



# Quick Facts About Title IX and Athletics

This fact sheet addresses some of the most common myths about Title IX.

## **1. Title IX does not require “quotas.”**

Title IX simply requires that schools allocate athletic participation opportunities in a nondiscriminatory way, which means that they have to provide women/girls with equal opportunities to play sports as men/boys. Because Title IX allows sports teams to be separated by sex, schools decide how many spots on teams they will give to women/girls. So the idea of “quotas” doesn’t even apply, because men/boys and women/girls don’t compete for the same team spots!

A school can meet the requirement of providing equal opportunities to play if it can demonstrate one of the following parts of Title IX’s “Three-Part Test”:

**PRONG 1:** The percentages of spots on teams allocated to men/boys and women/girls are roughly the same as their enrollment percentages (so if girls make up 50% of a school’s enrollment, they should receive about 50% of the total spots on teams); **or**

**PRONG 2:** The school has a history and continuing practice of expanding athletic opportunities for the underrepresented sex; **or**

**PRONG 3:** The school’s 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.

At least 10 of the 12 federal courts of appeals have deferred to and applied the Three-Part Test; none have held that the test imposes quotas.

## 2. Women and girls are interested in playing sports!

After Title IX passed in 1972, women's and girls' participation in sports skyrocketed. Before Title IX, fewer than 32,000 women participated in college sports, representing less than 16 percent of all college athletes.<sup>1</sup> By 2019-20, that number was 222,920—seven times the pre-Title IX rate and representing 44 percent of all NCAA athletes.<sup>2</sup> Similarly, in 1972, only 295,000 girls competed in high school sports, representing 7 percent of all high school athletes,<sup>3</sup> but by the 2018-19, that number had risen to 3.4 million, representing 43 percent of all high school athletes.<sup>4</sup> This is proof that interest follows opportunity. Title IX is a real example of “The Field of Dreams”—if you build it, they will come.

## 3. Title IX does NOT require schools to cut men's/boys' sports.

Nothing in Title IX requires or even encourages schools to cut opportunities for men/boys. But schools have flexibility in structuring their programs, and some schools have chosen to eliminate certain men's sports, like gymnastics and wrestling, instead of controlling their bloated football and men's basketball budgets, which consume 83 percent of the typical Division I-FBS (formerly Division I-A) school's total men's athletic expenses. For example:

- In 2006, Rutgers University spent \$175,000 on hotel rooms for players before six home football games—more than the entire budget of the men's tennis team—which the university eliminated.<sup>5</sup>
- During the 2019-20 school year, despite already being in a severe financial crisis, UCLA spent over \$3.5 million on meals for its football team after spending over \$5.4 million the previous year.<sup>6</sup>

## 4. Contrary to popular belief, most college football and men's basketball programs are not paying for other sports at their schools.

The vast majority of Division I schools (104 out of 129), which have large football and men's basketball programs, recorded a negative net generated revenue in 2019.<sup>7</sup>

## 5. Title IX does not require schools to spend exactly the same amount of money on men's/boys' and women's/girls' teams.

Title IX requires schools to treat men's/boys' and women's/girls' teams equally overall, but it recognizes that a football uniform costs more than a swimsuit. The law does not require that a school necessarily spend the same amount of money on uniforms for the girls' swim team as for the boys' football team. But the school cannot provide boys with top-notch uniforms and girls with low-quality uniforms. Similarly, a school cannot give men's teams different uniforms for home games, away games, and practices, while giving women's teams only one set of uniforms.

## 6. The playing field is far from level for women's and girls' sports.

Women's and girls' athletics programs still lag behind men's and boys' programs. For example, in college sports, women at Division I schools receive one dollar for every two dollars spent on men.<sup>8</sup> Furthermore, women's teams at the typical Division I-FBS (formerly Division I-A) school receive roughly 26 percent of the recruiting dollars and 44 percent of the athletic scholarship dollars.<sup>9</sup> In addition, in Division I-FBS, typical expenditures on football alone (over \$14 million) exceed the typical total expenditures for women's sports (over \$9 million).<sup>10</sup>

In K-12 sports, girls' teams across the country have suffered glaring disparities compared to boys' teams. For example, girls often receive worse locker rooms (or none at all); inconvenient game time slots; second-rate equipment; inferior playing fields located farther away from school; less publicity; and less access to school cheerleaders, band, and dance teams.<sup>11</sup>



Are you concerned about sports inequities at your school? Visit [nwlc.org/legal-help](https://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).
- 2 Christina Gough, *Number of NCAA Student Athletes in the United States in 2020, by gender*, Statista (Oct. 14, 2021), <https://www.statista.com/statistics/1098761/student-athletes-by-gender>.
- 3 National Federation of State High School Associations, *2018-19 High School Athletics Participation Survey 54* (2019), [https://www.nfhs.org/media/1020412/2018-19\\_participation\\_survey.pdf](https://www.nfhs.org/media/1020412/2018-19_participation_survey.pdf).
- 4 *Id.*
- 5 Associated Press, *Rutgers invests in football but cuts other sports*, ESPN (Nov. 18, 2006).
- 6 Ben Bolch, *UCLA's athletic department posts \$21.7-million deficit for 2020 fiscal year*, Los Angeles Times (Feb. 9, 2021), <https://www.latimes.com/sports/ucla/story/2021-02-09/ucla-athletics-massive-deficit-2020-fiscal-year>.
- 7 Mark J. Drozdowski, *Do Colleges Make Money From Athletics?*, Best Colleges (Nov. 16, 2020; updated Mar. 22, 2022), <https://www.bestcolleges.com/news/analysis/2020/11/20/do-college-sports-make-money>.
- 8 Women's Sports Foundation, *Chasing Equity: The Triumphs, Challenges, and Opportunities in Sports for Girls and Women* 9 (Jan. 15, 2020), [https://www.womenssportsfoundation.org/articles\\_and\\_report/chasing-equity-the-triumphs-challenges-and-opportunities-in-sports-for-girls-and-women](https://www.womenssportsfoundation.org/articles_and_report/chasing-equity-the-triumphs-challenges-and-opportunities-in-sports-for-girls-and-women).
- 9 *Id.* at 29, 48.
- 10 Luke Meredith, *NCAA Title IX Report: Spending Up, Gender Gaps Remain*. The Seattle Times (June 21, 2017), <https://www.seattletimes.com/sports/ncaa-title-ix-report-spending-up-gender-gaps-remain>.
- 11 Jaelyn Watson and Alexandra Gopin, *Field conditions, amenities fuel many Title IX legal disputes*, Capital News Service (Apr. 11, 2022), <https://cnsmaryland.org/2022/04/11/title-ix-high-school-field-lawsuits>; Emily Riley, *Title IX requires girls sports get equal publicity. They often don't.*, Capital News Service (Apr. 11, 2022), <https://cnsmaryland.org/2022/04/11/title-ix-publicity-pentucket-massachusetts>.