

TITLE IX AND ATHLETICS
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TITLE IX AND ATHLETICS

OVERVIEW

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex. One mandate under Title IX is that school systems must equitably accommodate the athletic interests and abilities of both male and female students. *School districts must provide equitable athletic opportunities in club, intramural and interscholastic sports for members of both sexes according to their present and developing needs, interests and abilities.* Equitable athletic opportunity means that the total athletic program for girls must be comparable, not absolutely equal, to the total athletic program for boys. Programs must provide both female and male students with comparable numbers, kinds, and levels of sports activities - indoor and outdoor; individual and team; and sports requiring significant financial resources for maintenance, equipment, and facilities as well as sports requiring minimal resources. Also, both male and female students must have a range of sports available throughout the school year.

Under Title IX, overall athletic opportunities for females and males are determined by examining *specific program components*, each of which includes many factors. These program components are:

- (1) Accommodation of the interests and abilities of members of both sexes;
- (2) Provision of equipment and supplies;
- (3) Scheduling of games and practice times;
- (4) Travel and per diem allowance;
- (5) Opportunity to receive coaching and academic tutoring;
- (6) Assignment and compensation of coaches and tutors;
- (7) Provision of locker rooms, practice and competitive facilities;
- (8) Provision of medical and training facilities and services;
- (9) Provision of housing and dining facilities and services;
- (10) Publicity; and
- (11) Equitable funding for athletics for both sexes.

The Office for Civil Rights (OCR) monitors Title IX compliance in school districts. When a complaint is filed or when OCR decides to review compliance in a school district, *a single incidence of inequity or multiple incidences in one or more specific program components may indicate noncompliance with Title IX.*

Memphis City Schools works to ensure gender equity in athletics through the fair provision of overall athletic opportunities and resources, so that no student or coach is discriminated against in any athletic program on the basis of gender. Board Policies 4007, *Nondiscrimination: Employees/Applicants* and 5143, *Nondiscrimination: Students* mandate compliance with Title IX. Memphis City Schools' *Title IX and Athletics* manual is designed to assist schools in their compliance efforts.

Dr. James C. Paavola, Director of the Division of Pupil Services is Memphis City Schools' Title IX Coordinator. He can be reached at 325-5456 or at Room 314, 2597 Avery Avenue, Memphis, Tennessee, 38112. Title IX grievance forms and procedure information for both students and employees may be obtained from any school principal or from the Title IX Coordinator's office.

Memphis City Schools does not discriminate in its programs or employment on the basis of race, color, religion, national origin, handicap/disability, sex or age

Title IX and Athletics Advisory Committee

Dr. James C. Paavola, Director, Division of Pupil Services
and Title IX Coordinator

Wayne Weedon, Coordinator of Athletics

Robert Archer, Principal, Wooddale High
Janice Dunn, Coach/Athletic Director, Treadwell High School
Charles Earle, Principal, Fairview Junior High School
Waldon Gooch, Director, Division of Internal Audits
Susan Goodman, Hearing Officer, Pupil Services Center
Jimmie Goodwin, Parent, Central High School
Sandra Hodge, Principal, Craigmont High School
Denise Johnson, Principal, Sherwood Middle School
Constance Ross, Parent, Central High School
Robert Woods, Coach/Athletic Director, Overton High School

MEMPHIS CITY SCHOOLS’ TITLE IX COMPLIANCE IN ATHLETICS

Students who participate in sports receive special benefits. Athletic participation is a major training field for developing persistence, courage, and humility in success and acceptance of defeat. In addition, excelling in sports often brings opportunities for continued education, as well as advantages in the job market. Generally, students who participate in athletics feel better physically, have stronger self-esteem, and are less likely to drop out of school. Parents value these attributes and benefits for both their sons and their daughters. It is essential that athletic programs provide both females and males equitable opportunities.

Memphis City Schools provides equitable athletic opportunities in intramural and interscholastic sports for members of both sexes according to their present and developing needs, interests and abilities. In compliance goals for its students, athletic opportunities are provided for females and for males to assist them in their development of athletic skills, which will enhance their present and future lives and positive self-concepts.

Equitable athletic opportunity means that the total athletic program for females must be **comparable**, not absolutely equal, to the total athletic program for males. As the athletic interests and abilities of both sexes are surveyed and analyzed, **athletic opportunities are to be determined by offering sports and levels of competition which provide for the greatest opportunities for participation for both sexes. The quality and quantity of equipment, supplies, and support services; travel to and/or participation in tournaments and other in- and out-of-town events; and other components of athletic programs further define the comparability of the athletic opportunities for males and females.**

Both males and females are to have a **range of intramural and interscholastic sports throughout the year.** Intramural and interscholastic athletic programs are to provide both female and male students with **comparable numbers and kinds of sports activities** - indoor and outdoor; individual and team; sports requiring significant financial resources for maintenance, equipment and facilities; and sports requiring minimal resources. **Funding may play a key role in that not all interests and abilities may be fulfilled, but a balance of comparable athletic offerings for males and females is to be maintained.**

Equitable athletic opportunity is defined under Title IX in consideration of the following factors:

- (1) Accommodation of the interests and abilities of members of both sexes;**
- (2) Provision of equipment and supplies;**
- (3) Scheduling of games and practice times;**
- (4) Travel and per diem allowance;**
- (5) Opportunity to receive coaching and academic tutoring;**
- (6) Assignment and compensation of coaches and tutors;**
- (7) Provision of locker rooms, practice and competitive facilities;**
- (8) Provision of medical and training facilities and services;**
- (9) Provision of housing and dining facilities and services;**
- (10) Publicity; and**
- (11) Equitable funding for athletics for both sexes.**

Permissible Differences

Title IX does not require school districts to offer athletic programs - nor, if an athletic program is offered, is there any requirements that the program be particularly good or that one team be provided what another team is provided. Also, school districts are not required to offer the same sports or even the same number of sports to males and females. Simply, **OCR’s focus is the comparison of benefits and services that are provided to athletes of each sex, and whether they meet the interests and abilities of both sexes in an equitable manner.** Some differences in benefits and services that appear to be inequitable on the basis of sex may actually be permissible differences as provided by the Office for Civil Rights’ (OCR) policy interpretation.

While school districts are required to provide comparable opportunities to participate and to equitably accommodate the athletic interests and abilities of males and females, the unique aspects of particular sports may justify differences that appear to be inequitable. These differences may result from nondiscriminatory factors, which could include rules of play, nature/replacement of equipment, rates of injury resulting from participation, nature of facilities required for competition, and the maintenance and upkeep requirements for those facilities.

Equitable Funding

While in impact of expenditures for sex identifiable sports' programs should be carefully considered in determining whether equitable opportunities in athletics exist for both sexes, equal total expenditures for boys' and girls' teams are not required. *However, schools must not discriminate on the basis of sex in the provision of necessary equipment, supplies, facilities, publicity, etc. for sports' programs. The fact that differences in expenditures may occur because of varying costs attributable to equipment requirements and levels of spectator interest does not change in any way the responsibility of the school to provide equitable opportunities.*

Booster Clubs/Parent Organizations

Booster clubs and other parent support groups can provide a tremendous amount of support to a school's activities, and often the parents working within a booster organization want to be assured that their efforts further the interests and activities of their children. Therefore, often donations come with stipulations that the benefits and services are to be used to further these interests (for a specific male team or for a specific female team), leaving the school administration with an equity problem.

Title IX requires that boys' and girls' teams must have equal access to comparable benefits and services. Donations for both the girls' and boys' teams/programs may be sought, or a booster club for the team of the other gender may offer/raise funds as well; but, to be in compliance with Title IX, the school may have to provide comparable benefits/services if another source is not available. This would apply to donations to the school from an individual, an organization, or even from a company or athletic supply distributor.

An example might be that if a school accepts a gift for the purchase of equipment or other athletic items for a boys' team, it must insure that the girls' team or program is provided comparable benefits. Equity must be accomplished, and at least three ways can be tried:

- A request could be made of the donor for a similar donation for the team(s) of the opposite sex.
- Other donations may be sought for the team(s) of the opposite sex.
- A booster club for the team of the opposite sex could raise funds as well.

If these efforts are not tried or are not successful, the school must provide equity through athletic funds.

The athletic compliance components of Title IX are to be monitored on a regular basis; and, when discrepancies are identified, the school must take immediate and appropriate corrective action. It is important for each school to:

- fully understand the factors for determining compliance,
- establish a system for collecting and analyzing compliance-related data on a regular basis,
- clearly identify processes and procedures for reporting identified discrepancies, and
- establish procedures for addressing discrepancies in a timely manner.

TITLE IX ATHLETIC EQUITY COMPLIANCE ANALYSIS AND PLANNING

Monitoring of each school's athletic program is essential to insure Title IX compliance and equitable athletic opportunities for both boys and girls. The following pages include:

- 1) *Athletic Equity Components* - several pages which define/delineate specific aspects of Title IX compliance;
- 2) A *Student Athletic Interest Survey* - which is to be administered each spring by the Division of Research Services and completed by middle, junior high, and high school students (except for seniors); and
- 3) Four *School Activity Accounting* forms - which are to be completed by each coach and submitted to the school's athletic director by March of each year:
 - Team Sport Budget and Title IX Compliance Report (Estimated Revenue)
 - Team Sport Budget and Title IX Compliance Report (Estimated Expenditures)
 - Athletic Support Budget and Title IX Compliance Report (Estimated Expenditures/Revenue and Projected Profit)
 - Athletic Budget Re-cap - which summarizes the total athletic program and will be completed yearly by each school's athletic director and principal (combining the individual team sheets) and used for analysis of compliance with Title IX and for planning for equitable athletic programs.

The *Team Sport Budget and Title IX compliance Report(s)*, the *Athletic Support Budget and Title IX Compliance Report*, the *Athletic Budget Re-cap*, and the results of the Student Athletic Interest Survey are to be kept on file in the principal's office - with any accompanying materials which provide further documentation of the athletic programs and the athletic interests, opportunities, and activities of both the boys and girls.

Yearly, by April 15th, each principal must submit the completed/compiled forms, analyses, and plans for the following school year to the Memphis City Schools' Coordinator of Athletics for further systemwide analysis and planning.

The *Division of Internal Audits* will include Title IX in the regular audit of all schools.

ATHLETIC EQUITY COMPONENTS

ACCOMMODATION OF INTERESTS AND ABILITIES

Equitable planning and analysis must always take into consideration questions such as:

What are the interests and abilities of both the males and the females?

Are we accommodating these interests and abilities equitably?

Two compliance factors to examine when monitoring this component are:

Equal Opportunities to Compete - Participation opportunities for males and females are to be substantially proportionate to their enrollment in the school. If females are underrepresented, the school can show its history of continuing program expansion. If females are underrepresented and there is no history of expansion, the school can demonstrate that **all** interests and abilities of females are effectively accommodated.

Levels of Competition - This refers to team levels, such as varsity, junior varsity and freshman teams. Males and females are to have levels of competition which offer the greatest opportunities for participation of both sexes.

Yearly collection and analysis of data is necessary for planning for equitable athletic programs:

Each year students are to complete the *Student Athletic Interest Survey* administered by the Division of Research Services. Planning for the following year's athletic program is to include information gained from analysis of completed surveys. Also, at the close of each sport's season, collect participation data by **gender** and by **sport** for **all levels of competition**. If the participation rate does not reflect the accommodation of the interests and abilities of both the female and male students, THEN corrective action should be taken to demonstrate movement toward compliance.

EQUIPMENT AND SUPPLIES

Equitable planning and analysis must always take into consideration questions such as:

How can we coordinate rotation cycles for new purchases and/or replacements of uniforms, equipment, and supplies so that the basic needs of both the males' and females' teams are met?

For example, does the males' basketball team have three uniforms while the females' basketball team has one (and, perhaps, that one is in poor condition)?

Equipment and supplies include uniforms, shoes, other apparel, sport-specific equipment and supplies, instructional devices and weight training equipment. ***The equipment and supplies for each sport must be comparable for both males and females.*** The source of funding for equipment and supplies is not relevant for determining comparability.

Six compliance factors to examine when monitoring this component are:

Quality Compare the condition, age, durability, general quality of equipment and supplies provided for females' and males' teams.

Suitability Compare the extent to which equipment and supplies provided for males' and females' teams are regulation, official, sanctioned, and whether they meet athletic association specifications (balls, rackets, uniforms, nets, gymnastic equipment, etc.).

Amount Compare the number of various items provided for males' teams and for females' teams (balls, bats, shoes, uniforms, pads, wrist weights, as well as shared equipment and equipment provided by the athletes).

Maintenance Compare maintenance services provided for males' and females' teams (laundry, equipment storage, upkeep and repair).

Replacement Compare schedules for replacement of uniforms, shoes, bats, balls (semiannual, annual; every two, three, or four years; etc.). Determine if old uniforms and equipment are given to another team - if so, to which team and under what conditions.

Availability Compare the amount of time that equipment and supplies are accessible to athletes in each sport (always, not on Sundays, restricted to hours not used by another particular team, etc.).

Monitoring this component requires the examination of records regarding the previous years' expenditures and the current budget for equipment and supplies. Examinations are to be conducted to determine any differences in the equipment and/or supplies provided for males' and females' teams, as well as for individual athletes.

Yearly collection and analysis of data is necessary for planning for equitable athletic programs:

IF there are disparities that cannot be justified by nondiscriminatory explanations such as the unique aspects of particular sports, THEN corrective action should be taken. All records should be maintained.

SCHEDULING OF GAMES AND PRACTICE TIMES

Equitable planning and analysis must always take into consideration questions such as:

Are the males' teams playing in tournaments while opportunities for tournament competition are not sought or provided for the females?

Does the males' basketball team always play after the females', or is "prime time" shared? Is scheduling for practice times treated the same way?

It is useful to compare females' and males' teams in the same or similar sports since the number of games may vary greatly by sport. A school is not required to schedule the same number of games and practices for females' and males' teams of the same or similar sport. However, opportunities to compete must be considered, and any differences favoring one gender must be balanced by differences favoring the other gender in other sports.

Five compliance factors to examine when monitoring this component are:

Number of Competitive Events - Compare the number of competitive events per sport for males' and females' teams.

Number and Length of Practice Opportunities - Compare the length of practices and the number of practices per week, and determine which teams have priority over others when schedules conflict.

Time of Days Competitive Events Are Scheduled - Compare schedules to determine extent to which schedules support parent and student attendance, allow spirit groups to support teams and discourage time missed from classes for both genders.

Time of Practice Opportunities - Compare the times of days and the days of the week practices are scheduled.

Opportunities for Tournament Competition - This is particularly important when examining teams for which tournament opportunities were available, but in which teams did or did not compete.

Competitive and practice schedules are often affected by the availability of facilities. When schedules for teams of one sex are adversely affected by the availability of facilities, a disparity may occur in at least two Athletic Equity Components: ***Schedules*** and ***Locker Rooms and Practice and Competitive Facilities***. When disparities become apparent, the school is to analyze any disparities in a timely manner.

Yearly collection and analysis of data is necessary for planning for equitable athletic programs:

IF there are disparities that cannot be justified by nondiscriminatory explanations such as the unique aspects of particular sports, THEN corrective action should be taken. **All records should be maintained.**

SCHEDULING OF GAMES AND PRACTICE TIMES – PROGRAM COMPARISON
 (A larger form or multiple forms may be used, but *all* information seen requested here is to be collected.)

SIMILAR SPORTS	NUMBER OF REGULAR SEASON GAMES HOME/AWAY	DAYS OF WEEK AND TIMES OF DAY GAMES ARE PLAYED	DATE PRACTICE BEGINS AND DAYS OF WEEK AND TIMES OF DAY WHEN PRACTICE ARE HELD	NUMBER OF TOURNAMENTS PLAYED WHERE?	DID NOT PLAY IN TOURNAMENTS WHY?
1.	M: F:	M: F:	M: F:	M: F:	M: F:
2.	M: F:	M: F:	M: F:	M: F:	M: F:
3.	M: F:	M: F:	M: F:	M: F:	M: F:

SUMMARY _____

(Athletic Directors are to complete this PROGRAM COMPARISON and turn in all copies of the individual team charts and the PROGRAM COMPARISON to the principal. Yearly, the principal and the Athletic Director are to use this information for analysis of and planning for the next year's athletic program.)

TRAVEL AND PER DIEM

Equitable planning and analysis must always take into consideration questions such as:

Do the males' teams have bus transportation to games/tournaments while the females' teams have to get their own transportation by cars?

When the males' teams travel to tournaments, are the transportation, rooms, and food allowances the same as when females' teams travel to tournaments?

Do cheerleaders and bands perform for and support both the females' and the males' teams?

When monitoring this component for compliance, it is helpful to have a map of the school's competition area to assist in making comparisons of the modes of transportation used for females' and males' teams traveling similar distances. Written policies, procedures and criteria for providing travel arrangements; comparisons of housing during travel; and meal allowances should be maintained. In addition, comparisons of travel expenditures and budgets for each team for the current and past year should be examined for disparities. **This information also reveals the amount of support given individual teams in the way of coaches, trainers, sports' information staff, managers, cheerleaders, mascots, and band members.**

Five compliance factors to examine when monitoring this component are:

Modes of Transportation - Compare the type of transportation used by females' and males' teams traveling similar distances.

Housing During Travel - Compare the housing furnished during travel for males' teams to the housing furnished to females' teams; examine the quality of the motel used and number of athletes assigned per room.

Length of Stay - Compare the time females' and males' teams are away from campus before and after competitive events.

Per Diem - Compare the per diem allowances for females' and males' teams. Use the amount actually given or spent per athlete since this may be different from the "standard" per diem rate.

Dining Arrangements - Compare dining arrangements during travel for females' and males' teams. Note any differences in quality such as whether teams eat at restaurants, school cafeterias, bring packed meals, etc.

Yearly collection and analysis of data is necessary for planning for equitable athletic programs:

IF there are disparities that cannot be justified by nondiscriminatory explanations such as the unique aspects of particular sports, THEN corrective action should be taken. **All records should be maintained.**

OPPORTUNITIES TO RECEIVE COACHING

Equitable planning and analysis must always take into consideration questions such as:

Is there equal opportunity in the assignment of coaches to males' and females' teams based on the training, experience, professional standing, and other professional qualifications of coaches?

Is there equal athletic opportunity provided regarding the availability of full-time, part-time, and assistant coaches?

Is there discrimination on the basis of sex which affects equal opportunity to male and female athletes regarding the compensation of coaches and other terms and conditions of their employment?

Payment sometimes includes time released from teaching or administrative duties. The amount of payment for coaching duties may be set for a specific coaching position with no relationship to the coach's background or experience. Coaches in middle schools and high schools are usually teachers who also coach. Information should be collected that allows the determination of how coaches are compensated and assigned in order to determine the availability of comparable coaching for females' and males' teams.

Three compliance factors to evaluate when comparing females' opportunity to receive coaching to males' opportunities to receive coaching are:

Availability - Compare the relative availability of full-time coaches, part-time coaches and volunteer assistance for females' and males' teams (number of coaches assisting each team and the ratio of coaches to athletes available to each team).

Assignment - Compare the training, experience, and other professional qualifications of coaches of males' teams to that of females' teams. If coaching is not the full-time job, note teaching and other assignments; compare the extent to which coaches assist in locating scholarships or other benefits for athletes; and determine if there is a pattern of assigning less qualified coaches to males' or females' teams. It is important to examine the pattern rather than comparing individual coach's qualifications.

Compensation - Compare the rate of compensation for coaches of males' teams to coaches of females' teams (per sport, per season, duration of contracts, conditions related to contract renewal, experience as related to compensation, nature of coaching duties performed and other duties expected of coaches); and compare the full compensation of each coach, no matter the source, including all perks.

Yearly collection and analysis of data is necessary for planning for equitable athletic programs:

IF there are disparities that cannot be justified by nondiscriminatory explanations such as the unique aspects of a particular sport, the number of athletes per team or the injury rate; THEN corrective action should be taken. **All records should be maintained.**

LOCKER ROOMS, PRACTICE, AND COMPETITIVE FACILITIES

Equitable planning and analysis must always take into consideration questions such as:

Are the locker rooms and the practice and competitive facilities for the females just as good/adequate as those for the males?

Are the facilities for the females as available as those for the males?

This component needs to be carefully monitored. Issues related to comparability of facilities are easily observed by students, parents and the community.

Six compliance factors to examine when monitoring this component are:

Quality and Availability of the Practice and Competitive Facilities - Compare the quality and availability of practice and competitive facilities for females' and males' teams; list other groups (athletic teams, clubs, intramural teams, band, community groups) that use the facilities; list the order of priority for regular use and for use when weather is bad; compare the extent to which facilities meet regulations; and compare special features available at the facilities (laundry service, weight training, availability of trainers, spectator capacity, public address system, electronic score boards, accommodations for visiting teams, concession facilities, general lighting, special lighting for television coverage or filming, multimedia equipment for training and coaching, etc.).

Exclusive Use of Facilities Provided for Practice and Competitive Events - Compare the number of females' teams that have exclusive use of locker room facilities with the number of males' teams that have exclusive use of locker room facilities; record whether exclusivity is for the entire year, for the season, or just during competition or for practice; and compare data for males' and females' teams.

Availability of Locker Rooms - Compare athletic locker assignments for female and male athletes; check whether lockers are individually assigned for all year, the sport season, during competition, during practice; compare the use of the locker rooms for males' and females' teams; check which teams have exclusive use of locker rooms and whether exclusive use is assigned for the entire year, for the sports season, during competition or practice only; and check whether other teams or groups share the use of the locker rooms.

Quality of Locker Rooms - Compare the size and quality of the locker rooms for males' and females' teams; and note any special features (laundry service, weight training, availability of trainers, accommodations for visiting teams, multimedia equipment for training and coaching, etc.).

Maintenance of Practice and Competitive Facilities - Compare the quality of facility maintenance; and determine who has responsibility for maintenance, and when and how often maintenance is scheduled.

Preparation of Facilities for Practice and Competitive Events - Compare the quality of facility preparation for competition and practice; and whether preparation crews, students, or coaches do the preparation.

Yearly collection and analysis of data is necessary for planning for equitable athletic programs:

COMPARE all information collected and note any differences between male and female programs. IF there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, THEN corrective action should be taken. **All records should be maintained.**

MEDICAL AND TRAINING FACILITIES AND SERVICES

Equitable planning and analysis must always take into consideration questions such as:

Are all medical and other support services for the females comparable to those available for the males?

Do the males' teams not pay for insurance while the females' teams do?

Comparing males' and females' teams of the same or similar sport can be beneficial in this component. For example, the need for professional as opposed to student trainers, or equal access to comparable weight, conditioning, and training facilities is not likely to vary significantly between males' and females' basketball teams. However, some variations may be justified due to the unique aspects of a sport including the injury rate or number of participants on the team. The facilities used by each team should be inspected regularly (male, female, varsity, JV, freshman teams); and records made of the conditions of the facilities, including lists of available equipment. Remember that not all medical and training equipment may be readily visible. For example, ultrasound, heat or ice treatment equipment may be stored away.

Five compliance factors to examine when monitoring this component are:

Medical Personnel and Assistance - Compare the quality and availability of medical personnel for females' and males' teams (doctors, physiotherapists, nurses, paramedics); and compare which males' and females' teams have physicians working with them on a regular basis, which receive annual physical exams at no personal cost, with which teams physicians travel, and which teams have physicians present at home games and practices.

Insurance Coverage - Compare insurance policies covering male and female athletes and any cost of the policy to the athlete.

Weight and Training Facilities - Compare all weight training and conditioning facilities used by males' and females' teams; determine which teams have exclusive use of certain facilities, which teams have priority use, which teams share use of facilities, and which teams have use of any special facilities; and compare equipment available in the training/conditioning facilities.

Athletic Trainers - Compare the quality and availability of trainers for the males' and females' teams; determine which teams are assigned professional as opposed to student trainers, and which trainers are full-time and which are part-time. Compare the experience and certification of trainers serving males' and females' teams; and compare the number of males' and females' teams/athletes served by certified trainers or by student trainers.

Yearly collection and analysis of data is necessary for planning for equitable athletic programs:

COMPARE all information collected and note any differences between males' and females' programs. IF there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, THEN corrective action should be taken. **All records should be maintained.**

PUBLICITY AND PROMOTION

Equitable planning and analysis must always take into consideration questions such as:

Do cheerleaders and bands perform for and support both the boys' and the girls' teams?

Are females' competitions given the same publicity as the males' competitions in loudspeaker announcements, school publications, etc.?

Are the coaches for the females' teams just as qualified for their assignments as the coaches for the males' teams?

Newspapers, TV and other media are not required to be equally responsive to a school's efforts to provide equivalent publicity services to males' and females' programs. However, *the school's own publicity and promotion must be provided without discrimination.*

Three compliance factors to examine when monitoring this component are:

Sports Information Personnel - Compare the experience, training, and time spent of persons assigned publicity duties for males' teams and those assigned for females' teams; and compare the number of sports information officers or the estimated time allocated to females' teams and to males' teams.

Publicity Resources - Compare the policies, procedures and criteria for providing publicity services to the females' and males' athletic programs; and determine which teams have access to the school's publicity resources (school marquee, video/projection equipment, public address system, and free advertising on local media, etc.).

Publications and Promotional Devices - Compare the quality and quantity of sports information publications and promotional services provided males' teams and females' teams; compare the promotional information (print and multi-media) supporting local male and female athletes that is provided colleges and universities; **compare which females' and males' teams receive the support of the school's cheerleaders, dance/drill teams, bands or other spirit groups (how often, home and away games); compare location of trophy display cases for males' and females' athletics; and compare males' and females' coverage in school newspaper, catalog, yearbook.**

The unique circumstances of a particular team, competitive event, or particular athlete (state champion, Olympic hopeful) may create unique demands or temporary imbalances in particular program components, including publicity. Such imbalances are permissible to the extent that opportunities for teams of the other sex are not limited. Any such temporary imbalances should be monitored to ensure they are only temporary and that members of the opposite sex are provided the same publicity under similar circumstances.

Yearly collection and analysis of data is necessary for planning for equitable athletic programs:

COMPARE all information collected and note any differences between coverage for male and female athletes or teams. IF there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, THEN corrective action should be taken. **All records should be maintained.**

SUPPORT SERVICES

Equitable planning and analysis must always take into consideration questions such as:

Is equal athletic opportunity provided regarding the amount of assistance that is provided to the coaches of the boys' and the girls' teams?

Are coaches of the boys' and the girls' teams provided with equivalent office space or other facilities needed?

The administrative and clerical support provided an athletic program can affect the overall provision of opportunities to female and male athletes, particularly to the extent that the provided services enable coaches to perform their coaching functions better.

Several compliance factors to examine when monitoring this component are:

Examine the policies, procedures, and criteria for providing support services to athletic programs; and note any difference between services for the females' and males' programs. Compare the number of administrators assigned to, and the percentage of time spent working for females' program with those assigned to and percentage of time spent working for the males' program. Compare the types of administrative services available to the males' program with the types available to the females' program (athletic directors and assistants, business managers, facilities managers, fund-raisers, team managers). Compare the overall quantity and quality of the administrative assistance and clerical assistance available to the males' and females' programs.

Compare the office space provided for administrative services. When shared offices are larger than single person offices, the amount of actual office space may be the same per staff person. The relevant determination is the convenience or inconvenience of sharing an office, which may affect, for example, a coach's ability to counsel athletes.

The need for administrative, secretarial, and clerical support services may vary from team to team. The relevant determination is whether this need is met to the same extent for the total females' and males' programs. The source of the support is not the issue (from school funds, voluntary, boosters). The extent to which the need is equally met for males' and females' programs is the issue.

Yearly collection and analysis of data is necessary for planning for equitable athletic programs:

COMPARE all information and data collected and note any differences between males' and females' athletes' programs. IF there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, THEN corrective action should be taken. **All records should be maintained.**

STUDENT ATHLETIC INTEREST SURVEY

SCHOOL ACTIVITY ACCOUNTING FORMS

**CONSIDER THE FOLLOWING IN RELATIONSHIP TO THE
ESTIMATED REVENUE CATEGORIES LISTED ON THE OTHER SIDE
OF THIS SHEET AND TO *TITLE IX* REQUIREMENTS ***

Estimated Revenue must be analyzed in regard to equitable requirements for the girls' and the boys' teams:

- 1) *Student Revenue* must not be required unequally of boys' and girls' teams. If students are required to pay all or a portion of the costs of physicals, uniforms, insurance, and/or other related expenses, boys and girls must share the burden equitably.
- 2) If the BOE provides reimbursement to the school for physicals, officials' fees, and/or other related expenses, reimbursements must be made to benefit both the girls and the boys in an equitable manner.

** For further delineation of how to analyze athletic support revenue for equitable decisions in regard to Title IX, please review the "Title IX and Athletics" manual.*

**CONSIDER THE FOLLOWING IN RELATIONSHIP TO THE ESTIMATED EXPENSES
CATEGORIES LISTED ON THE OTHER SIDE OF THIS SHEET AND TO TITLE IX
REQUIREMENTS FOR EQUITABLE EXPENDITURES FOR BOYS' AND GIRLS' TEAMS ***

While the impact of expenditures for sex identifiable sports' programs should be carefully considered in determining whether equitable opportunity in athletics exists for both sexes, equal total expenditures for girls' and boys' teams are not required. *Equitable* means:

- that the boys' and girls' teams are provided **athletic opportunities that meet their interests and abilities**;
- that the **athletic opportunities are provided in proportion to the numbers of girls and boys in a school**; and
- that teams are funded so that equipment, supplies, uniforms, transportation, coaching, opportunities to compete, scheduling of practice and game times, facilities, publicity, etc., are **comparable in respect to quality, suitability, amount, availability, etc.**

The fact that differences in expenditures may occur because of varying costs attributable to equipment requirements and levels of spectator interest does not change in any way the responsibility of the school to provide equitable opportunity in the overall athletic program.

The following are keyed to the estimated expenditures' categories on the other side of this sheet:

- 1) Uniforms, 2) Pads, 3) Balls, and 4) Conditioning Equipment/Supplies – What are the quality, suitability, amount, and availability of the equipment/supplies? What equipment/supplies are provided for the athletics and what are the athletes required to furnish? Do the boys' and the girls' teams have to participate in fundraisers?
- 5) Transportation – Are the boys' and girls' teams provided equitable transportation?
- 6) Physicals – Are the boys' and girls' teams treated equitably in arrangements/financing for physicals?
- 7) Insurance – Are the boys' and girls' teams treated equitably in arrangements/financing for insurance?
- 8) Officials – Are officials of comparable experience/training chosen for the boys' and the girls' teams?
- 9) Trophies/Awards – Are awards of comparable number/expense given to the boys and the girls?
- 10) Game Personnel – Are game personnel of comparable experience/training numbers provided for both the boys' and the girls teams?
- 11) Coaching Uniforms – Are the coaches of the boys' and the girls' teams provided equitable funding for uniforms? Are rotation schedules used to ensure equitable purchases/replacements?
- 12) Membership Fees – Are membership fees paid for both the girls' and the boys' teams?
- 13) Security – Is security provided for both the boys' and the girls' games?
- 14) Sports Video Recordings – If sports videos are made/procured, is this done for the boys' and the girls' teams?
- 15) Holiday Tournaments – Are the boys' and the girls' teams provided opportunities to play in holiday tournaments? Are expenses equitable? If opportunities do not exist for the team(s) of one sex but do for the other, are other competitions identified so that both sexes can benefit?
- 16) Athletic Camps – Are the boys' and the girls' teams provided opportunities to attend athletic camps? Are expenses equitable? If athletic camps do not exist for the team(s) of one sex but do for the other(s), are other opportunities identified so that both sexes can benefit?
- 17) Miscellaneous Supplies – Are these purchases equitable in regard to the boys' and the girls' teams' needs?

** For further delineation of how to analyze athletic support expenses for equitable decisions in regard to Title IX, please review the "Title IX and Athletics" manual.*

**CONSIDER THE FOLLOWING INFORMATION WHEN COMPLETING
THE ATHLETIC SUPPORT BUDGET AND TITLE IX COMPLIANCE REPORT
ON THE OTHER SIDE OF THIS SHEET***

Concessions

Monies raised from the sale of concessions are to provide benefits for the overall athletic program – not just for the team that was playing when concessions were sold.

Fund Raising

Funds raised by specific teams can be used by those specific teams for areas designated in their requests to raise funds – and the principal must approve each request. However, teams are not to raise funds for basic items that are required for the teams to compete – unless all teams are equally required to provide such basic items.

Booster Clubs

Booster clubs and other parent support groups can provide a tremendous amount of support to a school's activities, and often the parents working within a booster organization want to be assured that their efforts further the interests and activities of their children. Therefore, often donations (athletic gifts) come with stipulations that the benefits and services are to be used to further these interests (for a specific male team or for a specific female team), leaving the school administration with an equity problem.

Title IX requires that boys' and girls' teams must have equal access to comparable benefits and services. Donations for both the girls' and the boys' teams/programs may be sought, or a booster club for the team of the other gender may offer/raise funds as well; but, to be in compliance with Title IX, the school may have to provide comparable benefits/services if another source is not available. This would apply to donations to the school from an individual, an organization, or even from a company like Nike.

An example might be that if a school accepts a gift for the purchase of equipment or other athletic items for a boys' team, it must insure that the girls' team or program is provided comparable benefits. Equity must be accomplished, and at least three ways can be tried:

- A request could be made of the donor for a similar donation for the team(s) of the opposite sex.
- Other donations may be sought for the teams(s) of the opposite sex.
- A booster club for the team of the opposite sex could raise funds as well.

If these efforts are not tried or are not successful, the school must provide equity through athletic funds.

** For further delineation of how to analyze athletic support revenue for equitable decisions in regard to Title IX, please review the "Title IX and Athletics" manual.*

APPENDIX

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

34 CFR 106.41 Athletics

- (a) General. No person shall on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in an interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.
- (b) Separate teams. Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved in a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport. For the purposes of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.
- (c) Equal opportunity. A recipient which operated or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider other factors:
 - (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
 - (2) The provision of equipment and supplies;
 - (3) Scheduling of games and practice times;
 - (4) Travel and per diem allowance;
 - (5) Opportunity to receive coaching and academic tutoring;
 - (6) Assignment and compensation of coaches and tutors;
 - (7) Provision of locker rooms, practice and competitive facilities;
 - (8) Provision of medical and training facilities and services;
 - (9) Provision of housing and dining facilities and services;
 - (10) Publicity

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Assistant Secretary may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.