

## DEBUNKING THE MYTHS ABOUT TITLE IX AND ATHLETICS

- **Myth:** *Title IX requires quotas.*
- **Fact: Title IX does not require quotas; it simply requires that schools allocate participation opportunities in a nondiscriminatory way.** Title IX requires schools receiving federal funds to provide female students with equal opportunities to participate in educational programs, including athletics. Because Title IX allows sports teams to be separated by sex, schools decide how many participation opportunities they will give female students. A school can meet the requirement of providing equal opportunities to play if it can demonstrate **any one** of the following:
 

Prong 1: that the percentages of male and female athletes are substantially proportionate to the percentages of male and female students enrolled; **or**

Prong 2: that it has a history and continuing practice of expanding athletic opportunities for the underrepresented sex; **or**

Prong 3: that its athletics program fully and effectively accommodates the interests and abilities of the underrepresented sex.

The three-part test is lenient and flexible, allowing schools to comply even if they do not satisfy prong one. Contrary to popular belief, schools do not always choose prong one. For example, between 1994 and 1998, of the 74 OCR Title IX participation cases, only 21 schools, or less than one-third, chose prong one as their means of compliance.
- **Myth:** *The Education Department has pushed Title IX beyond the language of the statute.*
- **Fact: The federal courts have upheld the three-part test as consistent with Title IX's language and goals.** All nine federal courts of appeals to address the issue have deferred to and applied the three-part test; none have held that the test imposes quotas.
- **Myth:** *Women just aren't interested in sports.*
- **Fact: Title IX is a real example of "The Field of Dreams"—if you build it, they will come.** After Title IX, women's participation in intercollegiate sports skyrocketed. Before Title IX, fewer than 32,000 women participated in college sports; today that number exceeds 170,000--**over 5 times** the pre-Title IX rate, proof that interest often reflects opportunity.
- **Myth:** *Title IX forces schools to cut men's sports.*
- **Fact: Title IX in no way requires schools to cut men's sports.** Some schools have chosen to eliminate certain men's sports, like gymnastics and wrestling, and even some women's sports, rather than control bloated football and basketball budgets, which consume a whopping 74% of the average Division I-A school's total men's athletic operating budget. But there are other options: A 2001 GAO study found that 72% of schools that added teams from 1992 to 2000 did so without discontinuing any teams.
  - For example, San Diego State University decided to address its \$2 million budget deficit by cutting its men's volleyball team instead of cutting slightly into the \$5 million football budget. Only four months after cutting the men's volleyball team, the university outfitted the football team with new uniforms and state-of-the-art titanium facemasks.

- Virtually all Div. 1-A schools house football teams in hotels the night before home games. Rutgers University spent \$175,000 on hotel rooms before 6 home games, more than the entire budget of the men's tennis team, which the university eliminated.
- Brown University spent \$2.5 million to buy out the contract of the football coach and cut two women's teams to save \$64,000.

- **Myth:** *Football and men's basketball finance other sports in colleges..*

- **Fact: Most football and men's basketball teams spend much more money than they bring in.** A 2005 study shows that almost half of Division I-A and I-AA football programs do not generate enough revenue to pay for themselves, much less any other sports. These programs reported **annual deficits** averaging about \$1 million and \$800,000 respectively. After excluding institutional support, the majority of Division I-A schools (60%) are operating in the red, with the average deficit at \$4.4 million.

#### **And, how do some of the football programs spend their money?**

- Some spend hundreds of thousands of dollars to fly their football teams to games on chartered jets (instead of commercial planes).
- The University of Texas spent \$120,000 to repanel the football coach's office in mahogany while it insisted that there was not enough in school coffers to add sports opportunities for women.
- The University of Oregon spent \$3.2 million on a two-story locker room with three 60-inch plasma TVs, Xboxes, and a "squint-no-more" lighting system, which matches the lighting conditions in the locker room to the conditions outdoors.

Eliminating these excesses would provide more money for other men's and women's sports.

- **Myth:** *Title IX requires equal spending on women's and men's sports.*

- **Fact: Title IX does not require schools to spend the same amount of money on male and female athletes.** Title IX requires schools to treat male and female athletes equally, but it recognizes that a football uniform costs more than a swimsuit. So it does not require that a school spend the same amount of money on uniforms for the swim team as for the football team. 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 with only one set of uniforms.

- **Myth:** *Title IX has gone too far.*

- **Fact: The playing field is far from level for female athletes, despite Title IX's considerable successes.** Women's athletics programs still lag behind men's programs. While 53% of the students at Division I schools are women, female athletes receive only:

- 44% of the opportunities to play intercollegiate sports;
- 37% of the total money spent on athletics;
- 32% of the dollars spent to recruit new athletes; and
- 45% of the total athletic scholarship dollars.

Spending on men's sports continues to dominate spending on women's sports:

- In Division I, for every dollar spent on women's sports, almost two dollars are spent on men's sports.
- In Division I-A, the average expenditures on football alone (almost \$7 million) exceed the average total expenditures for women's sports (about \$5.4 million).