



Title IX and Intercollegiate Athletics

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WHAT IS TITLE IX?

Title IX is a section from the Education Amendments Act of 1972, which states the following:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal financial assistance." - Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act

TITLE IX HISTORY AND CHRONOLOGY

[Video: Sporting Chance – The Lasting Legacy of Title IX](#)

[Key dates](#)

UNLAWFUL DISCRIMINATORY PRACTICES UNDER TITLE IX

It is unlawful for a recipient of federal funds to discriminate on the basis of sex against students, faculty and staff. Title IX prohibits colleges from discrimination on the basis of sex in the provision of its educational and co-curricular programs. Title IX has received most attention in its application to college and high school athletics. However, it applies to all programs and services at federally funded colleges, with few exceptions. Areas of coverage include but are not limited to:

1. Educational programs or activities, e.g., athletics, vocational and vocational rehabilitation programs, recreation, physical education, student treatment and services, academic counseling and guidance, discipline, classroom assignment, grading;
2. Admission and recruitment, e.g., financial aid, housing;
3. Medical services, including counseling.

UNLAWFUL DISCRIMINATORY BEHAVIORS UNDER TITLE IX

SEXUAL HARASSMENT (unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature)

SEXUAL MISCONDUCT (rape, sexual assault, sexual battery, sexual exploitation and other forms of non-consensual sexual activity)

STALKING (repeatedly following, harassing, threatening or intimidating including by telephone, mail, electronic communication or social media)

DATING VIOLENCE (including emotional, verbal, and economic abuse without the presence of physical abuse)

DOMESTIC VIOLENCE (including emotional, verbal and economic abuse without the presence of physical abuse)

RETALIATION (adverse employment, academic or other actions against anyone reporting or participating in an investigation of Title IX allegations)

TITLE IX APPLIED TO ATHLETICS

Program Components Reviewed for Compliance

1. Equality of Opportunity / Participation

- a. One of the following must be met:
 - i. **Substantial Proportionality**
 - 1. What opportunities count?
 - 2. Exact or substantial?
 - ii. **History & Continuing Practice/Program Expansion**
 - iii. **Interest & Ability**
 - 1. How do you measure interest?
 - 2. When should you add teams?

2. Equality of Scholarships

- a. 1% disparity non-duplicated
- b. Student-Assistance Fund
- c. Academic v. Summer

3. Provision of Resources

- a. Equipment and Supplies
 - i. Quality
 - ii. Amount
 - iii. Suitability
 - iv. Maintenance
 - v. Replacement
 - vi. Availability
- b. Scheduling of Games and Practice Times
 - i. What is prime time?
 - ii. Spring trips
 - iii. Out of Region games
 - iv. Guarantees
 - v. Role of Fundraising
 - vi. Championship/Non-Traditional season
- c. Travel and Per Diem Allowance
 - i. Mode of Travel
 - ii. Housing
 - iii. Length of Stay before/after
 - iv. Per diem
 - v. Dining arrangements
- d. Tutors
 - i. Availability
- e. Coaches
 - i. Availability
 - ii. Assignment
 - iii. Compensation

- f. Locker Rooms, Practice and Competitive Facilities
 - i. Quality
 - ii. Availability
 - iii. Exclusivity of Use
 - iv. Preparation
 - v. Maintenance
- g. Medical and Training Facilities and Services
 - i. Availability of Personnel
 - ii. Insurance
 - iii. Quality
- h. Housing and Dining Facilities and Services
 - i. Home Practice & Competition
 - ii. Snacks/Meals
 - iii. Location and Availability
 - iv. Housing/priority/location
 - v. Night before games
 - vi. Parking
- i. Communications / Publicity
 - i. Availability and quality of Sports Information Personnel
 - ii. Access to other Publicity Resources
 - iii. Quantity and Quality of Promotion
 - iv. Marketing
 - v. Social Media
- j. Support Services
 - i. Administrative & Clerical
- k. Recruitment of Student-Athletes
 - i. Equal opportunities to Recruit, including Financial and Other Resources

Is Your Program Equitable?

1. Are policies discriminatory in language or effect?
2. Are disparities substantial and unjustified in overall program?
3. Are disparities in individual area substantial enough to deny equality of athletic opportunity?

HOW TITLE IX IS ENFORCED

Office for Civil Rights

What is the OCR?

The Office for Civil Rights (OCR) is one of several Offices within the U.S. Department of Education (ED). The Assistant Secretary for Civil Rights heads OCR nationwide and is appointed by the President of the United States. The U.S. Department of Education administers and disperses federal tax dollars to educational institutions for a variety of education programs. OCR is responsible for enforcing laws requiring nondiscrimination by institutions receiving those federal dollars.

How the OCR Enforces the Law

OCR enforces Title IX by investigating complaints, conducting compliance reviews, and providing technical assistance. An institution found to violate Title IX (or any of the regulations enforced by OCR) has the opportunity to remedy the violation voluntarily.

1. Complaint Investigations.

Anyone may file a complaint with OCR, even individuals who are not the victims of discrimination and not associated in any way with the institution.

2. Compliance Reviews.

3. Technical Assistance.

Technical assistance is provided at the request of institution officials by telephone, in writing, and/or during campus visits.

Title IX Athletics Investigations

Although the general procedures outlined above also apply, Title IX athletics investigations are unique, primarily because of the extensive detail that must be collected and analyzed to determine compliance. Depending on the allegations, OCR may limit an investigation to the accommodation of interests and abilities, or athletic scholarships, or the 11 program components under Other Athletic Benefits and Opportunities. At the secondary level, OCR may conduct a modified investigation of a specific program component to assess the merits of the complaint and determine if further investigation is warranted. If OCR reviews only the accommodation of interests and abilities, only athletic scholarships, or both, the investigation might not require a campus visit; information may be forwarded by mail or e-mail and interviews conducted by telephone. If most or all of the 13 Title IX athletics program components are investigated, OCR requests extensive data and visits the campus to interview staff and students and inspect facilities.

[Find more information on the Office for Civil Rights](#)

[Know Your Rights](#)

[Family Educational Rights & Privacy Act \(FERPA\)](#)

RESOURCES

- Complimentary Legal Consultation for Alliance Members
 - Email info@gocoaches.org
- College/University Campus Resources:
 - Campus Police & Public Safety
 - Assault Resources
 - Counseling & Psychological Services
 - Office of Student Conduct
 - Title IX Office
- Emerging Sports for Women
 - [NCAA information](#)
 - [Process Guide](#)
- Sexual Assault & Relationship Violence Hotline: 800-555-7575
- Title IX Hotline: 888-TITLE-06 (888-848-5306)
- [Equity & Title IX in Intercollegiate Athletics document](#)
- [Equity & Title IX brochure](#)
- [Equity in Athletics Disclosure Act](#)
 - Check how your school is doing with gender equity numbers; see reported numbers on participation, budgets, scholarships and coaches for your school and others
- [Gender Equity Planning – Best Practices](#)
- [Senior Woman Administrator brochure](#)
- [Take10 Talk on Title IX by Amy Wilson, NCAA Director of Inclusion](#)
- [Title IX & Gender Equity Videos](#)
- [Title IX Coordinator & Athletics Compliance brochure](#)
- [Title IX Equipment & Supplies Equity brochure](#)
- [Title IX – Celebrating 40 Years video](#)
- [Tucker Center Research Series & Report Cards for NCAA Division I, II, and III](#)

ORGANIZATIONS

- [National Girls & Women in Sports Day](#) (NGWSD)
National Girls & Women in Sports Day began in 1987 as a day to remember Olympic Volleyball player Flo Hyman for her athletic achievements and her work to assure equality for women's sports. Events are conducted around the country and on Capitol Hill throughout the month to celebrate the athletic achievements of girls and women and to promote the continued expansion of opportunities for girls to play sports and live physically active lives.

- [Women’s Sports Foundation](#)
Founded in 1974 by tennis legend, Billie Jean King, the Women’s Sports Foundation is dedicated to creating leaders by ensuring all girls access to sports.
- [National Women’s Law Center \(NWLC\)](#)
The Center has worked for more than 40 years to protect and promote equality and opportunity for women and families. They champion policies and laws that help women and girls achieve their potential at every stage of their lives — at school, work, home, and in retirement.
- [National Coalition for Women & Girls in Education \(NCWGE\)](#)
The National Coalition for Women and Girls in Education (NCWGE) is a nonprofit organization of more than 50 groups dedicated to improving educational opportunities for girls and women. NCWGE is a major force in developing national education policies that benefit all women and girls, providing a valuable forum to share information and strategies to advance educational equity, advocate for women’s and girls’ interests on issues regarding Title IX of the Education Amendments of 1972, and monitor federal agencies’ implementation of federal education programs.

[Women Leaders in College Sports](#)

NACWAA is a leadership organization that empowers, develops, assists, celebrates, affirms, involves and honors women working in college sports and beyond.

Frequently Asked Questions

What should I do if I think I have been discriminated against on the basis of my gender, or subjected to sexual misconduct?

You should take your situation to the attention of the Title IX Coordinator or someone in the Title IX office.

What are a Title IX Coordinator’s responsibilities?

A Title IX coordinator’s core responsibilities include overseeing the school’s response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. This means that the Title IX coordinator must have knowledge of the requirements of Title IX, of the school’s own policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the school.

Does Title IX protect against retaliation?

Yes. The Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws. This means that if an individual brings concerns about possible civil rights problems to a school’s attention, including publicly opposing sexual violence or filing a sexual violence complaint with the school or any State or Federal agency, it is unlawful for the school to retaliate against that individual for doing so. It is also unlawful to retaliate against an individual because he or she testified, or participated in any manner, in an OCR or school’s investigation or proceeding.

Find a complete list of detailed Title IX Questions and Answers [here](#)