

Athletics

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WOMEN IN SPORTS

Title IX Enforcement Called 'Deeply Troubling'

As landmark gender-equity law reaches its 35th anniversary, report criticizes federal oversight

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Washington

The government agency responsible for enforcing gender equity in college sports is falling down on the job, according to a report released last week by the National Women's Law Center.

Over the past five years, the U.S. Education Department's Office for Civil Rights — the administrative guardian of Title IX of the Education Amendments of 1972, the law that prohibits sex discrimination at institutions that receive federal funds — has cut back sharply in the number of athletics programs it evaluates.

In some cases, the report says, the agency has taken up to four years to resolve complaints, by which time the students who faced discrimination have graduated.

"These findings are deeply troubling because they suggest that the Office for Civil Rights is abdicating its responsibility to take proactive steps to ensure compliance with the law," says Jocelyn Samuels, vice president for education and employment at the center, which last week urged members of Congress to step up their oversight of the civil-rights agency.

THE NUMBERS

Percentage of Division I college athletes in 1990 who were female:

31

Percentage in 2005 who were female:

45

SOURCE: U.S. Education Department, National Collegiate Athletic Association

From 2002 through 2006, the Office for Civil Rights received 416 complaints alleging sex discrimination in high-school and college sports, according to the law center, which obtained the records through a Freedom of Information Act request.

Of the 105 complaints involving colleges' athletics departments, 38 percent alleged unequal treatment of women's teams compared with men's. Many complaints implicated a college's entire sports program, and most were resolved. But when individual sports were cited, softball and soccer produced the most allegations of discrimination. Inequitable facilities and access to coaches were the most commonly cited examples of unfair treatment.

The report's findings, which come on the 35th anniversary of Title IX, could help shift the focus in the fight over equal opportunities for female college athletes. More women than ever are participating in college sports, and female athletes' share of scholarship dollars continues to increase, according to the latest Education Department data. But poor treatment of women persists.

The Dollar Divide

The rapid rise in spending on football and men's basketball has hurt many women's teams. Colleges are spending far more money on new facilities, coaches' salaries, and recruiting expenses for men's programs

than for women's, creating a divide that equity advocates fear will only deepen.

Driven by a rise in million-dollar coaching contracts, men's head-coaching salaries in the NCAA's top division increased by about 12 percent, on average, between 2004-5 and 2005-6, according to an analysis of Education Department data.

As a result, women's share of Division I operating budgets declined by 1 percentage point, to 34 percent, between 2004 and 2005.

Despite those setbacks, participation opportunities continue to improve for many female college athletes, with the biggest gains coming in the programs with the most money. During 2005, NCAA Division I student bodies, on average, were 54 percent female, and athletics programs 45 percent female, creating a disparity of 9 percentage points. During 2003-4, the difference was 11 percentage points.

Reasons for Complaints

But some athletics programs still discriminate against female athletes when it comes to playing opportunities, says the law center's report.

A lack of a chance to play — for both women and men — was another common reason for lodging a Title IX complaint, the report says. Thirty-five percent of complaints against colleges noted an absence of overall athletic opportunities or sufficient interest in a sport the college did not offer.

The report also criticizes the Office for Civil Rights for focusing its reviews on procedural compliance issues, such as whether institutions have a Title IX coordinator or have distributed their grievance procedures to athletes, rather than investigating potentially broader problems in athletics departments.

For example, in the past five years, the report says, the civil-rights office conducted only one "compliance review" of an educational institution's athletics department. The office carries out that kind of comprehensive review, of whether an institution is meeting Title IX requirements, at its own discretion, following up on tips or news reports where there are no formal complaints.

Representatives of the Office for Civil Rights say they have continued to investigate complaints filed by students, parents, and coaches, even if they have not conducted as many of their own compliance reviews. They say the law center's report excludes or glosses over important information about their efforts to enforce Title IX.

David F. Black, deputy assistant secretary for enforcement, says he meets frequently with high-school and college athletics officials to educate them about their responsibilities under the law. In the past five years, he says, the agency has conducted more than 60 reviews of institutions' Title IX grievance procedures, and more than a dozen of sexual-harassment policies. And this year, he adds, the office plans to conduct six compliance reviews.

THE NUMBERS

Percentage of athletics departments' operating budgets that Division I colleges spent on women's sports in 1990:
23

Percentage allocated for women's sports in 2005:
38

SOURCE: U.S. Education Department, National Collegiate Athletic Association

THE NUMBERS

Number of NCAA institutions that spent more than \$10-million on women's sports in 2005:
17

Number that spent more than \$10-million on men's sports:

Valerie M. Bonnette, a former investigator with the Office for Civil Rights, says the agency's dwindling staff and increasing load of complaints are part of the reason for its drop-off in full compliance reviews.

"This is what they do in their spare time, and they don't have any spare time," Ms. Bonnette says. In the early 1990s, she says, the agency conducted three to five full reviews of college athletics departments annually, and one year did 20.

The Office for Civil Rights has been criticized on other fronts, as well. This year advocates for historically black colleges said it had shirked its responsibilities in enforcing higher-education desegregation agreements.

82

SOURCE: U.S. Education
Department

And some civil-rights groups have complained that it has provided little guidance on affirmative action in the wake of the Supreme Court's two 2003 decisions dealing with race-conscious admissions at the University of Michigan at Ann Arbor.

More Oversight

At a hearing before a subcommittee of the House Education Committee last week, Marcia D. Greenberger, co-president of the National Women's Law Center, recommended more Congressional oversight of the civil-rights office.

The center also has other suggestions. Along with its report on administrative enforcement, "Barriers to Fair Play," it released a legal guide to Title IX, "Breaking Down Barriers," both of which are available on its Web site (<http://www.nwlc.org>). The guide is designed for students and their advocates who might want to sue institutions under the law.

"Litigation has proven to be an essential tool in the fight to secure gender equity in athletics," the guide says, "and will likely continue to play a key role."

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Section: Athletics

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