



TITLE IX

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 play sports. Because Title IX allows sports teams to be separated by sex, schools decide how many spots on teams they will give to 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:** The percentages of spots on teams allocated to males and females are substantially proportionate to the percentages of male and female students enrolled; or
- Prong 2:** It has a history and continuing practice of expanding athletic opportunities for the underrepresented sex; or
- Prong 3:** 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 tend to try to meet prong one. For example, between 1994 and 1998, of the 74 Office for Civil Rights (OCR) Title IX participation cases, only 21 schools, or less than one-third, chose prong one as their means of compliance.

Myth: The Department of Education 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 ten 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 211,000—over six 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. The budgets for these two sports consume approximately 84% of the typical Division I-FBS (formerly Division I-A) school's total men's athletic expenses.

- 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.
- Rutgers University spent \$175,000 on hotel rooms before six home football games, more than the entire budget of the men's tennis team, which the university eliminated.



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.

Myth: Football and men's basketball finance all other sports.

Fact: Most football and men's basketball teams spend much more money than they bring in. A 2014 NCAA report shows that almost half of Division I-FBS football and men's basketball programs do not generate enough revenue to pay for themselves, much less any other sports. The typical losing programs have annual deficits of almost \$4.2 million and \$1.3 million respectively. And how do some of these 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 necessarily 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 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 more than half of the students at NCAA schools are women, they receive only 44% of the athletic participation opportunities. Moreover, female athletes at the typical Division I-FBS school receive roughly:

- 29% of the total athletic operating expenses;
- 28% of the dollars spent to recruit new athletes; and
- 39% of the total athletic scholarship dollars.

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

- At the typical Division I-FBS school, for every dollar spent on women's sports, about two and a half dollars are spent on men's sports.
- In Division I-FBS, the typical expenditures on football alone (over \$16 million) exceed the typical total expenditures for women's sports (over \$10 million).

Are you concerned about sports inequities at your school? Contact NWLC to share your story or for further information.

