

Title IX and Women's Athletic Opportunities in Indiana Colleges and Universities

By Suzanne Eckes and Molly Chamberlin

... providing nonpartisan information and research on education issues to Indiana policymakers and other education stakeholders to improve education.

Few federal education laws and policies have been as controversial or, as supporters contend, successful as Title IX of the *Education Amendments Act*. The purpose of this brief is to provide a short overview of Title IX and relevant legal issues, and to review data on the progress of women gaining opportunities in athletics in Indiana colleges and universities.

Supporters assert that although female athletes have made great strides as a result of Title IX, participation opportunities, scholarships, and financial resources for women's athletic programs still lag behind those for men. Title IX opponents argue that male athletes, especially those participating on less media-visible teams such as track and field and wrestling, are losing athletic opportunities because Title IX creates unfair quotas. Supporters counter that opponents are simply misinterpreting the law.

In this issue...

Title IX and Women's Athletic Opportunities in Indiana Colleges and Universities	1
The History of Title IX	1
Title IX in Indiana NCAA Division I Institutions ..	2
Conclusions and Recommendations	3
Footnotes	3

The History of Title IX

Title IX legislation prevents discrimination in all aspects of education and applies to any education program or activity receiving federal financial assistance, including athletic programs. Several factors are considered in evaluating gender equity in athletics, including the provision of equipment and supplies, travel and per diem allowance, assignment and compensation of coaches, and the provision of facilities, publicity, and athletic scholarships.¹

To comply with Title IX, schools must meet *any* one of three requirements.

1. Is the percentage of women participating in sports proportional to the school's enrollment (prong one)?
2. Can the school show a history and continuing practice of program expansion that is responsive to the developing interests and abilities of the members of the underrepresented sex (prong two)?
3. Can the institution show that the interests and abilities of the members of that sex have been fully and effectively accommodated by the present program (prong three)?

Title IX does not require that men's sports be eliminated. In general, Division I schools spend a high percentage of their men's athletic budgets on revenue-generating sports such as football and men's basketball. To illustrate, five of the nine Division I Indiana institutions examined in this report spent over 70% of their men's operating budgets on football and men's basketball in 2001-2002.³ Although some Title IX opponents justify higher spending for such sports, supporters argue that whether or not a program generates revenues does not remove an institution's compliance obligation.

In June 2002, a committee was formed by United States Secretary of Education Rod Paige to review Title IX and make suggestions for improvement or modification. Although supporters had worried that such modifications may weaken Title IX, in July of 2003, the Department of Education reviewed the suggestions and decided that there should be no changes to Title IX, stating that the three-prong test had worked well.⁴

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Title IX in Indiana NCAA Division I Institutions

	Participation Information					
	U.S. Division I Institutions ⁵			Indiana Division I Institutions ⁶		
	% of all undergrads	% of all athletes	athletes as % of all undergrads	% of all undergrads	% of all athletes	athletes as % of all undergrads
Men '97-'98	47%	60%	5.16%	49%	64%	4.70%
Women '97-'98	53%	40%	3.07%	51%	36%	2.59%
Men '00-'01	47%	57%	5.78%	49%	57%	4.73%
Women '00-'01	53%	43%	3.83%	51%	43%	3.46%

- **Female participation ratios in Indiana:** In 1997-1998, Indiana's female athletes made up 2.59% of all female undergraduates, compared to 3.07% nationally. By 2000-2001, Indiana's ratio had grown to 3.46%, compared to 3.83% nationally.
- **Male participation ratios in Indiana:** In Indiana in 1997-1998, male athletes constituted 4.70% of all male undergraduates, compared to 5.16% in the U.S. By 2000-2001, Indiana's ratio had grown slightly to 4.73%, compared to 5.78% in the U.S.
- **Proportionality in Indiana:** From 1997-2001, women have consistently made up a larger proportion of all undergraduates than men, both nationally (53%) and in Indiana (51%). In Indiana in 1997-1998, women constituted 36% of all athletes, compared to 40% in the U.S. In 2000-2001, Indiana's women constituted 43% of all athletes, compared to 43% nationally.

	Scholarship and Total Athletic Expense Allocation Information					
	U.S.			Indiana		
	% of all athletes	% of total scholarship \$	% of total athletic expenses	% of all athletes	% of total scholarship \$	% of total athletic expenses
Men '97-'98	60%	59%	69%	64%	60%	68%
Women '97-'98	40%	41%	31%	36%	40%	32%
Men '01-'02	56%	55%	66%	56%	56%	66%
Women '01-'02	44%	45%	34%	44%	44%	34%

- **Scholarship allocation percentages in Indiana:** In 1997-1998, women constituted 36% of all athletes in Indiana and 40% nationally. Scholarships allocated to female athletes in Indiana constituted 40% of all scholarship money, compared to 41% nationally. In 2001-2002, women made up 44% of all athletes both nationally and in Indiana. Indiana's female athletes received 44% of all scholarship money, compared to 45% nationally.
- **Expense allocation percentages in Indiana:** In 1997-1998, Division I institutions in Indiana allocated 32% of total athletic expenses to women's programs, compared to 31% nationally. By 2001-2002, 34% of all athletic expenses were used on women's programs, compared to 34% nationally.
- **Per athlete expense allocation in Indiana:⁷** In 1997-1998, Indiana's Division I institutions spent an average of \$15,404 per female athlete and \$18,670 per male athlete. By 2001-2002, average per athlete expenditure had grown 26% for males to \$23,595, while increasing only .08% for females to \$15,416.

Conclusions and Recommendations

Overall, Title IX has increased the number and ratio of women participating in college sports. Since 1997-1998, the ratio of female athletes to female undergraduates has steadily increased both nationally and in Indiana, while the ratio of male athletes to male undergraduates has also increased.

On the whole, Indiana is allocating scholarships according to Title IX guidelines. Under Title IX, the percentages of total athletic scholarship dollars given to male and female athletes should be within one percent (or one scholarship) of the total athletic participation rate for the institution.⁸ Although averages for all Indiana NCAA Division I institutions show that the state's institutions are fairly allocating scholarship money, as of 2001-2002 three of the nine universities examined in this

report had disparities in scholarship allocation of 4% or more (e.g., women constituted 44% of all athletes yet received only 40% of all scholarship money).

Unlike scholarships, Title IX does not make specific mention of amounts and proportions of resources that are to be allocated; however, in evaluating Title IX compliance, enforcers must consider the provision of supplies, travel and per diem allowance, facilities, etc. Although female athletes make up 44% of all athletes in Indiana, only 34% of athletic operating expenses are allocated to female athletic teams.

- The State must work to ensure that all institutions of higher education in Indiana clearly and accurately report gender equity information, as per the *Equity in Athletics*

Disclosure Act, which requires co-ed colleges and universities that participate in a federal student financial assistance program and have athletic programs to report information on athletic participation, staffing, revenues, and expenses for men's and women's teams.

- As the number of female athletes continues to increase, individual institutions must examine scholarship allocation policies to ensure that they are in compliance with Title IX.
- Those responsible for evaluating and enforcing Title IX compliance should examine not only proportionality in participation, which is only one prong of Title IX, but should also examine financial resource allocation and coaches' salaries to ensure that both genders are receiving adequate financial support.

Footnotes

¹ See 34 C.F.R. § 106.41(c)(1)-(10) (1995).

² See 44 Fed. Reg. at 71, 418. In addition to the three-prong test, the Policy Interpretation listed additional compliance factors that schools may consider. The federal courts rely on the three-prong test and have deemphasized the additional factors, however.

³ Based on available data taken from the Office of Postsecondary Education (OPE) Equity in Athletics Disclosure Web site, online at <http://ope.ed.gov/athletics/Search.asp>; percentage found by adding 2001-2002 reported expenses for football (F) and men's basketball (MB) and dividing by total men's operating expenses (TME), and not including expenses not allocated by gender: F+MB/TME.

⁴ Terry, M. (2003, July 12). "Decision retains Title IX status quo." *The Los Angeles Times*. Article available online at <http://www.latimes.com/sports/la-sp->

[titleix12jul12,0,1732654.story?coll=la-headlines-sports](http://www.latimes.com/sports/la-sp-titleix12jul12,0,1732654.story?coll=la-headlines-sports)

⁵ Based on available data taken from *The Chronicle of Higher Education*, online at <http://chronicle.com/stats/genderequity/> and from OPE Equity in Athletics Disclosure Web site. U.S. & Indiana data averaged based on individual statistics provided for all Division I schools (n=303 for '97-'98; n=321 for '00-'01; and n=319 for '01-'02). Any individual institution's actual information may differ greatly from Division I averages.

⁶ Indiana information is based on available data for nine Indiana NCAA Division I institutions that receive federal funding and are thus required to report equity statistics as a result of the *Equity in Athletics Disclosure Act*: Ball State University, Butler University, Indiana State University, Indiana University, IUPUI, Purdue University,

University of Evansville, University of Notre Dame, and Valparaiso University. Indiana's 10th Division I university, IUPFW, was not included due to data being unavailable for some years.

Individual institutions' actual information may differ greatly from Indiana Division I averages.

⁷ Per athlete expenditures calculated by totaling number of male athletes (MA) & number of female athletes (FA), and totaling expenses allocated to females (FE) and expenses to males (ME), then FE/FA & ME/MA.

⁸ National Women's Law Center. (2002). Investigation by NWLC finds \$6.5 million athletic scholarship gap for women at 30 colleges and universities. Available online at <http://www.nwlc.org/details.cfm?id=1143§ion=newsroom>

⁹ OPE Equity in Athletics Disclosure Web site.

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