Title IX: What Now?

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To link to this article: https://doi.org/10.1080/07303084.2002.10607835

Published online: 11 Mar 2013.

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It is now the morning of June 23, 2002, and Title IX is officially 30 years old. Last night I watched an ESPN program entitled “On the Basis of Sex: A Town Meeting on Title IX.”

And for the last couple of days I have been reading many of the news releases from AAHPERD regarding the status of Title IX, current statistics on compliance with this law, and the threats that seek to compromise it. Let me state that I am neither a liberal nor a conservative and that, while I am a registered Democrat, I tend to vote on issues and not along party lines. But like many of you, I have been affected by the media’s coverage of Title IX and have spent a lot of time reflecting on the effect this law has had, not only on the right of all individuals to participate in sport activities, but also on our society as a whole.

The ESPN special used a panel discussion format with representatives on both sides of this issue. Questions were posed by a moderator and by members of the audience that addressed many of the issues and misconceptions associated with Title IX. It was the content of this program, the current statistics, and the latest legislation that threatens to derail Title IX that have led me to abandon early morning sleep to compose this editorial for JOPERD.

Many of the points made on this television program, along with facts presented in recent news releases, warrant our thoughtful consideration, so that we can choose the best course of action concerning the ongoing implementation of Title IX.

I believe the central issue in all of this is the question of this law’s overall fairness for both women and men. Title IX seeks to level the playing field for both male and female athletes by mandating equal opportunities for participation for both genders in educational programs that receive federal funding.

One of the biggest issues in this controversy centers around making progress in providing participation opportunities for women and the money that is needed to accomplish this task. In a time of budgetary cutbacks, athletics directors and university presidents who must account for the bottom line are tasked with difficult decisions. Historically, women’s sport programs had received little or no funding from their institutions, while men’s programs received the lion’s share of the athletics budget. With the passage of Title IX, much progress has been made on this front, but it still falls short of the intent of the law.

Many who oppose Title IX argue that the elimination of men’s programs (such as wrestling and gymnastics) is the result of increased funding for women’s sports. This position is both sad and unsubstantiated when one considers the amount of money spent on women’s sports compared to the money spent on men’s sports. As Donna Lopiano, executive director of the Women’s Sports Foundation, put it, “It is a case of the victims blaming the victims when women sports are blamed for the loss of men’s programs.” In fact, the amount of money spent on football alone accounts for the largest part of the athletics budget at most institutions. To further illustrate this point, Nancy Hogshead, a professor of law and former Olympian, cited the loss of outstanding men’s teams in gymnastics and swimming at the University of Southern California.

The combined budget for these two teams was $250,000, while the football budget was set at 5.5 million dollars. How can it be justified to cut two nonrevenue sports (costing so little in comparison), while football remains untouched? Athletics directors and, in some cases, college presidents are the ones making the funding choices, and football always seems to do well in the final analysis. Both Christine Brennan, a columnist for USA Today, and Bill Curry, the 1989 National Football Coach of the Year, talked about the unwillingness of school and athletics administrators to challenge the football coaches on the issue of their funding dilemmas and absolute necessities (priorities), which has caused many teams, both men’s (wrestling, swimming and gymnastics) and women’s (gymnastics and field hockey), to be eliminated.

Those opposed to Title IX are quick to point out that football is referred to as a “revenue-producing” sport and therefore should receive the largest portion of the budget—although this statement, too, is not exactly factual. In fact, only 20 percent of all college football programs in this country are revenue producing (producing net profits). One of the panelists on the ESPN program, Coach Bill Curry, former football coach at the University of Alabama and the current coach at the University of Kentucky, admitted that perhaps football could “cut out some of the stupid expenditures.” If this were done, then the money saved could...
be used to fund other nonrevenue sports for both men and women. Mr. Curry went on to state that “football should help foot the bill to keep schools from dropping significant women’s and men’s programs.” I applaud Coach Curry’s candor and courage to make these statements. He went on to say that many football coaches are sensitive to the inequities found in women’s and men’s athletics, but then also stated that there are those who do not care about this issue and worry about the impact of Title IX on their respective budgets and programs.

Another issue related to funding was not addressed in the ESPN forum: the practice of using student activity fees to pay for college athletics. As a university student, I was always amazed that we paid a student activity fee, part of which went to support both revenue and nonrevenue sports, and then had to pay to attend men’s football and basketball games. I found this especially interesting since at that time about 60 percent of the university’s population was female, and our money was going to pay for sports where we would never receive any direct benefit. In addition, before its arrival into big-time football, the university poured a tremendous amount of money into football over a 20-year period in order to ensure a top-ranked team. When this team finally arrived in the top ranking and started to produce revenue, it did not offer to repay the university for its support over the previous years, but instead it established a separate foundation so it could control its own money.

Let me put this another way: if I borrowed $1,000 a year from you over a 10-year period and then hit a 3 million dollar lottery, wouldn’t I offer to pay you back or at least contribute to the common good? And what about the 80 percent of football programs that do not produce revenue? Don’t they represent a financial drain on the school’s athletics budget, and wouldn’t that negatively affect other sports for both genders?

The notion of “proportionality” has been a heavily debated aspect of Title IX. This issue deals with the number of student participation opportunities a university or college offers based on the gender balance of the university’s student body. For example, if a university’s student body was composed of 51 percent women and 49 percent men then about 50 percent of the participation opportunities should be available for women athletes. “Proportionality” is one of three ways that an institution can comply with Title IX. The other two ways are (1) demonstrating that a school has a history of moving towards compliance by continuing to add teams/numbers of female athletes to their existing ranks and (2) meeting the interest and abilities of the student athletes on campuses, whereby these students must show an interest in a particular sport in order to have it added to the university athletics program. The reason “proportionality” has drawn a lot of fire is because of the imbalance of the number of athletes that football coaches claim they need in order to “remain competitive.” The roster of many football teams range from 120 to over 200 players and this makes the whole notion of proportionality unattainable for schools with football programs. Again, those opposed to Title IX cited this option as unfair due to the improbability of showing compliance to Title IX via the “proportionality” rule. However, there are two other avenues (showing historical progress and student interest) to comply with this legislation.

Issues surrounding Title IX are truly complex, and the law must be viewed in a larger context not just for sport or for women but as an opportunity for our society to move beyond its long held beliefs about women’s participation in sport. In the United States, 51 percent of the population are women. How can we continue to advantage 49 percent of the population at the expense of the majority? The recent research on the growth of obesity is one more reason why Americans should continue to support sport participation for the entire population. And while I am on this bandwagon, let’s not forget the impact of the elimination of physical education classes on all of our K-12 students. This elimination trend has put children’s health at even greater risk. More than ever we need to support everyone in their pursuit of sport and physical activity, so that all can enjoy the physical and psychology benefits of participation in sport.

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