



## Equity in School Athletics

Title IX of the Education Amendments of 1972, the statute barring sex discrimination in educational institutions that receive federal funds, protects against discrimination in college and high school athletics. Since the law's enactment, girls' and women's participation, scholarships, and share of athletics budgets have grown substantially. For example, from 1972 to 1999 women's participation in college athletics jumped from 2 percent to 41 percent, demonstrating that when young women are given the opportunity, they enjoy and excel at athletics.

AAUW believes that expansion of athletic opportunities for girls and women must continue at both the high school and college levels because studies repeatedly show:

- Organized sports enhance the educational experience by providing opportunities for leadership, teamwork, and competition.
- Organized sports offer personal contacts with adult role models who can provide guidance and support, which are beneficial at both secondary and postsecondary levels.
- Athletics contribute to positive body image and good health.
- Girls who participate in sports are less likely to take drugs or to become pregnant.
- Both black and white female athletes have higher graduation rates than non-athlete female students.
- Eighty percent of women business leaders in Fortune 500 companies participated in sports during their childhood.

### Enforcement

The American Association of University Women (AAUW) believes the U.S. Department of Education's Office for Civil Rights (OCR) must receive adequate funding and strengthen its efforts to enforce Title IX. OCR must resist pressure from some members of Congress to weaken the regulations used to implement Title IX. AAUW believes that the three-prong test used to determine Title IX compliance in athletics is reasonable and flexible, particularly since schools only have to meet only one of the following tests to comply:

1. Provide athletic opportunities to male and female students in proportion to their overall enrollment at the institution; or

2. Demonstrate a history of continually expanding athletic opportunities for the underrepresented sex; or
3. Demonstrate that the available opportunities meet the interests and abilities of the underrepresented sex.

### **Athletic Opportunities**

In recent years, opponents of Title IX have voiced concern that women's athletic participation has increased at the expense of men's opportunities. Yet statistics show that men's participation rates in collegiate sports and the amount of money spent for men's athletic teams continue to rise. Further, from 1984-1988 Title IX's application to intercollegiate athletics was suspended due to the Supreme Court's decision in *Grove City College v. Bell*, which held that only parts of schools directly receiving earmarked federal funds (which intercollegiate athletics do not) were covered by Title IX. In that four-year period, when the three-part test was not in effect, colleges and universities cut wrestling teams at a rate almost three times as high as the rate of decline during the 12 years after Title IX's application to intercollegiate athletic programs was firmly reestablished through the Civil Rights Restoration Act of 1987. Despite the gains women have made under Title IX, resources for women's sports have never caught up to resources for men's sports. Further, most colleges and universities still fail to provide equitable athletics opportunity as required by Title IX.

- According to the National Collegiate Athletic Association (NCAA) annual participation reports, women represent over half the student body in undergraduate institutions but only 42 percent of collegiate athletes.
- According to a 2000 Government Accounting Office report, women's teams receive less than 40 percent of recruiting dollars and less than 43 percent of athletic operating dollars.
- Also according to the 2000 GAO report, although women's participation is increasing at a higher rate than previously, it still lags behind men's participation. In fact, 77,000 more men than women participate in intercollegiate sports.

Opponents also claim that girls are not as interested in sports as boys and men. However, there is no evidence that, given equal opportunity, women and girls are less interested in sports. In fact, there are 2.8 million girls participating in scholastic activities now, and there are fewer than 170,000 athletic opportunities for females in college. High school participation in 1972 was 10 percent female but now is approximately 42 percent. Participation at the high school and collegiate levels is not based on lack of interest but on lack of opportunity.

Instead of working with colleges on their policies to expand sports opportunities for all students, opponents of Title IX continue to attack the law and OCR's enforcement policies for unsubstantiated disservice to men's sports. Meanwhile, courts continue to uphold the merits of both Title IX and its enforcement mechanisms.

In February 2002, the National Wrestling Coaches Association, College Gymnastics Association, U.S. Track Coaches Association, and several other groups representing male athletes and alumni of wrestling programs at universities including Bucknell, Marquette, and

Yale filed suit against the Department of Education alleging that Title IX regulations and policies are unconstitutional. On May 29, 2002, the U.S. Department of Justice (DOJ) filed a motion to dismiss the claim on procedural grounds. The case has not yet been ruled on. In response, on June 27, 2002, U.S. Secretary of Education Rod Paige announced the establishment of the Commission on Opportunity in Athletics to “examine ways of strengthening enforcement and expanding opportunities to ensure fairness for all college athletes.” The Commission held four town hall meetings around the country in 2002 and is charged with determining recommendations to submit to Paige by Jan. 31, 2003. It is unclear what the recommendations will say and whether the Department of Education will issue a subsequent policy change. AAUW strongly supports Title IX and opposes any efforts to weaken its effectiveness, including undermining components such as the three-prong test used to enforce Title IX in athletics.

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January 2003