bring about a truly level playing field that will benefit all.

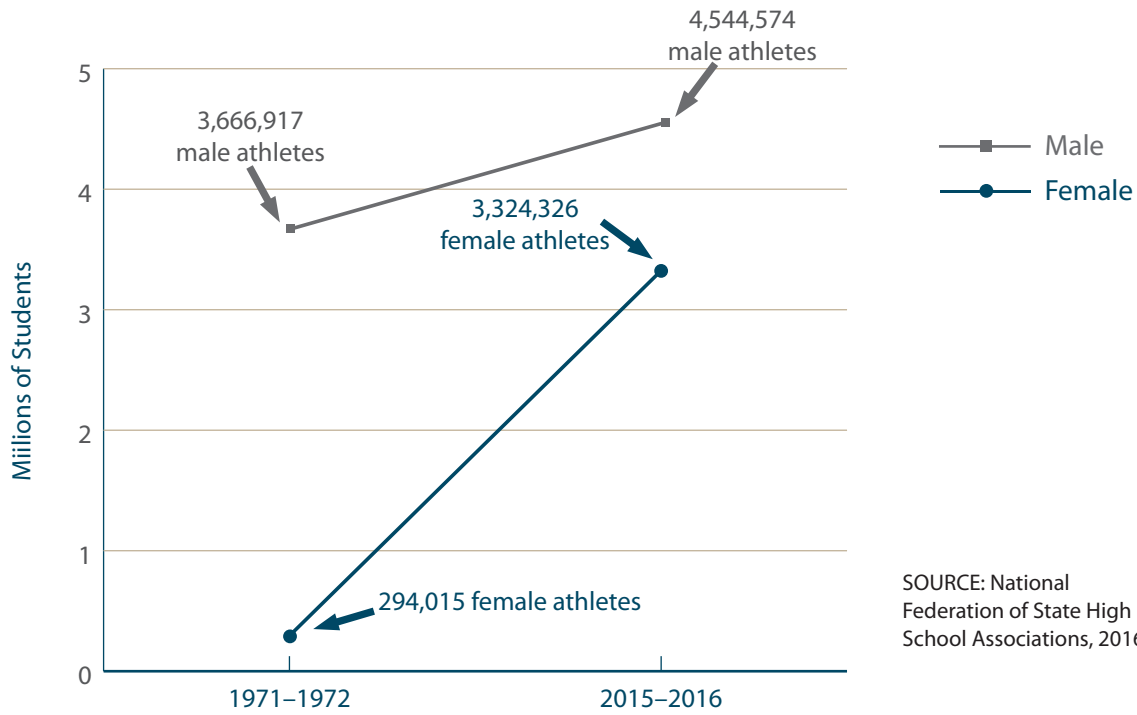
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Greater Opportunity = More Participation for Everyone

Opportunities for girls and women in athletics have increased exponentially since the passage of Title IX. During the 1971–1972 school year, immediately before the legislation passed, fewer than 300,000 girls participated in U.S. high school athletics. To put that number in perspective, just 7% of all high school athletes were girls. In 2015–2016, the number of female athletes had climbed more than tenfold to 3.3 million, or 42% of all high school athletes (Figure 1).²

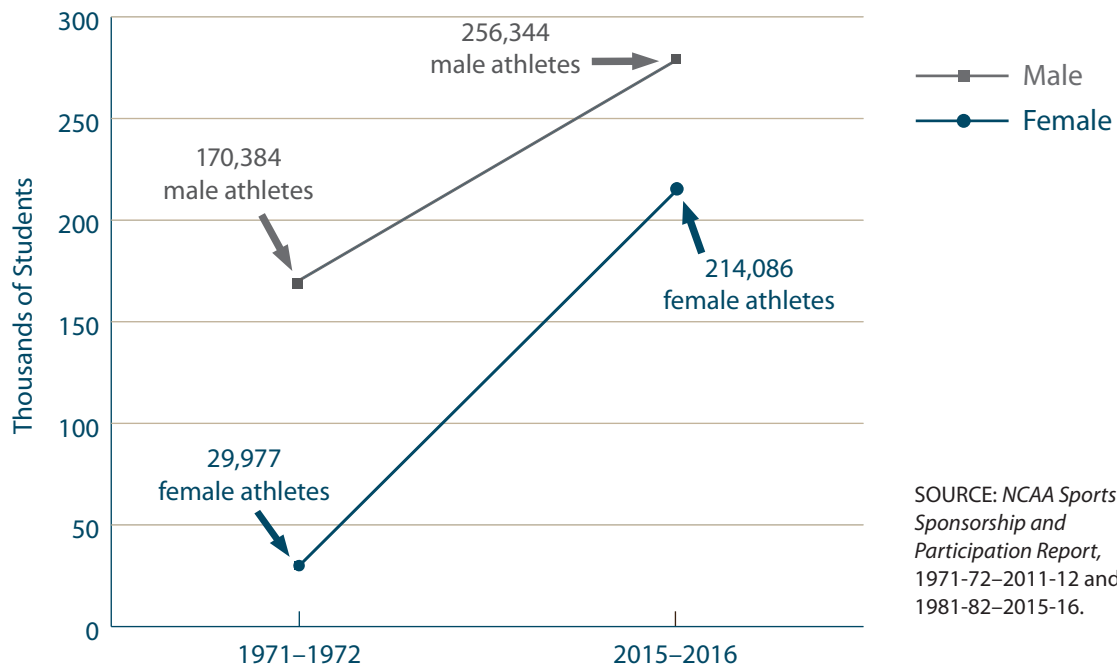
Title IX has also had a huge impact on women's participation in college athletics. In 1971–1972, fewer than 30,000 women participated in college sports. In 2015–2016, that number exceeded 214,000—about 7 times the pre-Title

FIGURE 1:
Male and Female Participation in High School Sports, 1972–2016



SOURCE: National Federation of State High School Associations, 2016.

FIGURE 2:
Male and Female Participation in College Sports, 1972–2016



SOURCE: NCAA Sports Sponsorship and Participation Report, 1971-72–2011-12 and 1981-82–2015-16.

IX rate (Figure 2).³ In 1972, women received only 2% of schools' athletic budgets, and athletic college scholarships for women were nonexistent.⁴ In 2013–2014, women received 47% of the athletic scholarship dollars at Division 1 schools, although their overall funding continues to lag.⁵

As the graphs show, greater female participation in school sports has not caused a decline among boys and men. In fact, male participation in both high school and college athletics has continued to *increase* since Title IX's enactment, and males continue to have more opportunities to participate in sports than females at all school levels.

The same is true of funding. As an example, in Division 1-FBS (the most competitive college division, formerly Division I-A), median

expenditures have doubled for men as well as for women since 2004; expenditures for women are still less than half those for men (\$10.6 million vs. \$26.1 million). Moreover, median expenses per athlete in every category of Division I (FBS, FCS, and Division 1 without football) have increased more rapidly for men than for women over the past 10 years.⁶

Despite the gains over the past 45 years, much work remains to be done to ensure equal access to school sports. Girls' and women's participation still lags behind that of their male counterparts, and the sharp increases in female participation through the beginning of the decade have leveled off in recent years. Given the proven benefits of athletics, it is essential that women and girls be given equal opportunities to participate.

Health and Social Benefits of Sports

The benefits of participation in athletics for girls and women encompass both immediate and long-term health advantages. They also confer a range of academic and social benefits that can have a deep and lasting impact.

Many of the benefits linked to sports participation offer a positive trajectory for later physical, social, emotional, educational, and economic outcomes. These benefits apply beginning in elementary school and carry through to all points of entry into athletics during childhood and adolescence.

BETTER SHORT-TERM AND LONG-TERM HEALTH

Sports can have a major impact on girls' and women's health. It is well documented that regular physical activity can reduce the risk of obesity for adolescent girls, making it an important strategy for combating obesity-related health issues.⁷ These benefits are long lasting; one study found that women who played sports while young had a 7% lower risk of obesity 20–25 years later, when women were in their late 30s and early 40s.⁸ The study notes that while a 7% decline in obesity is modest, “no other public health program can claim similar success.”

Obesity is a concern for all girls, but particularly for those of color. Of girls aged 2–19, obesity affects 15% of white girls, 21% of African American girls, and 22% of Hispanic girls.⁹ Because girls of color often have limited out-of-school sports opportunities in their communities and face other challenges to participation



(e.g., financial and transportation needs), they are more likely to participate in sports through school than through private organizations.¹⁰ This makes it even more critical that they have equal access to school-sponsored sports to enable them to be physically active.

The long-term health benefits of participation in school athletics extend well beyond combating obesity. Regular physical activity also decreases a young woman's chance of developing a range of other diseases, including heart disease, osteoporosis, and breast cancer.¹¹ Given the high social and financial costs of such illnesses, the societal benefits of school sports programs can be enormous.

The direct health benefits of increased activity may come as no surprise, but participation in sports can have less obvious benefits as well. For example, girls and women who play sports have higher levels of confidence and self-esteem and lower levels of depression than those who don't. They also have a more positive body image and experience higher states of psychological well-being.¹²

Sports participation can also affect risk behaviors. High school athletes are less likely to smoke cigarettes or use drugs than their peers who don't play sports.¹³ One study found that female athletes are 29% less likely to smoke than non-athletes.¹⁴ Given the high costs of smoking-related illnesses and deaths, these figures are significant. Moreover, adolescent female athletes have lower rates of both sexual activity and unintended pregnancy than their non-athlete counterparts.¹⁵ This is true for white, African American, and Latina athletes.¹⁶

ACADEMIC AND PROFESSIONAL ACHIEVEMENT

Studies have found that female participation in sports offers a range of academic benefits. Young women who play sports are more likely to graduate from high school, have better grades, and score higher on standardized

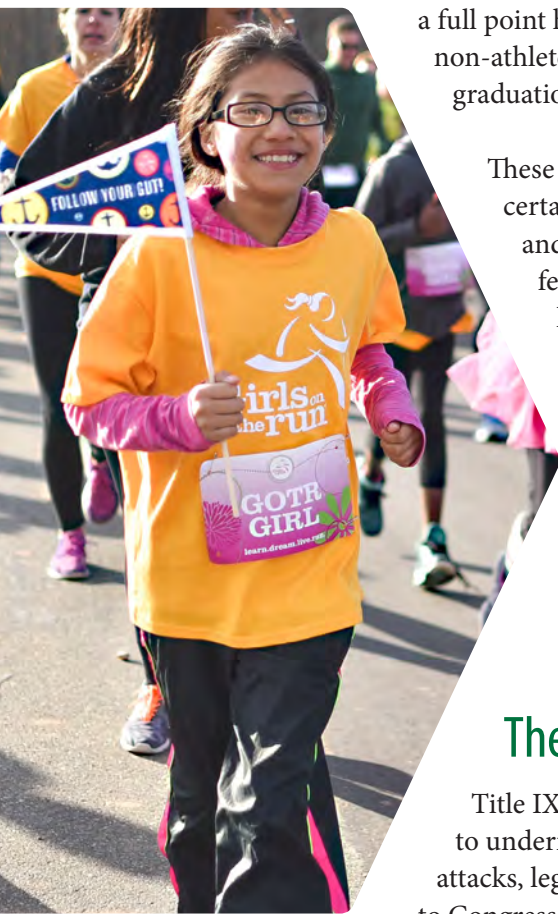
MAKING THE MOST OF OPPORTUNITIES IN ATHLETICS

Increased participation by women and girls in sports since Title IX has led to a new generation of athletes and fans who pack stadiums and spend a growing number of consumer dollars on women's sports. Following are just a few examples of how expanded opportunity in athletics leads to greater participation and success.

- The U.S. women's basketball team won an unprecedented sixth straight gold medal during the 2016 Olympics, once again going undefeated and racking up a total of 49 straight Olympic match wins. The average margin of victory during the 2016 games was nearly 40 points.
- With a silver medal at the 2014 Winter Olympics, the U.S. women's ice hockey team continued its streak of medaling at every Olympics since the sport was introduced in 1998.
- Women's soccer has expanded rapidly as more girls and women have had a chance to participate. Girls now make up 48% of U.S. Youth Soccer membership, and the number of women's NCAA soccer teams has more than tripled over the past 25 years, from 318 in 1991 to 1,034 in 2016.
- Professional women's soccer also continues to grow in popularity. In 2015, the U.S. became the first women's team to win three World Cup titles when it defeated Japan in the final match. That game took the record as the most-watched soccer match—men's or women's—in U.S. history.
- In 2012, the 40th anniversary of Title IX, women outnumbered men on the U.S. Olympic team for the first time and garnered 58 medals, earning the games the media nickname "the Title IX Olympics." In 2016, U.S. women Olympians earned 61 medals—more than nearly all countries' combined men's and women's teams.

SOURCE: Adapted from *The Battle for Gender Equity in Athletics in Colleges and Universities*, National Women's Law Center, 2015.

tests than non-athletes.¹⁷ This pattern of greater academic achievement is consistent across community income levels. A statewide, three-year study by the North Carolina High School Athletic Association found that athletes achieved grade point averages that were nearly



a full point higher than those of their non-athlete peers, in addition to higher graduation rates.¹⁸

These benefits are helping to close certain education gaps for girls and women. For example, female athletes are more likely to do well in science classes than their classmates who do not play sports.¹⁹ In addition, female athletes of color consistently benefit from increased academic success throughout their education. Female Hispanic

athletes, for example, are more likely than non-athletes to improve their academic standing, graduate from high school, and attend college.²⁰ Overall, female athletes have higher college graduation rates than their non-athlete peers.²¹

The lessons of teamwork, leadership, and confidence that girls and women gain from participating in athletics can help them after graduation as well as during school. A whopping 94% of female business executives played sports, with the majority saying that lessons learned on the playing field contributed to their success. Former female athletes also earn an average of 7% more in annual wages than their non-athlete peers.²²

The Truth about Title IX and Athletics

Title IX opponents continue to try to undermine the law through media attacks, legal challenges, and appeals to Congress and the Executive Branch.

The basic claim made by opponents is that women and girls are inherently less interested in sports than their male counterparts, and that providing females with equal opportunities therefore harms male athletes.

These criticisms are not supported by the facts, nor do they represent what the law says. They have been resoundingly rejected by all of the federal appellate courts that have considered them.²³

The latest attacks have targeted secondary school programs. In 2011, the American Sports Council filed a lawsuit against the U.S. Department of Education, claiming that Title IX should not apply to secondary schools. This case, like other similar cases, was dismissed. The court found that because the law does not require schools to reduce opportunities, the council could not show that Title IX caused the injuries at the base of the suit (described as the potential reduction of athletic opportunities for boys).²⁴

WHAT THE LAW SAYS

Title IX requires that schools treat both sexes equally with regard to three distinct aspects of athletics: participation opportunities, athletic scholarships, and the benefits and services provided to male and female teams.

Participation. The Department of Education uses a “three-part test” to evaluate schools’ compliance with the requirement to provide equal participation opportunities (see the boxed insert for details). This test was set forth

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THE THREE-PART TEST

Under the three-part test, schools are in compliance with the law if:

01

The percentages of spots on teams allocated to males and females are substantially proportionate to the percentages of male and female students enrolled; *or*

02

It has a history and continuing practice of expanding athletic opportunities for the underrepresented sex; *or*

03

Its athletics program fully and effectively accommodates the interests and abilities of the underrepresented sex.

in a Policy Interpretation issued by the Department's Office for Civil Rights (OCR) in 1979²⁵ and has withstood legal challenges.

Athletic Financial Assistance. Title IX requires that athletic scholarships be allocated in proportion to the number of female and male students participating in intercollegiate athletics.²⁶ OCR has made clear that schools will be found in compliance with this requirement if the percentage of total athletic scholarship dollars received for each sex is within one percentage point of their levels of participation.²⁷ In other words, if women comprise 42% of the athletes on campus, the school must

provide between 41% and 43% of its athletic scholarship dollars to female athletes.

Other Benefits and Services. Title IX also requires equity in benefits and services. The law does not require that each men's and women's team get exactly the same benefits and services, but it does require that male and female athletes receive equal treatment overall in areas such as locker rooms, equipment, practice and game facilities, recruitment, academic support, and publicity.²⁸

Debunking the Myths: No Cuts or Quotas

One feature the law does *not* include is any form of discrimination against or harm to male athletes. Despite this, myths abound about how Title IX affects athletics, particularly at the high school and college levels. Most of these myths reflect the unfounded fear that increasing athletics opportunities for girls and women will correspondingly decrease opportunities for boys and men. In fact, boys and men have continued to make gains in athletics as opportunities for their female counterparts have grown, with corresponding benefits for all students.

Myth 1: Title IX requires quotas. Title IX does not set quotas; it simply requires that schools allocate participation opportunities in a nondiscriminatory way. The three-part test is lenient and flexible, allowing schools to comply even if they do not satisfy the first part. The federal courts have consistently rejected arguments that Title IX imposes quotas.





Myth 2: Title IX forces schools to cut male sports. Title IX does not require or encourage the cutting of any sports. It does allow schools to make choices about how to structure their programs as long as they do not discriminate. Instead of allocating resources among a variety of sports, many college administrators are choosing to take part in the basketball and football “arms race” at the expense of other athletic programs. In Division I-FBS, for example, basketball and football consume 80% of total men’s athletic expenses. Average expenditures on football alone in this division (\$12+ million) still exceed average expenditures on *all* women’s sports (\$9+ million).²⁹

Myth 3: Men’s sports are declining because of Title IX. Opportunities for men in sports—measured by numbers of teams as well as athletes—have continued to expand since the passage of Title IX. Between the 1988–1989 and the 2015–2016 school years, National Colle-

giate Athletic Association (NCAA) member institutions added 4,045 men’s sports teams and dropped 3,016, for a net gain of more than 1,000 men’s teams. Women made greater gains over the same period, but only because they started at such a deficit; 5,660 women’s teams were added and 2,185 were dropped. During the 2015–2016 school year, NCAA member institutions actually dropped more women’s teams than men’s teams (44 vs. 35).³⁰

Myth 4: Title IX requires equal spending on male and female sports. The fact is that spending does not have to be the same as long as the benefits and services provided to the men’s and women’s programs are equal overall. The law recognizes, for instance, that football uniforms cost more than swimsuits; therefore, a discrepancy in the amount spent on uniforms for men’s and women’s teams is not necessarily a problem. However, the school cannot provide men with top-notch uniforms and women with low-quality uniforms, or give male athletes home, away, and practice uniforms and female athletes only one set of uniforms. A large discrepancy in overall funding is a red flag that warrants further scrutiny.

Myth 5: Men’s football and basketball programs subsidize female sports. The truth is that these high-profile programs don’t even pay for themselves at most schools. Even among the most elite divisions, nearly half of men’s football and basketball programs spend more money than they generate.³¹

Moving Toward Equality: Recent Progress and Remaining Challenges

MAJOR STEPS FORWARD

In 2010, the Department of Education issued a new policy document revoking an earlier document from 2005 that weakened Title IX protections by allowing schools to gauge female students’ interest in athletics by relying on responses (or lack of responses) to an

email survey. The 2010 Clarification states that schools cannot rely solely on surveys to demonstrate that they are in compliance with part three of Title IX’s participation test. Instead, schools must adhere to a longstanding policy requiring them to evaluate multiple indicators of interest to show that they are fully

and effectively accommodating their female students' interests.³²

In another step forward, courts have held that women's sports must adhere to certain criteria to count under Title IX. In 2010, after one university attempted to eliminate varsity women's volleyball and instead elevate the less expensive competitive cheerleading squad to varsity status, a federal district court in Connecticut held that competitive cheerleading is not yet a sport for the purposes of Title IX.

In its decision, the court cited cheerleading's lack of a central governing body, standardized rules, defined season, or post-season structure, among other issues. While competitive cheerleading certainly requires athleticism of its participants, the court found that the opportunities provided were not consistent with a true varsity experience.³³ A federal appeals court upheld this decision in 2012.

CONTINUING BARRIERS FOR GIRLS AND WOMEN

Despite great gains over the past 45 years, barriers to true equality in school athletics still remain:

- Girls have 1.2 million fewer chances to play sports in high school than boys.³⁴ In addition, opportunities are not equal among different groups of girls. Fewer than two-thirds of African American and Hispanic girls play sports, while more than three-quarters of Caucasian girls do.
- Girls of color are doubly disadvantaged by race and gender when it comes to high school athletic opportunities. Schools that are heavily minority (90% or more) have fewer resources and often do not allocate athletic opportunities equitably; girls in these schools receive just 39% of the opportunities that girls in heavily white schools receive.³⁵

- Three-quarters of boys from immigrant families are involved in athletics, while fewer than half of girls from immigrant families are.³⁶
- In addition to having fewer participation opportunities, girls often endure inferior treatment in areas such as equipment, facilities, coaching, scheduling, and publicity. Such inferior treatment violates Title IX.³⁷

RESOURCES ON TITLE IX AND ATHLETICS

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- At the most competitive college level, Division I-FBS schools, women make up nearly 52% of students, yet they have only 47% of the opportunities to play intercollegiate sports. Female athletes at these schools receive 43% of the total athletic scholarship dollars, 31% of the dollars spent to recruit new athletes, and less than 30% of the total money spent on athletics.³⁸
- Since Title IX passed, the proportionate role of female coaches has decreased dramatically. In 1972, 90% of women's college teams were coached by women, while as of 2014 just 43% were. Only 3% of men's teams are coached by women. As the number of women's teams has increased, the percentage of female coaches has continued to drop.³⁹

NCWGE Recommendations

- Schools at all levels must monitor their athletic departments' compliance with Title IX to ensure that girls and women have access to school sports. This includes implementing measures to gauge interest as well as to allocate resources equitably.
- High schools should make data available on male and female participation in sports, including budgets and expenditures for each team. This information, which they already collect, would help dispel myths about Title IX and its impact on athletics.
- Transparency of information should be a priority for legislators as well as for individual schools and communities. One effective measure would be passage of the federal High School Athletics Transparency Bills,⁴⁰ which require high schools to make their existing data public (something colleges already have to do).⁴¹ State legislatures should also consider passing such legislation, which would allow communities to be informed about the treatment of boys and girls in high school sports without creating an additional burden on schools.
- OCR must receive adequate funding and strengthen its efforts to enforce Title IX by initiating proactive compliance reviews at more educational institutions and providing technical assistance and guidance on emerging Title IX questions.
- Schools should seek to hire qualified women in positions of administrative authority. In addition to serving as role models, female administrators may help improve gender equity. For example, schools with female athletic directors have a higher percentage of women coaches.

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41. See 20 U.S.C. Section 1092(g); the federal government reports this data through EADA, <https://ope.ed.gov/athletics/#/>.

