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TITLE IX COMPLIANCE IN INTERCOLLEGIATE ATHLETICS

By
Michelle Andre

A Thesis

Submitted in partial fulfillment of the requirements of the
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Of
The Graduate School
At
Rowan University
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Approved by _____

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ABSTRACT

MICHELLE ANDRE
TITLE IX COMPLIANCE IN INTERCOLLEGIATE ATHLETICS
2001/02

Dr. Thomas Monahan
Master of Arts in Higher Education

The purpose of this research was to examine how institutions have been in compliance with Title IX at the New Jersey state schools that are part of the New Jersey Athletic Conference (NJAC) and are affiliated with the NCAA as Division III programs. The research was to show how these institutions felt they were in compliance and to explore whether they have met certain criterion and how programs have been dropped in order for institutions to meet a quota. I gathered my information via surveys. The subjects surveyed were both male and female athletic administrators at the state universities. Eighteen surveys were distributed to the institutions' athletic directors and senior women's administrators, and six were returned. The investigation shows that most administrators felt their institutions were in compliance with Title IX. The research also shows that programs that have been dropped are consistent with others being dropped throughout the country. The research seems to corroborate what the literature suggests, that is, that programs are being dropped and criteria are being met to meet a quota which was not the original intent of Title IX.

MINI-ABSTRACT

MICHELLE ANDRE
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Dr. Thomas Monahan
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Since its inception in 1972, Title IX has provided for gender equity in intercollegiate sports. In many ways, institutions have felt a need to drop programs and add others to meet quotas that were established as a result of Title IX. Institutions have felt a need to be gender equitable and meet quotas to allow their institution to be in compliance. This research study explores the New Jersey state institutions and how they felt they were in compliance with Title IX. The research shows which programs were eliminated and how administrators felt about certain criteria relating to gender equity. The data shows how Division III state institutions feel they are in compliance with Title IX and how they feel their programs have been accommodated.

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CHAPTER ONE

Introduction

Title IX was included within the Education Amendments of 1972. It states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” (Education Amendments of 1972, Title IX). When enacted, Title IX made no explicit reference to intercollegiate sports, but as interpretations were brought forth, it began to impact athletics. As a result of the passage of Title IX, women’s participation in sport has increased significantly (Miller, Heinrich, & Baker, 2000), and more women have had more opportunity to compete in intramural, intercollegiate, and professional athletics. One of the by-products of Title IX was that there would be a way to ensure that women would have the same opportunity as men to excel in collegiate athletics. However, the same opportunities would be for men as a group, not on an individual basis. Most institutions may choose athletic teams based on student body interest, geographic location, and budget constraints, but they need to enforce the equality of treatment for both genders. Title IX also affirms that no individual should be discriminated against on the basis of gender in collegiate athletics. The affirmation, however, was not that women would be allowed to participate in wrestling but that there would be equity between men and women’s athletic teams in terms of resources allocated per team member.

To understand how Title IX has affected today’s student athletes, it is important to understand how issues of gender equity came into existence. Title IX paved the way for the development of new women’s programs and the increase of female athletes’ participation in

intercollegiate athletics. In the area of equality in women's athletics, there have been many challenges to intercollegiate athletic departments. One result is that some men's programs have suffered because institutions have felt a need to be in compliance with Title IX regulations. Title IX gives men and women equal opportunity to compete athletically and equal opportunity to thrive in their sport through proper allocation of funds and services. While Title IX does not require colleges to allocate the same amount of money to men's and women's sports programs or to have equal numbers of male and female athletes, it does require colleges to provide equitable resources and opportunities in a nondiscriminatory way (Suggs, 2000).

During the 1979 reorganization of the federal Department of Health, Education and Welfare (HEW) into the Department of Education and the Department of Health and Human Services, the responsibility for the administration of Title IX, including its regulatory mission, was moved to the Office of Civil Rights (OCR) within the Department of Education (Schuld, 2000, pg. 6). Title IX has caused colleges to reevaluate their policies with regard to collegiate athletics, and colleges have had to reallocate funding and programs to comply with the Title IX regulations. This reevaluation, part of which focused on women's college sports programs, actually began in the early 1970s, but was largely ignored by university officials. Females had to lobby for their own championships because many institutions did not recognize them. From the point of view of university athletic departments and the NCAA, the NCAA's efforts for equity for women's sports did not begin until 1972, when Title IX was passed into law (Thelin, 2000).

One of the objectives of this research was to determine the effects of Title IX regulations on selected state colleges in New Jersey. I examined how they dealt with the transition in the past twenty years and how the underpinning of the Title IX legislation affected

these colleges' decisions regarding intercollegiate athletics. The state colleges from which study data were sought include Rowan University, The College of New Jersey, Richard Stockton College of New Jersey, Montclair State University, William Paterson University, Ramapo College, New Jersey City University, and Kean University. I analyzed the measures that responding institutions took to ensure that the colleges would be in compliance with Title IX. In doing so, I examined what changes were made in their athletic programs, why the changes were made, who were involved, who were affected, and whether the changes actually brought about their desired effects.

The following research questions guided this study:

1. What is the nature and scope of men and women's intercollegiate sports programs at the subject institutions?
2. What changes have occurred in men and women's intercollegiate sports programs at subject institutions since Title IX was enacted in 1972?
3. What are the perceptions of the athletic directors and senior women's administrators at the subject institutions about the impact of Title IX on their intercollegiate sports programs?

CHAPTER TWO

Review of Literature

In 1998, people all over the world gathered around their television sets to watch one of the most exciting and tense games to be played in years, a game that had gone into overtime after two regulation periods and two overtime periods which resulted in a 0-0 tie. The game went into penalty kicks where the United States prevailed and the WOMEN's soccer team won the World Championship and became the glory of America.

The children of Title IX opened up more doors for women in athletics, whether they were competing, coaching or in an administrative capacity, than ever before. The opportunities that have developed over the past thirty years have been a long time coming. In this literature review I discuss the history that led up to the statement in the 1972 Education Amendments that came to be known as Title IX and the 1979 Policy Interpretation that was instituted by the Office of Civil Rights (OCR).

At the time of the women's movement of the 1960s and 1970s, no one realized the sociological effect that Title IX would have on intercollegiate sports. With the advent of contemporary feminism, significant changes began to occur. The number of females in the workforce began to increase, and the number of females participating in athletics began to increase. In the 1960s, under the Division for Girl's and Women's Sports (DGWS), which was the prominent organization in the governance of women's sports, the highly skilled female athlete became the focus of attention and intercollegiate championship competitions were initiated. As an increasing number of women became involved in high levels of competition in athletics, it became clear that the competence of women physical educators to handle the

growing responsibilities in athletics was being tested (Hutchins & Townsend, 1998). The time had come to establish a women's athletic organization separate from physical education (Jensen, 1986). In 1966, sponsorship of national championships and sanction of women's intercollegiate athletic events began (Hutchins & Townsend). National championships also began to be established for women's sports, which included golf, track and field, swimming and basketball.

In 1972, "the single most impetus [sic] for the explosion of girls' and women's participating opportunities in sport" (Grant, 1989, p.44) arrived with the passage of Title IX. When Congress first passed Title IX, it was a simple anti-sex discrimination law prohibiting discrimination in educational programs. The legislation was sponsored by Senator Birch Bayh and was signed into law by President Richard Nixon on June 23, 1972. The sponsoring members of the bill in the House and Senate had not wanted Title IX to be a quota bill. Senator Bayh stated that the gender quotas were, "exactly what this amendment intends to prohibit", and "the thrust of the amendment is to do away with every quota." He further stated, "It only requires that each individual be judged on merit without regard to sex" (Schuld, 2000, p.6). Title IX was passed with little controversy; however, soon after its passage, members of the NCAA complained that men's sports would suffer if women's sports had to be funded equally (The Feminist Chronicles, 1995).

When it was passed, the original statute did not contain any reference to intercollegiate athletics. The 1972 legislation was geared toward educational programs receiving federal aid. In fact, within Title IX, Congress did not mention "equal opportunity" or "athletics" at all. However, in 1974, Congress passed oversight legislation, known as the Javits Amendment, that required the inclusion of language, which stated "with respect to intercollegiate athletics

activities, reasonable provisions that consider the nature of particular sports [must be provided],” (Achieving Gender Equity, 1992). The Department of Health, Education and Welfare (HEW) was charged with the responsibility for developing regulations that would guide educational institutions on Title IX compliance. In 1975, the first policies were released, and for the first time, schools were given accommodation of student interest in athletics, meaning that if women wanted to play basketball, programs were created and distribution of scholarships and availability of facilities were divided accordingly (Schuld, 2000). Schools were also given federal aid to allow for growth in athletics and to allow for women’s interest in athletics to grow.

Initial institutional compliance with Title IX resulted in tremendous growth in women’s athletics from 1972 through 1982 (Grant, 1989). As female participation was growing through the late 1970’s and in to the 1980’s, some researchers argue that unintended quotas were beginning to develop (Schuld, 2000). A quota law was not Congress’ original intent, but during a 1979 reorganization of HEW, the responsibility for administering Title IX and its regulatory requirements was given to the newly formed Office of Civil Rights, which established policies and regulations that some (e.g., Schuld) argue have created problems.

According to Schuld (2000), the problems with current Title IX enforcement stem largely from the 1979 Policy Interpretation that was supposed to clarify what the “interests and abilities” section of the regulations meant. The Policy Interpretation was known as the three-prong test and, according to the policy, an institution could demonstrate compliance with Title IX by:

1. Showing that intercollegiate participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollment;
2. Showing a history and continuing practice of program expansion in response to the interests and abilities of the “underrepresented” sex; and
3. Demonstrating that the interests and abilities of members of the “underrepresented” sex have been fully and effectively accommodated by the school’s programs.

Schuld (2000) argues that this three-prong test is at odds with the original statute because it creates both a quota and reparative punishment against men. She further argues that, in effect, this policy interpretation created two Title IXs: (1) the Title IX passed in 1972 by Congress that was designed to prohibit sex discrimination in school, and (2) the reinterpretation of Title IX, created by un-elected bureaucrats at the Department of Education’s Office of Civil Rights. Finally, Schuld further argues that the legitimacy of the OCR’s interpretation is disputable. As men’s teams were being terminated at (what was at the time) an astonishing rate, federal courts were in disagreement over whether this test was congruent with the statute and intent of the laws. And so, while there have been modest improvements in women’s athletics, these have been offset by the elimination of men’s sports, thus creating a problem with the original intent of Title IX, that is, to prevent any type of discrimination against men or women.

At least one mandate of this policy is that colleges must match teams. For every men’s team, provided that there are enough women to play, a college must offer a women’s team in the same sport (Guenin, 1996). A college must also offer equal opportunity to compete, which can be outlined by ten criteria (see below). This does not mean that females must compete in

football in order to be on an even footing with the males, but they should have equal funding and opportunity to compete in another sport, e.g., soccer. The Policy Interpretation divides athletic issues into major categories: (a) accommodation of interests and abilities, (b) athletic financial assistance, and (c) eleven program areas that include equipment and supplies, scheduling of games and practice times, travel and per diem allowances, tutoring, coaching, locker rooms, practice and competitive facilities, housing and dining services, publicity, support services, and recruitment of student athletes.

According to the Policy Interpretation, accommodations of interests and abilities is measured in three ways: (1) by the number of participation opportunities that are proportionate to enrollment, (2) the history and continuing practice of a program's expansion for the underrepresented sex, and (3) must be fully and effectively accommodating to the underrepresented sex.

Compliance with standards for financial assistance is assessed on the basis of determining athletic scholarships on a simple mathematical calculation. In other words, if 60 percent of the participants are men and 40 percent are women, then 60 percent of the scholarship dollars are to be awarded to men and 40 percent to women.

Compliance with standards for equipment and supplies is assessed on the basis of: (a) evaluating quality and suitability, (b) quantity and availability, and (c) maintenance and replacement. That includes everything worn by athletes from helmets to undergarments. Compliance with standards for scheduling of games and practice times in athletic programs is assessed on the basis of: (a) the number of competitive events, (b) time of day, (c) length and time, (d) preseason and postseason competition, and (e) the season in which a sport is scheduled and the length of their seasons. Compliance with standards for travel and per diem

allowances for a sport program is assessed on the basis of: (a) review of the modes of transportation, (b) housing furnished during travel, and (c) length of stay before and after competitive events. Compliance with standards for opportunities for athletes to receive academic tutoring, assignment and compensation of tutors is assessed on the basis of: (a) tutor availability, (b) tutor qualifications and experience, (c) rates of pay, and (d) employment conditions. Compliance with standards regarding opportunities for receiving a coaching assignment and the compensation of these coaches is assessed by analyzing: (a) availability, (b) assignment, and (c) compensation of coaches. Compliance with standards for locker rooms, practice and competitive facilities is assessed on the basis of availability, quality, and exclusivity of use. Compliance with standards of practice and competitive facilities is assessed on the basis of preparation and maintenance (and maintenance of locker rooms is considered when it affects the quality in which they are presented). Compliance with standards for medical and training facilities and services is assessed on the basis of: (a) availability of medical personnel, (b) availability and qualifications of trainers, (c) availability and quality of training facilities, (d) availability and quality of weight and conditioning facilities, and (e) health, accident and injury insurance coverage. Compliance with standards for housing and dining facilities and services is assessed on the basis of: (a) housing and dining benefits available during the regular academic year, (b) the provision of pre-game and post-game meals, and (c) housing and dining services provided when classes are not in session. Compliance with standards for publicity is assessed by: (a) availability and quality of sports information personnel, (b) access to other publicity resources for men's and women's programs, and (c) quantity and quality of publications and other promotional devices featuring women's and men's programs. Compliance with standards for support services is assessed on the basis of:

(a) analyzing administrative support, (b) clerical and secretarial support, (c) office space, equipment and supplies, and (d) availability of other support staff. Compliance with standards for the recruitment of student athletes is assessed on the basis of: (a) opportunities for coaches or other personnel to recruit, (b) whether financial and other resources are equivalent, and (c) treatment of prospective student athletes. Compliance is not difficult to achieve, but it does require effort, planning, and some imagination. The Policy Interpretation permits reasonable professional decisions and the nature of particular sports to determine benefits and ensure the autonomy of athletic administrators. Under the law, athletic administrators have every opportunity to provide equal opportunity to all of their students and still meet the other challenges of their positions (Bonnette, 1994).

According to the Office of Civil Rights, institutions can show compliance with Title IX by providing athletic opportunities for both sexes proportionate to their respective enrollments or by documenting that they are effectively meeting the needs of the underrepresented sex (Lopinano, 1994). This does not mean that females and males must be afforded equal opportunity to compete in such sports as lacrosse, basketball, and soccer. The Policy Interpretation mentioned above stipulates that the opportunity must be equitable through money, travel, etc. It must also be understood that sports like field hockey and football cannot be compared because of number of athletes participating and the type of sport.

Title IX hangs like a storm cloud, occasionally touching down in the form of complaints and lawsuits, challenging universities to improve athletic opportunities and the conditions of women's sports (Lazerson & Wagener, 1996). Women's interests in athletics was never a primary concern, and athletics was considered a male endeavor, but the passage of Title IX has proven to be a vital component in the increase of female participation in sport. But

it also raises the cost to men's programs. At issue is whether Title IX is the appropriate vehicle for redressing this gender discrepancy. Title IX was never intended to be an affirmative action measure (Dubois, 1999).

Although Title IX was originally meant to impact educational programs, complaints to the OCR and to the courts have primarily fallen into two areas: athletics and sexual harassment. In 1984, the Supreme Court disallowed the mentioning of athletics from Title IX in its *Grove City v. Bell* ruling. The court stated that only those universities receiving direct federal funds were subject to Title IX. Since athletic programs do not receive any direct federal fund through direct channels, Title IX was no longer a vehicle to pursue discrimination complaints. The ruling sent Congress back to work on reestablishing the intent of Title IX. It passed the Civil Rights Restoration Act of 1987, which clarified *Grove City v. Bell* by stating "if any part of an institution receives federal financial assistance, the entire institution is required to be in compliance" (Crawford & Strobe, 1996, p.190).

Schuld (2000) argues that the problem with the current application of Title IX is that it reflects a lack of consideration for the nature of sports and for the inherent differences between men and women's sports. The primary concern is that there is a gender quota and the "q-word" has come up many times by coaches whose male sports have been threatened or dropped in order to comply with Title IX. Coaches and advocates for men's teams long have grumbled that it imposes unfair caps on the number of men allowed on sports teams (Suggs, 2000). Discrimination is a means, not an end, and Schuld argues that it is being practiced today against male student athletes. Schuld continues to emphasize that men and women are not the same and their interests in organized sports are not the same. Title IX should focus on the overall availability of opportunities for members of both sexes. Also, according to the

Independent Women's Forum (2000), the Title IX policy ignores the actual interest levels and capabilities of either sex as determining factors in whether the interests and abilities of students have been met.

To view Title IX as a threat has taken attention from the simple nature of the mandate, which forbids discrimination in an athletic program, thus providing women athletes the same opportunities as men (Lazerson & Wagener, 1996). The policy interpretation has allowed for unwarranted consequences in men's programs that have disappeared because institutions have viewed this policy as the correct way to be in compliance with Title IX. Regulators and bureaucrats have created an environment of preferential treatment for women and girls at the expense of men and boys (Schuld, 2000). The requirements of the three-prong test hurt men by allocating athletic opportunities based on a participation formula rather than on students' interest; by providing for the expansion of women's sports; and by accommodating the athletic interests of women without regard for the athletic interests for men (Flores, 2002). What ultimately happens when this approach to gender equity is used – i.e., scaling back men's opportunities while modestly improving women's – is that both sexes are negatively impacted (Dubois, 1999). Dubois also contends that once a lowered ceiling for men's programs is created, women's programs may never attain their optimal development.

Title IX, it has been alleged, amounts to a quota system that has caused some colleges to do away with men's teams in wrestling, swimming, and other sports. One of the ways colleges can meet Title IX regulations in athletics is to have the same proportion of women on varsity teams as are in the undergraduate population as a whole. However, many colleges have chosen to meet guidelines by cutting men's sports (Dainow & Suggs, 2001). Many athletic departments have tried to meet the substantial-proportionality test by eliminating men's teams

or by imposing caps on the number of players allowed on the rosters of existing men's teams (Suggs, 2000). The Chronicle of Higher Education states that gauging parity in athletics through proportional numbers of participants has led to the cutting of more than 350 men's athletic programs, mostly from the ranks of wrestling, track and field, and other teams that tend not to produce revenue (Flores, 2002).

Non-revenue men's sports were already subject to departmental budget cuts long before women's programs were incorporated into the newly merged intercollegiate athletic department structure. Numerous Division I universities had dropped established men's varsity sports by 1980, before the NCAA added women's sports to its jurisdiction (Thelin, 2000). Unfortunately this trend continued beyond the 1980's and into the 1990's. Miami University-Ohio, Brigham Young University, and the University of New Mexico have all eliminated men's teams in the past 20 years, with the primary victim being wrestling. The University of Colorado eliminated varsity baseball, swimming, wrestling, and tennis, and the University of Washington eliminated men's gymnastics and wrestling.

According to the Independent Women's Forum, the legitimacy of the 1979 policy interpretation is disputable. As men's teams are being terminated, federal courts remain in disagreement over whether the three-prong test is congruent with the statute and intent of the law.

An athletics program can be considered gender equitable when the participants in both the men's and women's sports programs would accept as fair and equitable the overall program of the other gender. No individual should be discriminated against on the basis of gender, institutionally or nationally, in intercollegiate athletics (NCAA Gender Equity Task Force, 1992). Publication of the NCAA Gender Equity Report in 1992 was the first time information

of this type had been made available; however a limitation of the report was that the data were collected in the aggregate and, it did not allow for the assessment of an individual institution's performance (Sabo, 1997). With the passage in 1994 of the Equity in Athletics Disclosure Act (EADA), all coeducational higher education institutions that participated in any federal financial program and sponsored intercollegiate athletics were required, beginning October 1, 1996, to annually disclose information regarding their athletic programs. This information was required to include participation rates of both sexes, coaching salaries and expenses, student aid, and operational expenses (Intercollegiate Athletics, 1996).

The 1992 Gender Equity study done by the NCAA was the first of its kind, and a follow-up study was published five years later in 1997. The follow-up study found a disturbing downward trend for male athletes. During that time period, more than 200 male teams and over 20,000 male athletes had disappeared from the rolls, and the number of female athletes increased by 5,800 (Schuld, 2000). The study further noted that, 24 years after the passage of Title IX, only 70 of the 307 Division I schools had been certified by the Athletics Certification Program based on their efforts to satisfy the NCAA's gender equity principles (Hutchens & Townsend, 1998). In addition, certification was not an indication of compliance, but rather, acknowledgment that the institution was making progress toward gender equity (Intercollegiate Athletics, 1996). In June 1999, the General Accounting Office (GAO) of the federal government completed an analysis of intercollegiate athletic participation, evaluating 725 NCAA member schools. This report revealed a 12% decrease in the number of male participants and a 10% decrease in the maximum number of scholarships awarded in men's sports (Schuld, 2000).

During the time period of the GAO study, women's participation rates increased by 16%, and the number of women's teams increased by 17%. Yet Title IX advocates insist that there are thousands of females just waiting for the opportunity to play, while GAO data does not support that claim (Schuld, 2000). It is important to note that a number of universities offering NCAA Division I athletic programs have demonstrated, through their own initiative and efforts, a commendable record in accommodating and supporting women's sports programs (Thelin, 2000), but there is a misapplication of Title IX that shortchanges women as well as men. The three-prong test assesses interests and abilities, but in the interpretation there is a great deal of room for discrimination in relying on the gender quota. The OCR stagnated women's sports in its 1996 clarification on the three-prong test. In that document, it clarified the three-prong test and the OCR defined a two-prong history and expansion women's sports, meaning they only counted the addition of new women's teams. So if a school has ten women's teams that are all under-funded, it gained no credit with the government for prong two for expanding the funding or facilities of the existing ten women's teams. The choice again seems to be to eliminate enough men's teams to reach a gender quota or add another women's team that will be under-funded as well (Schuld, 2000).

The current gender quota stagnates women's growth in the marketplace as well. The focus on participation quotas ignores the need to allow a market to grow, and it must be realized that building a market for women's sports requires some measure of creativity (Schuld, 2000). This is not so much a gender quota, but it is a fact that women have been playing catch-up to the men for some time now. Today's collegiate teams are in competition with the entire entertainment industry, and it is difficult to attract fans away from the bigger, faster, stronger men's athletics and professional sports.

The University of New Hampshire conducted a self-study in the fall of 1991 that was published in 1993 to test if their institution was in compliance with Title IX. The University is committed to providing opportunities for students to enrich their collegiate experience through participation in comprehensive, challenging, and professionally managed athletic programs while at the same time pursuing excellence in their academic pursuits. The athletic program would meet this commitment in part by:

1. Providing the opportunity to train and compete at the Division I level to as many interested and able students as possible, and
2. Providing equitable opportunities for men and women to participate in a wide range of athletic programs.

--Excerpt from the Mission Statement of the
UNH Division of Athletics and Recreational
Sports, June 17, 1991.

The UNH study found that athletic financial assistance provided to its men's and women's athletic programs was available in an amount substantially proportional to participation ratios of male/female athletes. It also found that UNH was not accommodating the interests and abilities of female athletes as effectively as those of male athletes in the selection of sports then being offered. The study found that certain deficiencies existed in the following areas of support for women's athletes: expenditures for recruiting, the availability of full-time assistant coaches, administrative support available to women's athletics, availability and quality of publicity and promotion, and compensation of the women's head basketball coach. When the results of the 1991 self-study were reported, UNH announced numerous budget cuts, and with those cuts came the elimination of two intercollegiate sports, men's wrestling and women's tennis. The two sports were selected because the participation and

funding ratios between men and women's athletics would be more equitable and the funding would remain constant between two men and women's programs such as soccer. When the cuts were announced, members of the women's tennis team complained that UNH was in violation of Title IX. As a result of the self-study and the negotiated resolution of the tennis team members' complaints, the president of UNH formed a six member Task Force on Title IX Compliance in Athletics to begin a strategic planning process aimed at developing a five-year plan to ensure continuing compliance with Title IX.

After considering numerous approaches to planning for continued Title IX compliance, the task force was convinced that the only responsible approach was to establish a process of study, planning, implementation, and evaluation. Through this process, UNH can remain responsive to changes in student interests and abilities, fiscal realities, institutional priorities, and legal obligations while accomplishing the long-term goal of continuing compliance with Title IX. The task force made one final recommendation: a plan to periodically review its athletic policies and procedures to ensure that UNH continually stayed in compliance with Title IX.

There are a number of practical suggestions that evolved from the self-study that universities should implement to demonstrate to the Office of Civil Rights that they are in compliance with Title IX requirements. There are numerous approaches that universities can use to ensure that they are in compliance with Title IX, and they do not have to act irrationally in an attempt to be in compliance with Title IX standards that came about through the Policy Interpretation. One suggestion is to establish a positive nondiscriminatory program. Under such a program, universities should consider developing a Title IX policy manual and planning for future program expansion. Also, men's athletic programs should become the friends and

benefactors of women's programs, include a self-audit by outside consultants, allow for OCR technical assistance, provide for in-house auditing, establish evidence of financial duress, consider creating separate athletic departments for men and women, establish goals for women athletic administrators and coaches, and track financial contributions to a university as a result of specific athletic programs. Another suggestion is that universities should strive for substantial equality in scholarships versus participation rates. Also, program components should provide substantially equal opportunities for women. Universities should also develop a more realistic approach to analyzing overall expenditures of men and women's programs. They should strive to fully and effectively accommodate interests and abilities.

The final suggestion is to address miscellaneous issues that should be carefully examined by a university. There may not be a whole overall solution to the Title IX compliance programs where men and women's athletics do not have to suffer. The Independent Women's Forum gives suggestions for an overall solution:

1. Eliminate the proportionality test as a method of compliance, and
2. Create compliance mechanisms and incentives to allow for the natural development of athletic interests of both men and women. (Schuld, 2000).

Title IX ensures that no one is to be discriminated on the basis of gender in an educational setting. Title IX should not be a quota and once again that was not the statute's original intent. Flexibility must be used by institutions consistent with Title IX's requirements that they not discriminate on the basis of sex (NCAA Gender Equity Survey, 1992). The OCR recognizes that institutions face challenges in providing participation opportunities, but the policy interpretation must not be used to dictate what sports will continue to exist as well as the number of female athletes who should be participating. Men's programs should not be

eliminated as a way to be in compliance with Title IX and women's programs should not suffer as well. There needs to be an overall solution that prohibits such an act.

CHAPTER THREE

Methodology

Title IX compliance research has mostly been done in Division I institutions. One main area of the policy interpretation is the equality with which money is allocated in athletics. Since Division I offers scholarships, money studies have primarily been conducted at that level. But, state colleges and universities also need to be in compliance with Title IX, for they also receive federal aid. New Jersey has nine state colleges, eight of which participate in athletic programs that are part of the New Jersey Athletic Conference (NJAC) and are participating members of the NCAA. My research for this study focused on these state colleges which include Rowan University, The College of New Jersey, Ramapo College, Richard Stockton College of New Jersey, Kean University, William Paterson University, Montclair State University, and New Jersey City University.

Research Design

Within the design of this research, my objective was to discover how the New Jersey colleges and universities stand in relation to gender equity at their institutions. The areas that I targeted were: (a) what sports were offered, (b) the accommodation of student interests and abilities, (c) athletic financial assistance, (d) equipment and supplies, (e) scheduling of game and practice times, (f) travel accommodations, (g) meal money and allowances, (h) tutoring services, (i) special admission of students, (j) number of coaches, (k) publicity, (l) locker room facilities, (m) facilities for practice and games, (n) housing and dining services, and (o) the recruitment of student athletes. My research also addressed: (a) the number of athletic

programs as well as the specific programs that are offered, and (b) number of coaches, both head coaches and assistant coaches.

Subjects

The subjects selected for my research study included the athletic directors and senior women's administrators from each of the state colleges and universities. The survey was anonymous. The number of responses received were six out of eighteen surveys that were distributed. There was an attempt to follow-up to the subjects who did not respond but that proved to be unsuccessful. The effect of having a small response to the surveys leads to a limited generalization of my research conclusions.

Instrument

The research instrument I used was a survey. The surveys remained anonymous, but at the top of each survey I placed a code number so I would know who replied and who did not. Before administering the surveys, I conducted a field test using Rowan's athletic director and senior women's administrator as subjects. Revisions to the survey were made as a result of this field test.

CHAPTER FOUR

Findings and Discussion

The results of my data collection efforts seem to be fairly consistent with what is reported in the literature. The data I observed reflect the trends that appear in the literature. As Schuld (2000) has argued, through the late 1970s and into the 1980s, unintended quotas were beginning to develop. This trend, as suggested by my research results, continued on into the 1990s, allowing programs, specifically male, to be cut to make way for female programs. In this section of this paper, the data from these surveys are analyzed as well as comments made by the administrators in the subject institutions.

My review of the literature suggests a number of trends. First, even though the number of both men's and women's teams increased overall from 1981 to 1999, according to the GAO report, more than 400 men's collegiate teams were dropped, including 171 wrestling programs and 84 tennis teams (Schneider, 2002). Second, while there has been a positive increase in the number of women's athletic teams, most men's teams have had roughly the same number of players for the past two decades (Chronicle of Higher Education, 2002). Finally, women's soccer and women's volleyball were the two sports added for females while wrestling was the sport that suffered the most by being dropped to make way for these female sports. In order to achieve proportionality, many schools have in recent years added women's teams, but partly for budget reasons. Most institutions have also sought to reach the goal by cutting men's teams and imposing caps on their rosters (Schneider, 2002). In the following pages, I look at each

institution regarding these trends and the cuts they made to certain athletic teams to achieve proportionality.

At University A, the administrator was asked how she felt about the balance of male and female athletic programs in Division III. She stated that “Title IX has increased participation of women but in no way are we equal or even close to it.” Between 1982-1991 two men’s programs were dropped, which were golf and ice hockey. Between 1992-2002, men’s wrestling and men’s tennis were dropped, while women’s lacrosse and men’s cross country and women’s cross-country were added. The effects of these additions and subtractions changed the balance of men’s and women’s athletic programs at that institution. The administrator stated that these changes “ensured we have not dropped men’s programs, even if there is minimal interest.”

At University B, between 1992-2002 women’s lacrosse was added to complement an already existing men’s lacrosse program. Between 1982-1991, women’s field hockey and women’s volleyball were added. The observation is that women’s lacrosse was added to help achieve the balance of men’s and women’s athletics at the institution. The institution has also conducted research regarding the interests and abilities of its students. The administrator states that, “as a result of a random Title IX audit, we had to survey students’ interests. It turned out that we were offering all of the women’s programs they were interested in. The areas of unmet male interests were men’s ice hockey and men’s volleyball.”

At University C, four programs were added between 1982-1991 to allow the university to achieve balance. By adding men’s swimming, women’s soccer, women’s lacrosse, and women’s volleyball, Title IX began to have a positive impact on gender equity among programs. This institution has also conducted research regarding student interests and abilities

regarding intercollegiate athletics. The administrator stated that, “we were selected randomly by the O.C.R. to have an in depth gender equity study.” She further added that, “we did a three year survey...of every student to determine those who were interested in intercollegiate sports participation.” She speaks of what the outcome was and states, “the only surprise was how many men wanted ice hockey, and we can’t add a new men’s sport because we are not in proportion with the University population now and I feel as long as football is in the equation we never will be.”

At University D, the administrator felt that there is a balance between men’s and women’s athletics generally in Division III and at the institution. She felt that the balance between the programs has had a “positive impact” on gender equity in athletics and at her institution. Added between 1992-2002 was women’s soccer, and between 1982-1991 women’s track and field and women’s cross-country. Between 1982-1991, women’s tennis was dropped. The institution also states that “they have surveyed students’ interests” but provide no details of the findings.

At University E, many athletic programs fit the trend of being dropped and added. Two women’s sports were added: women’s volleyball in 1982-1991, and women’s soccer in 1992-2002. Numerous programs were dropped between 1992-2002, which included wrestling and men’s tennis. Between 1982-1991, women’s tennis, women’s gymnastics and golf were dropped. Asked if the institution has conducted any research, the administrator replied, “No, students generally approach the department when interested in a sport. They receive sponsorship through SGA (Student Government Activities).”

At University F, the administrator felt that Title IX has had a positive impact on the balance of gender equity in terms of the balance of men’s and women’s athletic programs. In

terms of sports added between 1992-2002, women's soccer and women's volleyball were added. The programs that were dropped were wrestling (1992-2002), women's tennis (1982-1991), men's tennis (1992-2002), men's gymnastics (1972-1981), women's gymnastics (1992-2002), and golf (1982-1991). This institution has not conducted any research on students' interests in athletic programs.

These data appear to corroborate the research. Overall, there has been a net decrease of eight men's sports and a net increase of ten women's sports programs at the respondent institutions between 1972-2002. Furthermore, women's soccer and women's volleyball were frequently added and men's tennis, golf, and wrestling were frequently dropped. It is interesting to note that, at least at the six institutions in this research, the majority of men's sports were eliminated beginning in the early 1990's, twenty years after the passage of Title IX.

In adding and eliminating these programs, institutions feel that they are complying with Title IX. The practice of cutting male athletes here and there to keep the proportion of men on varsity teams close to that of men in the undergraduate student body is one way to comply with Title IX (Chronicle of Higher Education, 2002). But as stated previously in the literature review, this is not about a law that was passed; it is about institutions meeting certain quotas to fit a need, which they feel allows them to be in compliance with Title IX. Mike Moyer, executive director of the wrestling coaches' group, reports, "It's a poorly interpreted law. It was never intended to be a quota program. It's now about too many male athletes being in an athletic department" (Schneider, 2002, p.42). As clearly shown in universities E and F, you see the many sports, predominately male, cut in order to make way for two female sports. In the meantime, the administrators at this institution feel that Title IX has had a positive impact on

the balance of male and female sports to achieve gender equity at the institutions. This supports the arguments of Schuld (2000). Terry Crawford, a former track athlete and now director of track and field teams at California Polytechnic State University states, “As a female who definitely benefited personally and professionally from Title IX, I’m torn. It’s inappropriate to limit the opportunity of male athletes just to give women athletes an opportunity” (Schneider, 2002). Research shows it can be done. At University D, three women’s programs were added without having to drop any male programs, and the administrator feels that Title IX has been a positive impact.

These institutions must also meet another criterion in offering equal opportunity to compete. Each institution was surveyed on whether they felt that their institution was in compliance with Title IX which included: (a) accommodation of students’ interests and abilities in planning intercollegiate athletic programs, (b) availability of athletic equipment and supplies, (c) scheduling of game and practice times, (d) transportation to and from games, (e) lodging locations and accommodations, (f) meal money and allowances, (g) availability of tutoring services, (h) special admission policies, (i) number of coaches, (j) publicity, (k) availability of locker rooms, (l) availability of practice fields, (m) quality of game fields, (n) availability of campus housing, and (o) recruitment of student athletes.

In Table 1 shows the percentage of universities and the extent to which they feel their institution is in compliance with Title IX. In the area of accommodation of student interests and abilities, 67% strongly agreed or agreed their institution was in compliance with Title IX, 17% were neutral, and 17% disagreed. In the area of availability of athletic equipment and supplies, 65% strongly agreed their institution was in compliance with Title IX and 33% agreed. In the area of scheduling of games and practice times, 67% strongly agreed and 33%

agreed their institution was in compliance with Title IX. In the area of transportation to and from games, 67% strongly agreed and 33% agreed their institution was in compliance with Title IX. In the area of lodging locations and accommodations, 50% strongly agreed and 50% agreed their institution was in compliance with Title IX. In the area of meal money allowances and availability of tutoring 83% strongly agreed and 17% agreed their institution was in compliance with Title IX. In the area of special admission policies, 50% strongly agreed, and 50% agreed their institution was in compliance with Title IX. In the area of number of coaches provided for athletic programs, 67% agreed their institution was in compliance with Title IX, 17% were neutral and 17% disagreed. In the area of publicity, 17% strongly agreed their institution was in compliance with Title IX, 67% agreed, and 17% were neutral. In the area of the availability of locker rooms, 34% strongly agreed or agreed their institution was in compliance with Title IX, while 33% were neutral and 33% disagreed. In the area of availability of practice fields, 50% strongly agreed their institution was in compliance with Title IX, 33% agreed and 17% were neutral. In the area of quality of game fields, 67% strongly agreed their institution was in compliance with Title IX, 17% agreed, and 17% were neutral. In the area of availability of campus housing, 83% strongly agreed and 17% agreed their institution was in compliance with Title IX. In the area of recruitment of student athletes, 50% strongly agreed and 50 % agreed their institution was in compliance with Title IX.

TABLE I
Respondent Perception
Regarding Gender Equity (n=6)

Item	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Accommodation of student interests & abilities	50%	17%	17%	17%	-
Availability of athletic equipment and supplies	67%	33%	-	-	-
Scheduling of game & practice times	67%	33%	-	-	-
Transportation to & from games	67%	33%	-	-	-
Lodging locations & accommodations	50%	50%	-	-	-
Meal money allowances	83%	17%	-	-	-
Availability of tutoring services	83%	17%	-	-	-
Special admission policies	50%	50%	-	-	-
Number of coaches	-	67%	17%	17%	-
Publicity	17%	67%	17%	-	-
Availability of locker rooms	17%	17%	33%	33%	-
Availability of practice fields	50%	33%	17%	-	-
Quality of game fields	67%	17%	17%	-	-
Availability of campus housing	83%	17%	-	-	-
Recruitment of student-athletes	50%	50%	-	-	-

TABLE 2
Number of Coaches at Respondent Institutions
(N=6)

Sport	Men (11 sports)				Women (10 sports)			
	Head		Assistant		Head		Assistant	
	full	part	full	part	full	part	full	part
Football	6		8	37				
Baseball	6		3	14				
Soccer	6		1	7	4	2		10
Softball					6		1	9
Field Hockey					6		2	9
Lacrosse		3		6	5		2	10
Wrestling		2		5				
Track and Field	5	1		14	5	1		15
Cross Country	5	1	1	6	5	1	1	6
Basketball	6		1	13	6		1	12
Swimming	3			7	4	2		11
Volleyball					1	4		6
Tennis		2		2	3			4
Gymnastics								
Ice Hockey								
Golf		2		2				
TOTALS	37	11	14	113	45	10	7	92

TABLE 3 A
Descriptive Data
Estimated Number of Athletes (n=6)

Sport (Men)	number of athletes			
	more than 100	80-100	60-79	less than 60
Football	1	5		
	more than 40	30-40	20-29	less than 20
Baseball		4	2	
Soccer		2	4	
Lacrosse		1	2	
Track and Field		2	4	
	more than 30	20-30	15-19	less than 15
Wrestling		1	1	
Swimming		4	1	
Gymnastics				
Ice Hockey				
	more than 20	10-20	less than 10	
Cross Country		6		
Basketball		6		
Volleyball				
Tennis		1	1	
Golf		1	1	

TABLE 3 B
Descriptive Data
Estimated Number of Athletes (n=6)

Sport (Women)	number of athletes			
	more than 40	30-40	20-29	less than 20
Soccer			6	
Lacrosse			4	1
Track and Field		2	3	1
	more than 30	20-30	15-20	less than 15
Field Hockey		5		1
Swimming		4	2	
Gymnastics				
Softball		4	2	
	more than 20	10-20	less than 10	
Cross Country		5	1	
Basketball		6		
Volleyball		5		
Tennis		2	1	

In Table 2, there is a comparison between men's and women's athletic programs in the number of coaches that are available. In determining equity, it is not reasonable to compare the number of coaches who are available between field hockey and football, but it is important to make sure sports such as men's and women's basketball are equal. Six universities were surveyed, and this is what was found. Women's soccer had four full-time head coaches, two part-time head coaches, and ten part-time assistant coaches compared to the men's soccer teams that had six full-time head coaches, one full-time assistant and seven part-time assistants coaches. Women's lacrosse had five full-time head coaches, two full-time assistant coaches, and ten part-time assistant coaches, compared to men's lacrosse that had three part-time head coaches, and six part-time assistant coaches. Women's basketball had six full-time head coaches, one full-time assistant, and twelve part-time assistant coaches, compared to men's basketball that had six full-time head coaches, one full-time assistant, and thirteen part-time assistant coaches. Softball had six full-time head coaches, one full-time assistant and nine part-time assistant coaches, compared to baseball that had six full-time head coaches, three full-time assistants, and fourteen part-time assistant coaches. Women's cross country had five full-time head coaches, one part-time head coach, one full-time assistant, and six part-time assistant coaches, compared to men's cross country that had five full-time head coaches, one part-time head coach, one full-time assistant, and six part-time assistant coaches. Women's swimming had four full-time head coaches, two part-time head coaches, and eleven part-time assistant coaches, compared to men's swimming that had three full-time head coaches and seven part-time assistant coaches. Women's track and field had five full-time head coaches, one part-time head coach, and fifteen part-time assistant coaches, compared to men's track and field that had five full-time head coaches, one part-time head coach, and fourteen

part-time assistant coaches. Women's volleyball had one full-time head coach, four part-time head coaches, and six part-time assistants, compared to men's volleyball that had none because the sport is not offered at any of the institutions. Golf and wrestling being offered at two of the institutions that were discussed above might explain this formality. Golf had two part-time head coaches and two part-time assistant coaches. Wrestling had two part-time head coaches and five part-time assistant coaches. Women's tennis had three full-time head coaches and four part-time assistant coaches, compared to men's tennis that had two part-time head coaches and two part-time assistant coaches.

The data in Table 2 show the discrepancy in coaching opportunities, which was also a discrepancy in Table 1. Overall, men's sports had a total of thirty-seven head full-time coaches, eleven part-time head coaches, fourteen full-time assistant coaches, and one hundred and thirteen part-time assistant coaches. Overall, women's sports had forty-five full-time head coaches, ten part-time head coaches, seven full-time assistant coaches, and ninety-two part-time assistant coaches. In men's and women's lacrosse the difference is most pronounced; women's lacrosse teams had twice as many coaches as men's lacrosse teams. There are also minor discrepancies in men's and women's swimming, softball and baseball. Women's soccer is in the process to catching up with the men having two part-time head coaches but, according to the data of the universities, most of these programs have just been added.

The data suggest that women have prospered greatly in the coaching area due to Title IX. This is largely shown by how many more female coaches there are than males, especially the number of females who are full-time. It is noteworthy that a large part of that may be due to the football factor, because the number of football players is considerably higher than that of a field hockey team. This could be why there are more female coaching opportunities; because

universities are offering more female programs to balance the football factor. As shown in Table 3A, the number of football players each institution holds is over eighty players, while in Table 3B the consistent number of female athletes in any program ranges from twenty to thirty players. Some have suggested that schools should curtail the number of football players on the roster to allow universities to save money. Proponents of the Title IX status quo would like us to believe that the reason so many schools are dropping non-revenue men's sports is because their school wants to keep football and that football eats up too many resources (Schuld, 2000). Schuld also argues that football is not the issue causing schools to drop men's sports. The Title IX gender quota drives schools to drop men's programs despite their best efforts and fervent wishes for keeping all teams intact.

All of the universities included in the research either strongly agreed or agreed that their institutions were gender equitable in all areas under study except for the number of coaches, and the greatest disagreement was about locker room availability. When running the analyses, the number of coaches was one area in which there was a discrepancy. This discrepancy was not a surprise. Most administrators feel that to be competitive in their programs they need more full-time assistants, which they are not getting, to meet the needs of all their student athletes. According to the research, there appears to be a large number of athletes, both male and female, yet there are minimal full-time assistant coaches. Assistant coaches are mostly part-time and they may be only two at the most per sport. These administrators feel that they are in compliance with the standards in the above-mentioned criteria, which is allowing institutions to be in compliance with Title IX. While this is a positive step, it is still an effect of the unintended quota that the 1979 Policy Interpretation has helped establish. And while the criteria are being met, it does not diminish the fact that

programs to this day are suffering in order to meet a quota that allows an institution to be in compliance with Title IX. Schuld (2000) has emphasized that men and women are not the same in their interest in organized sports, and Title IX should focus on the overall availability of opportunities for both sexes. Institutions may feel that by cutting these men's programs and adding women's that may be of interest to females is a positive influence of Title IX. In fact, cutting men's programs is now part of a quota that is just meant to be met, not part of the Title IX law that was passed. This is not why Title IX was enacted.

CHAPTER FIVE

Conclusions and Discussion

The research does conclude that, at the respondent institutions, women's sports have increased, men's sports have been cut, there is a general agreement on gender equity, and there are more women's coaches than men's. What the law intends is that women's soccer should receive what the men's soccer teams receive, and the same should be true for men's and women's basketball. Is it not wrong to cut wrestling and men's and women's tennis to add women's volleyball? There is no proportionality in that. That is not gender equity. There is little doubt that Title IX has had a positive impact on women's athletics. However, there is no denying the fact that male programs have experienced negative effects due to the 1979 Policy Interpretation of Title IX. The three-prong test not only hurts men's interests, but also cutting men's programs while modestly improving female programs is negative and it affects both sexes in a negative manner. By doing this, the ceiling has been lowered, and men and women's programs will never meet their optimal ceiling in their respective sports programs. Was this the intended reason for the quota law? Is it to allow women to achieve mediocrity? The logical conclusion would be was to allow more opportunities for women to compete and to have the same opportunities as men to compete in national championships, travel, meal money, scholarship opportunities, etc.

Enforcement is part of the three-prong test that has long been used to decide whether an institution gives male and female athletes equitable opportunities to play sports (Flores, 2002). Eliminating selected programs, such as wrestling, seems to suggest that institutions have adopted a gender quota. The three-prong test is an interpretation, not a law. The data in this

research seem to suggest that schools are dropping programs to be in compliance with Title IX, and these institutions feel that by doing this they are achieving gender equity. It therefore seems to support reports that Title IX amounts to a quota system that has caused colleges to do away with men's teams in wrestling...(Dainow & Suggs, 2001). Dubois (1999) suggests that these prongs appear to speak only to accommodating the needs of women, while the original legislation made no such reference.

So where do collegiate athletics proceed from here? The quotas have been what schools have used to measure their Title IX compliance. And while opportunities for women have increased, and they have benefited greatly, there has been an adverse affect for men's programs, such as wrestling and tennis. Perhaps one way to achieve a more gender equitable atmosphere is to remember what the original law intended: no one shall be discriminated against on the basis of sex. Colleges and universities should attempt in good faith to arrange their athletic offerings so that competitive access for women shall be approximately equal to that for men (Guenin, 1996). Guenin also adds that this principle expresses no compulsion to create or match any particular team. The choice of sports in which to field teams ought to be as much a function of relative demand as is the size of the teams fielded. The principle does embody recognition that one must compete to compete, not to limit competition because of gender. It requires that the filters of competition for membership on intercollegiate teams be of approximately the same fineness (1996).

That is just one idea of many. Schuld (2000) suggests a much different overall solution that consists of two parts. First, eliminate the proportionality test as a method of compliance. The OCR claims that schools can choose to comply with one prong of a three-part breakdown: (1) the gender breakdown of athletes is proportional to the gender breakdown of the

undergraduate population, or (2) demonstrate a history and continuous expansion of women's programs, or (3) demonstrate that the interests of all students on campus have been adequately fulfilled. The proportionality test, effectively a gender quota, is the only test for which there is a clear compliance methodology. The other two options serve simply as a holding pattern until the school meets the gender quota. Second, create compliance mechanisms and incentives that allow for the natural development of athletic interests of both men and women. Natural interest levels will be different for the two sexes, and this difference does not necessarily indicate the presence of discrimination. Also, discrimination is a process, not an outcome. The OCR's policies should not focus on measuring the process but should be focused on the outcomes.

As collegiate athletics and interest and ability levels grow, there needs to be a better solution for achieving gender equity than to cut men's program to add one or more women's program. Title IX has been a very positive law, but the interpretation that followed has allowed schools to adhere to quotas that allow them to achieve their view of gender equity. Revisiting the proportionality rule, or any other aspect of Title IX, will not roll back the clock on women's athletic participation. In today's society, it is expected and applauded that girls and women will participate in an active lifestyle. But if Title IX is not changed, we will continue to punish boys and men for discrimination that occurred before many of today's athletes were born (Schuld, 2000). Returning Title IX to its original intent is the only way to guarantee that the chance to play is offered equitably.

Institutions should continue to do self-studies, as the University of New Hampshire did, to see if they are achieving the interests and abilities of their student populations. Also in these self-studies, institutions would see if they are meeting the criteria in the above-mentioned research. Women have been able to excel in intercollegiate athletics as athletes and

professionally by having more competitive opportunities as well as job opportunities. Title IX has been a tremendous positive, and by returning in to its original intent, it will be a positive for male and females alike. This was the original intent of the Title IX law.

Work Cited

A Plan to Ensure Continued Compliance with Title IX in Athletics at the University of New Hampshire. (1993, July). UNH Task Force on Title IX Compliance in Athletics.

Dainow, S., & Suggs, W. (2001, October, 5). Wrestling coach's advocacy on gender equity raises hackles at University of Minnesota. The Chronicle of Higher Education. A39.

Dubois, P. (1999, Fall). Title IX: a critique from underclass. The Physical Educator, 56 (3) 159-67.

Flores, C. (2002, February 1). Wrestling coaches sue Education Department over Title IX enforcement. The Chronicle Of Higher Education. A39.

Grant, C.H. (1989). Recapturing the Vision. Journal of Physical Education, 60(3), 44-48.

Grellar, M., Cochran, R., & Taylor, E. (1995). Measuring women's sport interest in response to Title IX. Educational and Psychological Measurements.

Guenin, L. (1996, January/ February). Competing to compete. Change, 28 34-40.

Hutchens, L., & Townsend, B. (1998, Spring). Gender equity in collegiate sports: The role of athletic associations. Initiative, 58 (4) 1-17.

Independent Women's Forum. (2000, June). Title IX athletics: Background and analysis of governing sports. Prepared by Kimberly Schuld.

Intercollegiate Athletics: Status of Efforts To Promote Gender Equity. Report to the Honorable Cardiss Collins, House of Representatives. (1996). Report No. GAO/HEHS-97-10).

Jensen, J. (1986) Women's collegiate athletics: incidents in the struggle for influence and control. Fractured Focus: Sport as a Reflection of Society (p. 151-158).

Lazerson, M., & Wagener, E. (1996, July/August). Missed Opportunities. Change, 28 46-52.

Miller, J., Heinrich, M., & Baker, R. (2000, Winter). A look at Title IX and women's participation in sport. The Physical Educator, 57 (1) 8-13.

NCAA Gender Equity Study: Summary of results. (1992, March)

NCAA Gender Equity Study: Summary of results. (1997, April)

Office for Civil Rights. (1979, December). Title IX of the Education Amendments of 1972; Intercollegiate Athletics Interpretation, 44 Fed. Reg. 71413 et seq.

Sabo, D. (1997, June). The women's sports foundation gender equity report card: A survey of athletic opportunity in American Higher Education. East Meadow, NY: Women's Sport Foundation.

Schneider, J. (2002, March). The fairness factor. U.S. News and World Report.

Suggs, W. (2000, February). Foes of Title IX try to make equity in college sports a campaign issue. The Chronicle of Higher Education. A38

The Feminist Majority Foundation. (1995). The Feminist Chronicles. Available: <http://www.feminist.org/researc/chronicles/part2.html>.

Thelin, J. (2000, July/ August). Good sports? The Journal of Higher Education, 71(4) 391-410.