

# The Battle for Gender Equity in Athletics in Colleges and Universities

Title IX of the Education Amendments of 1972 bars sex discrimination in all schools that receive federal funding, including in their athletic programs. Title IX requires schools to (1) offer students equal opportunities to play sports based on sex; (2) allocate athletic scholarship dollars equitably based on sex; and (3) treat student athletes who play sports equally based on sex with respect to other benefits and services, such as equipment, coaching, and facilities. While Title IX has led to greater opportunities for women to play sports, receive scholarships, and obtain lifelong benefits that flow from sports participation, its goal of equal opportunity in sports has yet to be realized.

## **Title IX Has Partially Opened Doors for Women.**

Because of Title IX, women have gone from being almost totally excluded from athletics to having a disproportionately small but important share of athletic opportunities.

- When Congress passed Title IX in 1972, fewer than 32,000 women competed in intercollegiate athletics, representing less than 16 percent of all college athletes.<sup>1</sup> Women received only 2 percent of schools' athletics budgets, and athletic scholarships for women were nonexistent.<sup>2</sup>
- Title IX has made an enormous difference in women's participation in intercollegiate sports. The number of college women participating in competitive athletics is now seven times the pre-Title IX rate. In the 2019-20 school year, a record number of 219,177 women competed, representing 44 percent of college athletes nationwide.<sup>3</sup>

## **Despite Advances, Women Have Not Yet Achieved Equity in Athletics.**

- Although women are over half of the undergraduates in our colleges and universities, women's participation in intercollegiate sports just recently caught up to men's pre-Title IX participation: While 170,384 men played college sports in 1971-1972, college women did not match that number until 2005-2006.<sup>4</sup>
- And there is no shortage of interest by women to play sports. Since 1972, when Title IX first opened up opportunities for women and girls, their participation in athletics has skyrocketed, disproving claims made by opponents of Title IX that the lower numbers of women and girls in sports are due to lack of interest as opposed to lack of opportunities.<sup>5</sup>

## Young Women Face Sports Inequities Nationwide

Across the country, schools still fail to provide women with equal athletic participation opportunities and treat women's teams as second-class.

- **Iowa:** In 2021, the University of Iowa cut its women's swimming and diving team, and multiple players filed suit for not providing them with equal participation opportunities. Following a court order, the University agreed to permanently reinstate the team.<sup>6</sup>
- **Virginia:** In fall 2020, the College of William & Mary announced it was eliminating its women's gymnastics, swimming, and volleyball teams at the end of the school year. A month later, after being threatened with a class-action lawsuit, the College agreed to reinstate these teams, develop a Gender Equity Plan, and come into full compliance with Title IX by the 2022-23 school year.<sup>7</sup>
- **Georgia:** In 2012, Fort Valley State University eliminated its women's volleyball team, leaving its players who were attending the school on athletic scholarships out in the cold. After being threatened with a sex discrimination lawsuit, Fort Valley State agreed to reinstate the team, renew and create additional scholarships for its players, and provide additional facilities and equipment for the team.<sup>8</sup>

- But the playing field is still not level. While more than half of the students at NCAA schools are women,<sup>9</sup> they receive only 44 percent of the athletic participation opportunities.<sup>10</sup> Moreover, women who play sports at the typical Division I-FBS (formerly Division I-A) school receive only about 18 percent of the total money spent on athletics, 29 percent of recruiting dollars, and 41

percent of athletic scholarship dollars.<sup>11</sup> In addition, at the typical FBS school, for every dollar spent on women's sports, about two and a half dollars are spent on men's sports.<sup>12</sup>

## Women Who Play Sports Experience Significant Benefits.

Competitive athletics promote greater academic and employment success, increased personal skills, and a multitude of health benefits for all women in sports.<sup>13</sup>

### Greater Academic Opportunities and Success

- Women who play at NCAA Division I schools graduate at higher rates than other students.<sup>14</sup>
- The availability of athletic scholarships dramatically increases a young woman's ability to pursue a college education and to choose from a wider range of colleges and universities.

### Increased Employment Opportunities

- An increase in women's sports participation leads to an increase in women's labor force participation down the road and greater participation of women in previously male-dominated occupations, particularly high-skill, high-wage ones.<sup>15</sup>
- Among executive businesswomen, 75 percent reported that the lessons they learned on the playing field contributed to their success in business. Among women in C-suite positions, 94 percent had competed in sports, and 52 percent had played at the university level.<sup>16</sup>

### Health Benefits

- Women who participate in sports are less likely to develop breast cancer, drink, smoke,<sup>17</sup> or become pregnant than their non-athlete peers.<sup>18</sup>
- Young women who play sports have a higher level of self-esteem, a lower incidence of depression, and a more positive body image.<sup>19</sup>

## Increased Opportunities for Women in Sports: Success Stories.

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.

- Despite the onset of COVID-19 with many men's teams suffering decreases in viewership, women's teams have

flourished. In 2020, the WNBA finals viewership increased 15 percent from 2019 in comparison to NBA finals viewership taking a striking hit of over 45 percent.<sup>20</sup>

- Women’s tennis has the second-highest interest rating among women’s sports due in large part to increasing media coverage of Black women athletes, including powerhouse Serena Williams and newcomer Naomi Osaka.<sup>21</sup>
- As of April 2022, Christine Sinclair has scored 189 goals in 310 matches, ranking first in most career international goals scored by a soccer player of any gender worldwide.<sup>22</sup>
- In the 2021 Summer Olympics, U.S. women won 66 of the country’s 113 medals.<sup>23</sup> The United States’ women’s basketball team is a powerhouse that has won the gold medal at the last six Summer Olympics.<sup>24</sup> Many of the

most decorated Olympic athletes are Black women, including gymnast Simone Biles and track and field sprinter Allyson Felix.

- At just twenty-three years old, Naomi Osaka became the first Asian tennis player to hold the top ranking in singles and to be ranked No. 1 by the Women’s Tennis Association.<sup>25</sup>

**Women have come a long way since the enactment of Title IX, but much work still needs to be done to fulfill the law’s promise.**

**Are you concerned about sports inequities at your school? Visit [nwlc.org/legal-help](https://www.nwlc.org/legal-help) to learn about your rights and get connected to attorneys.**



1 See Title IX of the Education Amendments of 1972; a Policy Interpretation; Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71413, 71419 (Dec. 11, 1979) (codified at 45 C.F.R. pt. 86).

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12 *Id.* at 32.

13 ALEX POINSETT, *THE ROLE OF SPORTS IN YOUTH DEVELOPMENT: REPORT OF A MEETING CONVENED BY CARNEGIE CORPORATION OF NEW YORK* 9 (1996).

14 National Collegiate Athletic Association, *Trends in Graduation Success Rates and Federal Graduation Rates at NCAA Division I Schools* (Nov. 2020), [https://ncaaorg.s3.amazonaws.com/research/gradrates/2020/2020D1RES\\_FedGSRTrends.pdf](https://ncaaorg.s3.amazonaws.com/research/gradrates/2020/2020D1RES_FedGSRTrends.pdf).

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17 WSF Report, *supra* note 16, at 25-26.

18 National Collegiate Athletic Association, *Pregnant and Parenting Student-Athletes Resources and Model Policies* 6 (2021), <http://s3.amazonaws.com/ncaa.org/documents/2021/1/18/PregnancyToolkit.pdf>.

19 WSF Report *supra* note 16, 26-28.

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