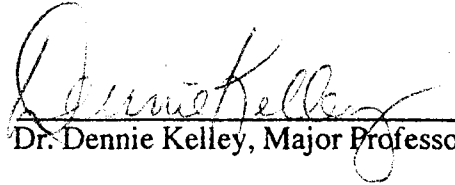
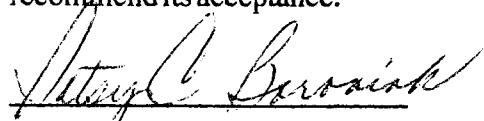
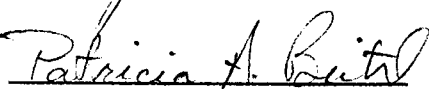


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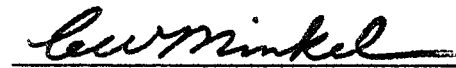
I am submitting herewith a thesis written by Gretchen Ramsey Glass entitled "The Institutional Impact of Title IX On Intercollegiate Athletic Programs." I have examined the final copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Science, with a major in Human Performance and Sport Studies.


Dr. Dennie Kelley, Major Professor

We have read this thesis and
recommend its acceptance:

Accepted for the Council:


Associate Vice Chancellor and
Dean of the Graduate School

THE INSTITUTIONAL IMPACT OF TITLE IX ON INTERCOLLEGIATE ATHLETIC
PROGRAMS

A Thesis
Presented for the
Master of Science
Degree
The University of Tennessee, Knoxville

Gretchen R. Glass
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ABSTRACT

This study investigated the impact of Title IX on intercollegiate athletic programs. Four active athletic administrators who were responsible for compliance of women's programs from Division-I institutions were chosen at random for participation in this study. A qualitative interviewing technique was used in order to collect the information. The participants were interviewed in two, one hour, sessions over the course of the study.

After the data was collected, analyzed, and evaluated, the following conclusions were reached. All participants defined gender equity and the goals for gender equity. All of the institutions but one had been in contact with the Office for Civil Rights. This had either been by invitation visit or actual review by the agency. All institutions had compliance problems that needed to be corrected. Most institutions were deficient in providing for their female athletes. Compliance solutions were composed of adding women's programs, adding money to travel and recruiting budgets, and scholarships.

The addition of women's programs and money into these budgets effected other areas. First, men's programs were either eliminated completely or had money taken from their budgets. Second, the addition of women's programs created more opportunities for coaching positions in the new and existing women's programs.

Title IX and gender equity had in some manner affected every institution which participated in this study. Institutions would have to continue to add more women's programs and more money into women's budgets until proven that the women were given the same opportunities and resources as the men. The men's programs would continue to have their athletic teams dropped or downgraded until the number of female athletes resembled the overall undergraduate female student body population.

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CHAPTER 1

INTRODUCTION

Title IX and gender equity have changed the shape of college athletics over the past twenty years. Title IX was introduced in 1972 as a protective statute to ensure that academic institutions did not discriminate on the basis of gender (Appendix A). Now, this statute would provide both compensatory and monetary relief to victims of discrimination (Wong & Barr, 1992, b).

Institutions, in order to be in compliance with Title IX, must prove they had fully and effectively accommodated the interests and abilities of their female athletes. Schools faced with budget shortages now had to explore other options besides cutting women's programs to alleviate financial constraints (Johnson, 1994).

Despite the growth of women's sports and opportunities for women in sport, female administrators were found to be absent in college athletic administrative positions (Crawshaw, 1990). Crawshaw (1994) suggested that women were overlooked for these positions because they lacked the necessary work experience. The only way for females to overcome this cycle was through internships at credible programs (Crawshaw, 1990). Thus, respected work experience was expected to move women into administrative positions.

The greatest controversy in dealing with Title IX was the issue of proportionality. Institutions which depended on substantial revenues from football felt compliance with the proportionality component would deplete the monies earned from football revenue (Lopiano, 1993). Others argued that proportionality would reduce scholarship opportunities for minority male athletes (Packer, 1993).

Statement of the Problem

The purpose of this study was to examine the perceptions of athletic administrators about the overall impact of Title IX on intercollegiate athletic programs. The administrator answered questions on Title IX, compliance, proportionality, and men's athletics programs. Women's roles were investigated to determine what progress has been made since the implementation of Title IX regarding administrative positions for women.

The study examined the following sub-problems:

1. What were the perceptions of compliance officers about Title IX?
2. How had Title IX affected women's administrative roles?
3. Were there discrepancies between men's and women's programs?
4. What were institutions doing to stay in compliance?
5. How had mens' sports fared with full implementation of Title IX?
6. What issues caused the most problems with Title IX compliance?
7. Under what circumstances were athletics departments contacted by the Office for Civil Rights?

Definition of Terms

The following definitions were assigned to the terms in this study:

Title IX: Enacted in 1972 as part of the Equity in Education Act which stated that educational institutions could not discriminate based on gender. In the review of literature, institutions that violated Title IX found themselves embroiled in lawsuits.

Office for Civil Rights: Federal agency with the responsibility to enforce the components of Title IX. This agency received Title IX complaints filed by individuals. This agency was also known and referred to as OCR.

Administrative Roles: These positions consisted of decision making roles within athletic departments. With the implementation of Title IX, women were supposed to move

into more decision making positions. As of 1990, this had not occurred.

Judiciary: The court system in the United States. The courts determined if a school is in compliance. If not, they decide the appropriate punishment. For the review of literature, the Circuit Courts (Federal Courts) decided compliance issues.

Compliance: A three part test determined by: (a) effective accommodations of interests and abilities; (b) on going program expansion in case of an under represented sex; and (c) proportionality. Effective accommodation of interests had been the cornerstone of judicial interpretation.

Programs: Varsity sport opportunities for male and female athletes at the intercollegiate level.

Proportionality: This issue caused the greatest controversy over male and female participation in college athletics. Proportionality linked participation opportunities for male and female athletes to the gender ratio of a school's overall undergraduate student body. Most institution's undergraduate population was proportionally more female than male. According to the legislation, there should be higher numbers of female participants and more money spent on their athletics programs.

Race Quota System: A participation opportunity for male and female athletes based on the race of the undergraduate population of an institution. The quota system would be a reaction to proportionality.

Equity in Athletics Disclosure Act: A proposed Federal Law that would require all colleges receiving federal funds to reveal their expenditures for men's and women's athletics.

Gender Equity: The NCAA response to Title IX. The NCAA had established criteria and guidelines for intercollegiate athletic programs to follow in order to achieve compliance with the goals of Title IX.

Assumptions

The following assumptions existed in this study:

1. Title IX has had a significant impact on intercollegiate athletics.
2. The interview guide presented in the study is a legitimate and credible instrument to measure the effects of Title IX on college athletics.
3. The participants in the study answered all questions in an honest manner.

Limitations

The following limitations occurred in this study:

1. The effect of Title IX on both male and female coaches.
2. The role of minorities in coaching issues and the accommodation of interests and abilities.
3. Specific budget adjustments made in order to accommodate Title IX requirements.
4. The actions that the Office for Civil Rights might take if violations of Title IX occurred.
5. The perceptions of other athletic department personnel about the impact of Title IX on their specific institution.
6. The judicial rationale applied by the courts to Title IX litigation.

Scope of the Study

The following issues affected the scope of the study:

1. The study was limited to administrative personnel in four athletic departments in Division I institutions.
2. The four participants in this study may not truly represent administrators at every NCAA Division I institution across the country.

3. The four participants in this study may not truly represent every level within an athletic department.
4. The participants may not answer all the questions honestly.

Significance of the Study

The results of this study would be beneficial to those in athletic administration who dealt with gender equity and compliance issues. The trends outlined by the subjects could be analyzed by institutions to determine if they were experiencing similar situations with compliance. These situations included litigation, alternatives to cutting both men's and women's programs, and the implications for men's programs. Administrators could also use the information in order to determine the best process for implementing more programs for women, since this was shown to be one solution to compliance problems. Institutions might be able to solve some of their own compliance problems if they used the example of these participant schools.

CHAPTER 2

REVIEW OF LITERATURE

Introduction

This review emphasized the effects of gender equity and Title IX legislation on college athletic programs. The purpose of Title IX was stated in order to introduce the intent of the legislation. A case study was presented to demonstrate that men's and women's programs may appear to have access to the same resources, but in reality men obtained more money for their programs. Women were found to be absent from administrative roles, despite all the new opportunities and expanding programs. This pattern had resulted in the stagnation of the movement of women into power positions.

Current court decisions demonstrated that the Policy Interpretation's three part test, especially equal opportunity, was applied by the judiciary in determining Title IX violations. Schools which had dropped or demoted women's programs were ordered to reinstate them to full varsity status. A discussion was presented between the opponents and proponents of proportionality. The opponents argued that it would only create more inequalities, and the advocates asserted it would help athletics as a whole. Finally, a bill had been introduced in Congress which would make the federal government along with the NCAA responsible for reviewing funds of programs to ensure compliance. The articles for this review were obtained from court reporters, law reviews, journals related to physical activity, newspaper articles, and business publications.

Purpose of Title IX

Carol Herwig, who covered the issue of gender equity for USA Today, reviewed the purpose of Title IX and also stated the guidelines for the compliance test. Gender

equity began with Title IX legislation. This regulation was enacted in 1972 and stipulated that educational institutions cannot discriminate on the basis of gender. The penalty for a violation was the withholding of federal funds from the institution. This had never been enforced (Herwig, 1993b).

The Office for Civil Rights (OCR), which enforced Title IX, developed a three part test to determine if a school was in compliance. This test included: (a) effective accommodations of interests and ability; (b) on going program expansion in case of an under represented sex; and (c) proportionality, which linked participation opportunities for overall undergraduate student body (Herwig, 1993b). In current Title IX lawsuits, federal judges gave equal weight to proportionality, which had been the basis of whether a school had violated any part of Title IX (Herwig, 1993b).

Definition of Gender Equity

The September 12, 1994 issue of the NCAA News published the NCAA Gender Equity Task Force's definition of gender equity. The NCAA Council asked that the definition be published in the NCAA News to remind the members of the organization its commitment ("Gender-equity definition," 1994).

The Task Force definition maintained:

"The Association asserts the value of equitable participation and treatment of men and women in intercollegiate athletics through its structure, programs, legislation and policies. It is the responsibility of the Association to act affirmatively to assure equity in the quantity and quality of participation in women's athletics.

"At an institutional level, gender equity in intercollegiate athletics describes an environment in which fair and equitable distribution of overall athletics opportunities, benefits and resources is available to women and men, and in which student-athletes, coaches and athletics administrators are not subject to gender-based discrimination.

“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 (“Gender equity definition,” 1994).”

A Case Study

B. Glenn George, an associate professor at The University of Colorado Law School, explored the issue of gender equity within the context of a specific sport program. The aim of this study was to examine the promise of Title IX in the limited context of a specific athletic program. This would be a program where men and women are playing the same game, in the same conference, at the same school. In this case, the study compared both basketball teams at the University of Colorado. In spite of the apparent equity demanded by Title IX, this study illustrated the significant difference between the two teams (George, 1993).

At CU both programs had the same tutorial services, access to trainers, and medical care (George, 1993). The number of scholarships available to both teams was identical, and both teams traveled under the same conditions. The two teams differed in that the women’s program did not receive the same amount of funding for equipment or the training table. Items in the budget for equipment included uniforms, warm-ups, and shoes. The equipment budget for the men was double that for women. Another budget difference indicated that the men enjoyed the training table year round. While the women, during their off season were obligated to eat in the student facilities. Both the budgets for equipment and the training table affected the student athletes directly (George, 1993).

In the areas of recruiting and coaches salaries, the students were affected indirectly. The recruiting budget for men was double that of women (\$106,100 and \$56,500 for 91/92

season). The difference was found in the amounts allowed for out-of-state travel for men. The NCAA regulations for campus visits was identical for both . Therefore, the coaches should visit a comparable number of recruits. This did not explain the \$55,000 a year difference. The gap between the two programs continued to widen in this area (George, 1993).

The last major discrepancy was in the area of coaches' salaries. There was a \$27,000 difference in the base salary between the head men's and women's coach. This difference favored the men's head coach. Plus, the men's head coach also received an honorary country club membership. The men's head coach was also guaranteed \$40,000 of additional income from non-employer sources, such as radio and television contracts (George, 1993).

In conclusion, George (1993) noted that the Colorado basketball program distinguished among male and female athletes in four areas. These included the provision of equipment and supplies, compensation of coaches, provision of dining facilities, and recruitment of student athletes. George (1993) also noted that the justification for the financial discrepancies was that more money was spent on men's basketball because it made more money for the school.

George (1993) stressed that, if athletic opportunity was an educational mission, then equal benefits should be extended to both males and females competing at comparable levels of the same sport. He inferred that the dollar amounts paid to female coaches sends a message about the value and status of female athletes (George, 1993).

Women in Administrative Positions

Nancy Theberge and Susan Birrell were both professors in sport related fields. Nancy Theberge was a professor of kinesiology and sociology at the University of Waterloo. Susan Birrell was a professor in the Department of Sport, Health, Leisure, and

Physical Studies at the University of Iowa. They found that since the passage of Title IX, most women's athletics programs were governed by the NCAA (Theberge & Birrell, 1994). Some women were discouraged about the future of their sport programs since the NCAA was a male dominated organization. At individual institutions men's and women's programs were merged under a single administrator. In most cases under the direction of a male administrator.

Theberge and Birrell (1994) found that as result Title IX had negatively influenced the number of female administrators and coaches involved with women's athletics. Women's numbers have actually declined since Title IX's implementation in 1972. For example, in 1972, 90% of women's programs had a female athletics director. By 1990, that number had dropped to 15.9%.

Linda Crawshaw was acting director of academic advisement at Kutztown University in Kutztown, Pennsylvania. Crawshaw (1990) explored the lack of women administrators in college athletics. The opportunities for girls and women to participate had increased because of gender equity. Surprisingly, the number of administrative positions had decreased. Crawshaw (1990) believed that the lack of female administrators would only hurt the advances women have made. This article was the product of other studies about women in athletic administration (Crawshaw, 1990).

As a result of Title IX, Crawshaw (1990) stated that there was an assumption by the NCAA that women would be admitted into the administrative structure by an allocation system. This would guarantee a minimum representation and lead to a more equitable percentage as women gained managerial executive experience. Women, however, had not moved into these positions because they had not been given the opportunity for practical experience.

Crawshaw (1990) stated the number one cause of the downward trend of women in athletic administration was due to the "old boys network." This assisted male applicants

when a job was available. When a position was open, the athletic director phoned a colleague to suggest a male applicant. Often the hiring of a female administrator required the employer to take a "risk." This resulted from the fact that women were new to the field of athletic administration and did not have as much experience as most males. Therefore, the refusal to hire women because of a lack of experience had become a self-perpetuating cycle. In order to move into administrative roles, women must support other women, advocate the hiring of female candidates, and make women conscious of employment opportunities and openings (Crawshaw, 1990).

Crawshaw (1990) used Ruth Berkey's responses as supporting evidence that the number one problem plaguing women's sports was the lack of cooperation and leadership among women who were already in leadership roles. Crawshaw (1990) noted Berkley's observation that the lack of women in key positions had serious implications. The most serious one was that female sport participants were not able to develop with the presence of female role models (Crawshaw, 1990). Crawshaw (1990) stated that women must be part of the decision making process for the best interests of women's athletics to be served. Athletic directors were often responsible for decisions about which sports would be played, and who would coach them. Women must play a role in the NCAA and other governance agencies in order to influence legislative decisions (Crawshaw, 1990).

Crawshaw (1990) suggested that women must move into administrative roles. Often, the women who did were found to be unprepared for budget and business administration. Graduate programs should include these areas in the curriculum to strengthen this deficiency. Internships with established athletic programs offered the best means of practical experience. Crawshaw (1990) concluded that college athletics can no longer afford to lose women's insights and values. Hopefully, young women will view the struggle as a challenge and strive toward positions of athletic leadership.

Michael Villalobos was an associate professor at the Marquette Law School and

covered issues in college athletics. Villalobos (1990) outlined the obstacles women have encountered in the attempt to gain equal treatment in intercollegiate athletics. This article also highlighted the effects of Grove City decision and how the Civil Rights Restoration Act will strengthen Title IX's regulatory power.

As a result of Title IX, funding increased for women's programs. This, in part, was a result of the NCAA repeatedly indicating its commitment to the growth of women's programs, but there had not been an increase in the number of decision making positions available for females. The opportunities for elite women athletes improved, but total participation opportunities declined (Villalobos, 1990).

Villalobos (1990) found the stagnation in women's intercollegiate sports was due in part to the absence of women in administrative roles. From 1972 to 1984, there was a declining number of women in leadership positions throughout the country. Women were not given the opportunity to gain experience, which they needed and deserved. Another factor was the inability of women's sports to produce revenue. Part of the unfairness resulted from the fact that there were more championships sponsored by the NCAA for men than for women. In 1987-88, there were 76 total championships, 42 for men, 34 for women. Television coverage for women's events was scarce on network stations. This was due to the lack of interest and revenue production (Villalobos, 1990).

In the *Grove City v. Bell* decision, the court ruled that only those programs in an institution which received direct financial assistance from the federal government were subject to the rules of Title IX. This was referred to as the "programmatic approach" (Villalobos, 1990, p. 159). As a result, Grove City left female athletes and coaches at institutions without any federal protection against discrimination (Villalobos, 1990).

The Civil Rights restoration Act of 1987 changed the wording of Title IX, which then stated that gender discrimination was prohibited in the programs and activities of educational institutions that received federal funds. The Act clarified that entire institutions

and agencies were covered by Title IX laws if any program or activity within the institution received federal aid. This was designed to reverse the impact of the Grove City ruling (Villalobos, 1990).

Under Title IX, women athletes had made significant progress. From 1972-88, 10,000 scholarships were offered to women as compared to none in 1971. The purpose of Title IX, to "provide equal access for women and men students to the educational process and the extracurricular activities in a school" was hampered by certain loopholes (Villalobos, 1990, p. 168). The first was a lack of funding for the Office for Civil Rights to enforce Title IX. The second was a lack of regulatory provisions mandating affirmative efforts by recipient institutions. The third was the allowance of nondiscriminatory exceptions through which institutions avoid compliance (Villalobos, 1990).

Villalobos (1990) concluded by noting that without a strong enforcement of Title IX, athletic directors may be tempted to deal with budget crunches by cutting women's programs. Villalobos also stated the fact that a Presidential change may cause OCR to make a more aggressive attempt to resolve inequities in women's athletics.

Challenges to Title IX

After Title IX became law, male administrators resisted its implementation (Theberge & Birrell, 1994). The NCAA was critical of its passage because they felt that increased expenditures on women's athletics would be taken from men's programs. The NCAA challenged the application of Title IX to athletic programs by lobbying officials of HEW (department of Health, Education, and Welfare) and through the courts (Theberge & Birrell, 1994).

Theberge and Birrell (1994) noted that university officials resisted compliance because they argued that the scope of the legislation was not applicable to intercollegiate athletic programs. In the original statute, only the department or program which received

federal funds was subject to Title IX. Therefore, administrators felt that only those specific programs and departments which received federal funds should be affected. In 1984 the Supreme Court ruled in the *Grove City College v. Bell* that Title IX was program specific. This eliminated athletics from compliance with Title IX because most did not receive federal money (Theberge & Birrell, 1994).

After the Grove City decision, the Office for Civil Rights dropped 64 investigations of Title IX complaints, some were against intercollegiate athletic departments. Many of women's gains in sports were reversed. Schools began to cut back on funds and programs in girl's and women's athletics. In 1988 Congress passed the Civil Rights Restoration Act. This act broadened the scope of Title IX to provide better legal support for equity in school athletics programs (Theberge & Birrell, 1994).

Litigation Filed Under Title IX Statutes in the 1990's

Wong and Barr (1992b) examined the significance of a Supreme Court ruling related to Title IX. This ruling made it possible to sue for monetary damages as a result of sex discrimination. The source for this article was the Supreme Court decision of *Franklin V. Gwinnett County Public Schools* (US 1992). Title IX turned from a protective statute into an offensive measure. Until this decision, courts were considered to change discriminatory practices; as of 1992 they began compensating victims of discrimination (Wong & Barr, 1992b).

The Appellate Courts commented that Congress had not provided compensatory relief as a part of Title IX. They also noted that the Supreme Court had not set a precedent. Therefore, they did not find that personal damages were available under Title IX. The Supreme Court found that Congress had intended for damage relief to be available. The Federal Courts had the power to award any appropriate relief. As a result, school administrations had to carry a heavier burden in dealing with complaints (Wong & Barr,

1992b). The Court was not clear on certain issues. The court ruled damages were a relief when intentional discrimination was proved. However, they did not define intentional discrimination (Wong & Barr, 1992b).

Most Title IX violations involved the failure to provide sufficient opportunities to participate. Therefore, litigation looked more attractive if punitive damages were awarded along with compensatory damages (Wong & Barr, 1992b). Future decisions by the courts would provide insight as to how the judiciary would deal with and interpret this case. They must address the issue of defining intentional discriminatory acts and in calculating damages to be awarded for Title IX violations (Wong & Barr, 1992b).

The source of this report was a 1992 New York District Court decision. Wong and Barr (1992a) noted that the District Court's ruling against Colgate University was wrong. Four members of the women's ice hockey team filed suit against Colgate for Title IX violations. Wong and Barr (1992a) felt the ruling was incorrect because the court did not understand the interpretation of Title IX. The court found Colgate guilty of not providing equal opportunities for female ice hockey players (Wong & Barr, 1992a).

Colgate had demoted the women's ice hockey team to club sport status. Members of the team sought relief and Colgate was ordered to reinstate the team as a varsity sport. This included providing the women all the amenities that accompany a team sport (Wong & Barr, 1992a). Colgate argued the athletic program as a whole should be analyzed to determine if there was a Title IX violation. They also stated that no evidence had been presented to prove that the overall program discriminates. The court cited *Haffer v. Temple University* (1987) "financial concerns alone cannot justify gender discrimination" (Wong & Barr, 1992a, p. 14). The court found the financial impact was the only reason for Colgate's decision. The school was then ordered to reinstate the women's ice hockey team (Wong & Barr, 1992a).

According to Wong and Barr (1992a), the court erred in that it compared men's and

women's teams which was inconsistent with Title IX policy. The policy stated it was more appropriate to compare overall women's and men's programs rather than individual teams. Wong and Barr (1992a) concluded that institutions and student athletes pursuing compliance would be misled by poor court decisions like this one. This ruling was improper because it was based on a lack of understanding of Title IX (Wong & Barr, 1992a).

Michael Scott and Judith Semo were the NCAA Washington Council at Squire, Sanders & Dempsey. Scott and Semo (1993) interpreted the U.S. Court of Appeals decision in *Cohen v. Brown University*. This article also focused on the substantive requirements of Title IX in college athletics. They also examined the significance of Title IX enforcement (Scott & Semo, 1993).

In a 1993 court ruling, Brown University was denied the right to downgrade two women's sports from varsity status to club sports. The court stated this was a violation of Brown's obligation to accommodate the interests of its female student athletes. Brown was required to reinstate the two teams, volleyball and gymnastics, to varsity status until the trial. This ruling was significant in that the court aggressively interpreted the regulatory requirement that institutions effectively accommodate the interests and abilities of all its athletes (Scott & Semo, 1993).

The issue on appeal was whether Brown was effectively accommodating the interests and abilities of its student athletes. Title IX stated programs must provide "equal athletics opportunity for members of both sexes" (Scott & Semo, 1993, p. 13). The regulation required consideration that the selection of sports and level of competition effectively accommodate the interests and abilities of both sexes (Scott & Semo, 1993).

The evidence suggested that the participation opportunities for male and female students was not substantially proportionate to their respective enrollments. It was also demonstrated that Brown had not continually expanded athletic opportunities in an ongoing

effort to meet the needs of the under represented gender (Scott & Semo, 1993).

The court stated that "full and effective accommodation" (Scott & Semo, 1993, p. 13) meant the institution must fully and effectively accommodate the interests of women even if men's interests are not fully accommodated. An institution may bring itself into compliance by the subtraction and downgrading of reducing opportunities for the over represented gender while keeping opportunities stable for the under represented gender (Scott & Semo, 1993).

The court concluded that to establish a Title IX violation, the plaintiff needed only to demonstrate a disparity between the gender composition of the institution's student body and its athletics program with an unmet interest. Unless the university could show a history and continued practice of program expansion, it would be in violation of Title IX (Scott & Semo, 1993).

Andrew Blum covered those court cases which involved college athletics for the National Law Journal. Blum (1993) found that there was a new wave of cases in the courts designed to make schools provide equal opportunity for female athletes. Blum (1993) examined several cases which had been settled or were currently in litigation. This was the result of the passage of a new Civil Rights law in 1988. These were the most recent cases since the implementation of the Civil Rights Restoration Act which were directly related to Title IX complaints.

Blum (1993) noted that the Grove City decision did not discuss athletics but financial aid. It addressed the question of whether all school programs were barred from sex discrimination if any activity received federal funds. The court ruled Title IX had to be interpreted as program specific. The Civil Rights Act of 1987 said that if any part of a school gets federal funds, Title IX is applicable. Therefore, most claims challenging discrimination in athletics were dismissed.

The Office for Civil Rights investigated complaints and conducted compliance

reviews. If there appeared to be a violation then there were certain remedies for a school to follow. These include: (a) school self compliance; (b) government ordered compliance; and (c) the extreme of withholding federal funds (Blum, 1993).

In the Colgate decision the court stated schools must meet three compliance tests. The individual schools must demonstrate equal participation rates, expanding opportunity for women, and show that the program is accommodating interests and abilities of women if the school can not meet the first two criteria. In this dispute the school bears the burden of meeting the three tests. Colgate was ordered to reinstate women's ice hockey from club to varsity status (Blum, 1993).

Colorado State University was found to be in violation of Title IX for failure to bring more women into athletics and for cutting the softball program. CSU argued that the cut was due to a budgetary shortfall. The plaintiff's lawyer added this case was an example to schools across the country in that the response to budget crunches was not to cut women's sports (Blum, 1993).

Blum (1993) concluded that the legal issues need to be resolved before it can be determined whether or not a school is in compliance or not in compliance with Title IX. Schools faced potential compliance problems when they decided to downsize athletics in the face of a budget crisis. Mr. Bryant, Executive Director of Trial Lawyers for Public Justice, expressed "when women are not already being given an opportunity to participate in proportion to enrollment and schools eliminate teams, it had better be mens' teams only" (Blum, 1993, p. 31).

Jill Johnson was a member of the Stanford University swimming team from 1986 to 1990. She received a J.D. degree from Boston University and decided to interpret the gender equity cases in litigation in early 1994. Johnson (1994) reviewed three recent Title IX cases involving college athletics, *Cohen v. Brown*, *Roberts v. Colorado State University*, and *Favia v. Indiana University of Pennsylvania*. The court decisions were

then used to suggest a strategy for which universities could improve participation opportunities for women while remaining within financial limitations (Johnson, 1994).

Johnson (1994) stated the increased participation which resulted from the implementation of Title IX had not eliminated gender discrimination. Many factors delayed or deterred the goals of gender equity and Title IX. The first was a three year gap between the passage of the statute and issuance of the regulations. The second was another three years between issuance of the regulations and the deadline for compliance. The third was the vagueness of the original regulation. The fourth was the uncertainty as to whether university athletic departments were considered "recipients" of federal funds and subject to Title IX. The fifth was the lack of effective enforcement by private plaintiffs, Office for Civil Rights, and educational institutions. The sixth was the elimination of women's sport teams by athletic departments which had budget shortages (Johnson, 1994).

Johnson (1994) noted that much of the recent litigation over compliance by athletic departments was the result of university budget restrictions. Many plaintiff athletes have sought reinstatement of their teams, which their athletic departments eliminated due to financial constraints. If recent decisions were any indication of future judgments, the courts will increasingly assess compliance by determining whether a university has fulfilled the equal opportunity requirement of the regulations (Johnson, 1994).

Of the court cases, all had common features. Each involved female college athletes whose teams had either been eliminated altogether or demoted from varsity to club status. Each set of plaintiffs sought injunctive relief for reinstatement of the team to full varsity status. The individual universities asserted that the demotion or elimination was for financial reasons. Each court utilized Policy Interpretation's three part test for evaluation (Johnson, 1994).

Johnson (1994) explained the three part test for competitive opportunities had become the key to judicial evaluation of compliance with the Title IX regulations. Equal

opportunity to participate had been the cornerstone of current judicial interpretation. The three part test included the following. First, the number of female athletes must be substantially proportionate to the number of females enrolled in the undergraduate population. Second, universities were required to demonstrate a history as well as a continuing practice of program expansion in response to the interests and abilities of women. Third, a university must have fully and effectively accommodated the abilities and interests of its female athletes (Johnson, 1994).

In the *Cohen v. Brown* decision, the court established that failure of the “substantially proportionate” prong of the Policy Interpretation’s test did not mean a school was in violation of Title IX (Johnson, 1994). Noncompliance required that the university fail all three parts of the test. The court also stated that the financial cut backs of a university must not be isolated from the regulations of Title IX. In the Colorado State case the court expressed that a “financial crisis cannot justify gender discrimination” (Johnson, 1994, p. 583).

Johnson (1994) ended with some suggestions for universities. Schools should be aware of the crucial role the federal district courts play in Title IX cases. Those experiencing financial difficulties must be extremely careful when making changes in athletic programs. Universities should make self assessment evaluations before making changes, especially if they consider eliminating sports. This would prevent them from facing costly litigation (Johnson, 1994).

Proportionality

Robert Simon was the men’s golf coach and Sydney Wertimer Professor of Philosophy at Hamilton College, Clinton, New York. Simon (1993) examined certain points of the NCAA Gender Equity Task Force Report. This task force arrived at the theory. “An athletics program is gender equitable when either the men’s or women’s sport

programs would be pleased to accept as its own the overall program of the other gender (Simon, 1993, p. 12C).

The committee recommended expanding women's NCAA championships to a level comparable with men, adding emerging sports to women's programs and maybe the transfer of funds from high profile men's sports to women's sports. Proportionality was established as the benchmark for judging equality. Therefore, if a student body composition were 60% male and 40% female, the same distribution would be found in the athletic program. The NCAA report claimed that proportionality was a goal rather than a quota (Simon, 1993).

Simon (1993) argued that diverting funds to add new sports was acceptable when there was an interest. The addition of sports, just to have proportional numbers would not be equitable in and of itself. As a result, the less visible men's sports would be eliminated, regardless of the value to the participants. This would enable schools to achieve proportionality without adding women's sports to their program (Simon, 1993).

Simon (1993) inferred that equity should not be the result of a quota. The proportionality issue should be taken into account with relative gender differences in interest and participation. Without a full examination of current programs, the mechanical formula for equity may have created new inequalities (Simon, 1993).

Billy Packer was a college basketball television analyst and contributed an article for USA Today about proportionality. Packer (1993) disputed the position that a quota system would be fair to all those who participate or wish to participate in college athletics. Packer stated that the current system was the result of the democratic free market approach. He expressed that, in order to remain consistent with gender equity, a quota for race must also be established (Packer, 1993).

Under the quota system of gender equity, women would make great gains. If women were to make gains then there must be a loser. That loser would be the black male

athlete. Of the teams in the Final Four in 1993, 15 of the 20 starters were black. The quota system for college athletics would be based on undergraduate student enrollment. The gains for men on the Final Four teams would then be discontinued because they only comprised 6% of those student populations (Packer, 1993).

Packer (1993) questioned if the number of scholarships would then be reduced to match the level of enrollment. Division I scholarships have already been reduced from fifteen to thirteen per team. Thus, 600 fewer scholarships were available this year. This meant 300 fewer black males had the opportunity to attend school on basketball scholarships (Packer, 1993).

Packer (1993) suggested that one solution, the extreme, would be the elimination of all athletic teams both men's and women's. Create one team on all sports, open to all students regardless of race, gender, or nationality. Teams would be based solely on one's ability to compete.

Packer (1993) concluded that this issue needed to be resolved in order to save intercollegiate athletics. He noted America was a great free-market society, not a country of quotas. The free-market would be the only way college sports would survive (Packer, 1993).

Donna Lupiano was the Athletic Director at The University of Texas in the 1980's. Since 1993 she has served as the executive director of the Women's Sport Foundation. Lopiano (1993) suggested that gender equity would not destroy big time college sports. Those who thought that revenue programs, such as football, would perish should not be concerned. She stated that gender equity would ensure the fairness that women deserved and would not destroy men's opportunities.

At most schools, men's sports were not paying for women's sports. In approximately 91% of all NCAA member institutions, football did not pay for women's sports or even for itself. In Division I-A 45% of the member programs were running

deficits averaging \$638,000 annually. Women were 28.7% of the athletes at these institutions. In Division I-AA 94% of the football programs were running deficits of \$535,000. Women comprised 30.3% of athletes. Division III football programs were averaging \$69,000 of debt, while women comprise 34.9% of the athletes (Lopiano, 1993).

At most schools male and female students paid for football through mandatory student fees. The numbers indicated the largest football programs, with the best chance for profit, offered the least opportunities for women athletes (Lopiano, 1993).

Girls and women who played sports were shown to be more confident, had higher levels of self esteem, stronger self-images and lower levels of depression. Sport was where boys had traditionally learned teamwork, goal-setting and the pursuit of excellence in performance. All these were noted as critical skills for success in the workplace (Lopiano, 1993).

Lopiano concluded with the thought that gender equity was about being fair to our children. The financial dilemma of providing more opportunities for women in sport would only be solved when men and women in sport together decided how to share limited resources. Sports were too important to the physical, psychological and social well-being of our children to continue with inequality (Lopiano, 1993).

Men's Programs

Joseph Markoski and Judith Semo were associated with Squire, Sanders and Dempsey the NCAA council in Washington D.C. The U.S. Court of Appeals ruled September 1, 1994 that the University of Illinois, Champaign did not violate Title IX or the Equal Protection Clause when it discontinued the men's swimming team.

In May of 1993 Illinois announced it would eliminate men's and women's diving, men's swimming and men's fencing. The women's swimming program was not discontinued. Members of the men's team filed a lawsuit against the school stating they

had been discriminated against on the basis of gender. The men also claimed Equal Protection violations, but those were denied by a lower court.

The court stated that the school could drop the men's swimming program without violating Title IX because the men had proportionally more male athletes than males in the student body. Under the compliance regulations, an institution was considered to be effectively accommodating the interests and abilities of male and female students if participation rates are proportionate to their gender enrollments.

Illinois would have been in violation of Title IX if they had eliminated women's swimming. In 1993 women made up 44% of the student body of the university and only 24.4% of the athletes. The court viewed Illinois' decision to keep women's swimming "extremely prudent." This decision of the court was based on the Department of Education's three part test for assessing the accommodation of student interests and abilities. The proportionality test may be a standard of the predictability of what Title IX and the courts might require of intercollegiate athletic programs.

Congressional Legislation of 1993

In response to gender equity, new legislation had been written and was still awaiting approval. The Equity in Athletics Disclosure Act was introduced in Congress in February 1993. The new bill was introduced by Rep. Cardiss Collins, D-Ill (Herwig 1993a). Ms. Collins expressed the bill would require all colleges receiving federal funds to reveal their expenditures for men's and women's athletics. This bill was in response to the NCAA study that revealed 20% of the average Division I school's athletic operations budget was spent on women's sports (Herwig 1993a).

Most on the committee agreed that colleges and universities had not yet reached gender equity or Title IX compliance. This legislation was the result of the committee's finding that the NCAA had not done what it should to ensure compliance. The NCAA had

resisted any type of government intervention. With the implementation of this legislation, they would have to accept working with the federal government (Herwig, 1993a). In conclusion, Donna Lopiano, women's athletic director for the University of Texas for seventeen years, implied that federal intervention was necessary (Herwig, 1993a). The NCAA recognized that there was a problem, but had not done enough to solve it (Herwig 1993a).

CHAPTER 3

METHODS

Introduction

The following chapter examined the participants in this study, the technique used to gather the information, how the information was obtained, and finally how it was evaluated. In order to obtain the best results, the interview technique was employed in this study. The participants were interviewed twice during the course of this study. The responses were then analyzed and evaluated after each interview.

Participants

The participants in this study were composed of four active athletic administrators who were responsible for compliance of women's intercollegiate athletic programs from the Southeastern United States. These administrators were in the best position to know all the specific information about their department's compliance with Title IX. Participation in the study was not based on the gender of the administrator. This was determined by the institutions selected for the study. All four administrators were from Division I institutions across different conferences who were responsible for Title IX compliance and related issues. The participants were informed of the nature of the study and were given informed consent statements to sign prior to their interviews (Appendix B).

Rationale

This study employed the qualitative interview technique which consisted of an initial contact by mail; a phone call to schedule an interview; an initial interview, lasting approximately one hour; and a follow up session lasting approximately one hour. The

subject was first contacted by mail. The mailing identified the investigator and the purpose of the study. The letter indicated a date at which the subject would be notified by phone to accept or reject participation. The investigator contacted the subject on the specified date to confirm or reject the offer. If accepted, the investigator established an initial meeting time, place, and date. In the first meeting, the investigation was explained fully to each subject, including the time commitment and measures to protect confidentiality. If the subject was interested in continued participation, they signed an informed consent statement (attached) prior to any further interviewing.

During the initial interview, an interview guide (Appendix C) was followed and the interview audio taped. At the end of the first interview session, a mutually agreed upon time and place was selected for the second session. Following the primary interview, the interviewer transcribed and summarized the audio tape of the interview.

During the follow-up session, which was also be audio taped, the researcher allowed the participant to read his/her responses to the primary interview questions and the summary of the first interview. The participant, at this time, was permitted to add, correct or delete any responses to the primary interview questions. Before ending the second session, the subject was informed that they may read the transcriptions or listen to the tapes of the interviews at any time before August, 1996, when the tapes would be erased.

The transcriptions of both sessions and the syntheses for each administrator was read to identify any themes or significant findings at individual institutions. In addition, the data were analyzed in order to examine the perceptions of each administrator about the impact of Title IX on their institution and the reasons behind their opinion. Direct quotes from the administrators were used to provided evidence for themes and significance of Title IX, but no names, institutional names, or conferences were used in the presentation of the results.

The participants were selected from Division I institutions in the Southeast due to

their accessibility to the interviewer. The interviewing technique was chosen in order to achieve optimal responses from the participants. The two meetings were necessary to meet the subject and have them complete the demographic information, as well as, informed consent statement, conduct the first interview, and finally to conduct the final session, which allowed the participant to read the transcription and summary of the interview and add, correct, or delete any responses.

Procedure

The participants were interviewed twice during the course of this study. The subjects were initially contacted by mail and then by phone. In the initial interview, the participants completed a demographic information sheet (Appendix D) along with the informed consent statement. The first interview session lasted approximately one hour per participant. The subjects were asked to answer questions pertaining to Title IX and compliance issues. The second interview lasted approximately one hour. This interview provided the participant a chance to read a transcript of the initial interview and allowed them to add or delete any comments related to the initial interview.

The participants and interviewer met in individual private settings. With the permission of the subjects, the interview sessions consisted of the interviewer asking the administrators questions about Title IX and questions pertaining to Title IX and the subject's institution. The initial interviews were completed, transcribed, and summarized before the second interviews began. The exact order was determined by the scheduling of the participants. In the data presentation, pseudonyms were selected by each subject in order to ensure confidentiality.

Evaluation of data

The evaluation of responses provided information about administrative perceptions

of the impact of Title IX on collegiate athletic programs. Perceptions about Title IX were answered in questions 1 and 2. Opinions about gender equity were responded to in questions 3 and 4. Compliance issues were addressed in questions 7-9 and litigation in 10. Men's athletic programs and financial problems were answered in questions 11-13. Specific answers pertaining to female administrators were answered in question 14. General comments were left to question 17. Content analysis of the transcript were used to identify common themes and contrasting ideas.

CHAPTER 4

ATHLETICS, ADMINISTRATORS, AND INSTITUTIONS

Introduction

This chapter outlined a typical Division I athletic department. The following discussion introduced and examined the participants individually. The chapter concluded with a survey of the individual institutions. It should be noted that the names used from this point forward are pseudonyms. These pseudonyms included the participants, coaches, other institutions, and all athletic department personnel that were mentioned. Generic names were used to represent the institutions and conferences of the participants.

Athletics Organization

The structure of a Division I athletic department was similar to that of any formal organization. There was a hierarchial structure to the organization with all department heads responsible to a higher authority. The "figure head" over this structure was the athletics director, or AD. Every administrator within the department was accountable to the AD for his or her actions. The athletic director cannot be personally responsible for running every department. Therefore, assistant and associate athletics directors were appointed to manage the various offices within the athletic department and report back to the AD.

The size of the institution as well as budget considerations determined the number and diversity of the assistant and associate athletics directors. These assistant and associate positions included, but were not limited to, such offices as Academic Affairs, Sports Information, Compliance, Non-Revenue Sports, and Business Operations. These assistant and associate AD's reported directly to the athletic director for his or her office.

Institutions

These four participants were the voices for their own institution. The participants were, therefore, limited to their own knowledge of the history of their specific institution. All the participants were in a position to know the pertinent information regarding their program and compliance with Title IX and gender equity.

The institutions which participated in this study all had Division I status. All of the schools were located in the Southeastern United States. All these institutions offered at least seven or more sports for men and eight to nine for women. The participant schools offered Division I football as a sport for men. The participants were in agreement that the sport of football should not be included in the proportionality factor. Three out of four of the institutions had been in contact with the Office for Civil Rights over various compliance issues. At two institutions men's programs had been cut. All participants were in agreement that the athletic director had a positive influence on the increase in funding and expansion for women's programs.

Administrators

The participants in this study were four athletic administrators from Division I institutions (Table 1). These administrators were chosen because they were the best source of information about Title IX and gender equity at their institution. Many had been in some type of athletic administrative position since the inception of women's athletics at the institution. Their own thoughts were expressed to give insight to their feelings about their position within athletics or other situations related to athletics.

Soccer 16

Soccer 16 had been involved in athletics since the age of five as both an athlete and now as an administrator. Soccer 16 worked at North University for less than ten years as the compliance officer. Previously, Soccer 16 had been at the Alpha conference office for

Table 1. Demographics

NAME	CONFER- ENCE	SCHOOL	GENDER	AGE	POSITION	YEARS EXPE- RIENCE
Soccer 16	Alpha	North	Male	20-30	Assistant AD- Compliance	1-10
Mac	Beta	South	Female	40-50	Associate AD	20-30
Ann	Kappa	East	Female	50-60	Associate AD	20-30
Kay	Beta	West	Female	30-40	Assistant AD- Compliance	10-20

five years. Soccer 16 had this to say about college athletics, "I think ethics in college athletics has gone downhill." Soccer 16 attributed this to the large sums of money in athletics. Soccer 16 cited this example:

There is a school in our conference who is adding women's soccer next year and they are playing [a top ten football team] for \$400,000. Someone from their school is quoted as saying 'we have to pay for women's soccer somehow.' When you talk about the exploitation of student-athletes, that fits it to a 'T'.

Mac

Mac had been in athletics at South University for over 20 years. Mac never had worked at any other institution besides South University. Mac started out as an office manager for athletics and worked up to Associate Athletics Director and Senior Women's Administrator. Mac commented on the significant changes that have occurred in women's sports in those 20-30 years:

When I first came over here we did not have an account set up for women's sports. We did not have an account set up for women's basketball, women's volleyball, women's tennis. We just had women's sports.

Mac had this to say to those in athletic administration:

I pray I will be fair and make good decisions. You affect a lot of people when you make decisions. You hope you will be open and hear all sides of the situation. I think that learning to be fair and looking at all sides of the picture is important.

Ann

Ann had been at East University since the early 1970's. In that time, Ann held various positions within the athletic department. Currently, Ann was an Assistant Athletics Director. In the 20 plus years that Ann had been at East University, there were significant changes made in women's sports. Ann noted:

When I came to work in 1973, we did not have intercollegiate athletics for women. When we initiated athletics for women in 1977, we were under AIAW. [We] were the only school in the conference to take advantage of the divisions of AIAW. We had basketball and tennis in Division I, swimming in Division II, and track in Division III. It's too bad you don't have those options in the NCAA because I think it's good for the student-athletes to be able to compete against the same level

of competition.

Kay

Kay had been at West University for over 15 years. The past two years Kay worked as the Compliance Officer and Senior Women's Administrator. During this time, Kay worked as an assistant coach for basketball, the head coach of volleyball, and now as an administrator. Kay was the Compliance Officer and Senior Women's Administrator at the University. Kay had this to say about the compliance position at West University:

My biggest concern as an administrator is that, once again, we don't get caught up in figures, but opportunities for athletes. We want to make sure that we can provide the best people to work with the athletes and provide them the best opportunities possible.

CHAPTER 5

GENDER EQUITY

Definitions of Gender Equity

All the participants in this study were supporters of Title IX and gender equity. All these administrators believed that gender equity was about opportunities for female athletes (Table 2). This opportunity should be provided at the same level as the men's sports. One administrator noted that the definition was varied and depended on who the speaker was.

North University

Soccer 16's definition of gender equity was, "it's about equal opportunity for the female student-athlete. Giving the female-student athletes the same exposure, the same chance to participate in college athletics." Soccer 16 believed gender equity was an important policy to have, but did have one concern. This involved the fact that men's college athletics had been around a hundred years and women's only twenty to twenty five. This did not mean that women deserved any less treatment, but it was a problem when women were trying to get where men were in a quarter of the amount of time.

South University

Mac felt that the goals of gender equity "were intended to give every female that wants an opportunity to participate, to give her that opportunity at the same level the men have." Mac also believed that gender equity was positive because its goal was to give women "the opportunities they are asking for."

East University

Ann noted the definition of gender equity "it depends on who you are talking to. "There is a faction out there that does not care what happens to the men's sports." Ann also warned that there was a "group out there that is out to destroy football and other

Table 2. Definitions of Gender Equity

Administrator	Comments
Soccer 16	"...it's about equal opportunity for the female student-athlete; giving the female student-athlete the same exposure, the same chance to participate in college athletics"
Mac	"...to give every female that wants an opportunity to participate, to give her that opportunity at the same level the men have"
Ann	"I think it depends on who you are talking to. There is a faction out there that does not care what happens to the men's sports."
Kay	"...it's not all about money but opportunities, providing opportunities for women to compete"

men's sports." Ann believed that if women showed an interest in a sport then the opportunity should be provided for them to participate. To Ann the best part of Title IX and gender equity was the that women now had the opportunity to earn their way through college on an athletic scholarship.

West University

Kay believed that gender equity was not "all about money but opportunities, providing opportunities for women to compete." Kay thought that in the past athletics "have not done a good job of putting those opportunities out there for women." One example Kay cited was, "a football player can come here and go to school for free on a scholarship." A female volleyball player would only get the offer "we'll try to help buy your books."

Goals for Gender Equity

All the administrators took a different approach concerning what the goals of gender equity were (Table 3). Three of the participants, in particular, indicated the weaknesses of gender equity. All participants thought that the goals of gender equity were good, but the means to achieve those goals were not perfect.

North University

As an administrator, Soccer 16 was concerned with the role of football in determining the proportionality component. Soccer 16 believed that, if football was taken out of the equation, then all other sports could be equalled. On the proportionality issue, "I don't understand how any school can really be in compliance with gender equity unless you have football and men's basketball and that's it as far as your men's sports" (Soccer 16).

South University

Mac was troubled over the gender equity policy at South University. First, were

Table 3. Goals for Gender Equity

Administrator	Comments
Soccer 16	"I don't understand how any school can really be in compliance with gender equity unless you have football and men's basketball and that's it as far as your men's sports."
Mac	"..it is based on the number of participants and the proportionality of the student body..."
Ann	"I think if you've got the interest on your campus and the ability on your campus, then you should provide the opportunity."
Kay	"As long as they [men's and women's programs] have all the equipment, scholarships, and travel they need, That's equity."

the low female participation rates on campus. Part of the mission of gender equity was to provide more opportunities for females. According to intramural data at South University, women did not want to participate at the same rate the men did. The intramural basketball league would have "two women's teams and ten men's. It's the same situation with volleyball" (Mac).

Through Mac's experience at South University, "we have seen that basically, you have to give a woman more of a scholarship to participate at South University than you do a male." Mac stated "we have literally gone through the dorms begging young ladies to participate on the track team."

One of the two faults that Mac had with gender equity was "it is based on the number of participants and the proportionality of the student body." As a result of the increase in women's programs, Mac felt "it is sad that we have had to destroy some of the men's programs. In the future, "more men's sports may have to be discontinued if the appropriate funding cannot be obtained."

Another fault with Title IX compliance and gender equity, was "doing it in such a short time-frame and without any additional funding" (Mac). One solution, according to Mac, was some type of federal or state funding. None of that had been possible. All of the institutions had raised the money on their own. With some type of supplemental funding, men's programs might not be cut in order to accommodate the increases to women's programs. According to Mac, everyone that wants the opportunity should be given the chance, but "I hate that we are destroying things that have been there for 50 years to do that."

East University

Ann stated that "gender equity is coming in behind Title IX insisting that we all comply". Until the gender equity policy was implemented,"they [institutions] were totally ignoring the fact that women were the under-represented sex" (Ann).

These were some of the faults that Ann found with gender equity:

...the participation rates and scholarship rates when they have to mirror your student body when you leave football in.

That would mean we had to totally scholarship four more women's sports and take the scholarships away from every men's sport.

I don't agree with that. I don't think you can force opportunities on women if they don't want it.

I think if you've got the interest on your campus and the ability on your campus, then you should provide the opportunity.

West University

To Kay equity did not necessarily mean equal dollars. The dollars might be very different between the men's and women's because there were "a lot of men's premiere sports that require more money." The money would not be equal but as long as they "have all the equipment, scholarships, and travel they need, That's equity."

Kay believed that Title IX and gender equity were good policies, but "I think at times it could be unrealistic." Kay did not like the ratio factor in determining how much money women's programs received. Kay thought there should be a "more definite definition of what discrimination would be."

Discussion

The participant responses to the definition and goals of gender equity were consistent with that in the review of literature. The definition found in the September 12, 1994 edition of the NCAA News stated that gender equity included "equitable distribution of overall athletics opportunities, benefits, and resources is available." All participants agreed that gender equity was about opportunities. They were adding women's sports and incorporating more resources and benefits for women. They found it difficult to increase women's opportunities while also adding money to women's budgets. Inadequate funding was a major concern for all participants.

Herwig (1993b) noted that there were three criteria for the goals of gender equity. These included: (a) accommodating the interests and abilities of female athletes; (b) program expansion for the under-represented sex; and (c) proportionality. All institutions were adding sports for women where there was an interest, increasing money for travel, recruiting budgets and scholarships, and increasing women's numbers and holding men's numbers constant to be proportionate with the undergraduate gender ratio.

The NCAA News, September 12, 1994 stated "a program can be considered gender equitable when the participants would accept as fair and equitable the overall program of the other gender." These participating administrators commented on the changes to facilities, practice times, and coaching opportunities for women that were made to make the men's and women's programs more equitable.

The problems that the administrators identified with the goals of gender equity were not addressed in the review of literature. Soccer 16 stated that no school could totally be in compliance with Title IX and gender equity unless the only men's sports offered were basketball and football and the rest women's. Mac noted that there needed to be additional funding for gender equity from federal or state governments. Ann brought forward her belief that there are some people out to destroy men's programs. Kay wanted a better definition of discrimination for gender equity.

CHAPTER 6

COMPLIANCE EVALUATION

Three out of the four institutions which participated in this study had been in contact in some form with the Office for Civil Rights (Table 4). Two institutions had complaints filed against them and were investigated. Two of the four had the Office for Civil Rights come in on a voluntary basis to evaluate their programs. In these cases, the Office for Civil Rights identified compliance problem areas that the institutions needed to correct. The primary compliance problem at all the institutions centered around the opportunity to participate. Other compliance issues involved facility improvements and additions and increases to women's budgets.

Office for Civil Rights Visits

North University

North University had never been in contact with the Office for Civil Rights either by an invitation visit or by review. By the position held at the Alpha Conference office, Soccer 16 "would have known if there was ever a complaint filed against us." There were other schools in the Alpha Conference who had been through OCR reviews and investigations in Soccer 16's years at the office, but there was never a complaint filed against North University.

South University

South University had two visits by the Office for Civil Rights. The first was an actual OCR review. This review occurred in the early 1980's. The head women's basketball coach "filed a complaint that women's basketball was not treated equally with men's basketball." When OCR came in on that review, "they look at everything, how you

Table 4. OCR Visits

Administrator	Comments
Soccer 16	"...would have known if there was ever a complaint filed against us"
Mac	"They look at everything; how you travel, how you practice, when you practice, down to the hotel, and amount of per-diem."
Ann	"...took them through everything..."
Kay	"It was reasonable, necessary and improved our women's opportunities."

travel, how you practice, when you practice, down to the hotel, and amount of per diem” (Mac).

Ironically, out of this review, women’s basketball received only a specific \$10,000 for recruiting. This OCR review benefitted the women’s volleyball and softball programs at South University. The head women’s volleyball coach was also the head women’s tennis coach. South University was required to take this coach out of tennis and make her the head volleyball coach only. Volleyball was given more scholarships and \$20,000 for recruiting. They were required to add a volleyball manager, who was given a full tuition waiver and book scholarship. Today, “we still have that shown as a Title IX compliance for volleyball” (Mac). All this information had to be reported back to the Office for Civil Rights for a three year period after they finished the review. This ensured that “you are doing what you’re supposed to be doing” (Mac).

The softball program also benefitted from the review and was given some additional facilities and improvements. South University was required to build a new softball field enclosed with a fence. The softball field was required to have a new dugout. South University was also told to install new bleachers and a scoreboard. The second visit in 1994 was on a voluntary basis. Many of the schools in the Beta Conference, had Title IX complaints filed against them. The charges included “not offering enough opportunities, scholarships, or recruiting money for women.” The Beta Conference asked its institutions to voluntarily have OCR come in and examine the athletic programs.

On this invitational visit, OCR had some suggestions for South’s athletic program. Mac remembered, “OCR saw that we had a plan we are working towards.” OCR had no major problems besides some facility changes and coaching opportunities. The Office for Civil Rights felt that the volleyball locker room should be improved. Since that review, Mac added “new lockers have been built. The team has been moved from a single room into the old training room.” South also “took the baseball dressing room, re-tiled it, and

cleaned it up for softball” (Mac).

The Office for Civil Rights also suggested some changes be made in the way of coaching for women’s tennis. OCR found a problem with coaching “when you have a full-time on the men’s side and a part-time on the women’s.” There was one head coach and a part-time assistant for the tennis program. The assistant coach, who was a graduate assistant, was basically handling the women’s program. OCR felt that the women would benefit more

from a permanent head coach. Since this visit, South had been able to hire a female coach for its women’s tennis program.

East University

The Office for Civil Rights was asked to come to East University on a voluntary basis in the summer of 1995. East “took them through everything.” When OCR was brought in, they found nothing wrong with East’s program. They did have some suggestions about facilities. Three women’s sports and one men’s sport “all share the same area” (Ann). There was really no way around this situation because the campus was land locked.

West University

West University was investigated by OCR. Kay believed that this investigation was beneficial because it was “reasonable, necessary, and improved our women’s opportunities.” This helped West “identify where there was a great deal of interest in a women’s sport that nobody was getting a benefit from” (Kay).

In OCR’s report there were four areas that needed improvement. First, softball needed to have the benefit of a full-time coach. Second, West “was required to add soccer as a program for women” (Kay). Third, “practice opportunities” for similar sports needed to be re-evaluated. Fourth, women’s travel budgets needed to be adjusted.

The softball situation had been clarified. There would be a “full-time assistant for

softball and volleyball added in the fall of 1996.” These assistant coaches were needed because similar men’s programs had assistant coaches.

Kay stated that OCR suggested that soccer needed to be implemented as a sport for women. West was given two full budget years to get the program in place. With the addition of soccer, the number of sports offered for men and women would be equal at eight. Kay believed that it “was a parent of a soccer person in the area that turned us in.” Since the investigation, soccer had been added as a program for women.

Practice opportunities were examined for men’s and women’s basketball. OCR felt that these practice times “should be rotated, so that one team was not practicing early everyday” (Kay). This was later applied to softball and baseball. These two sports had rotating practice schedules implemented.

The last area OCR wanted improved was travel budgets. They wanted to make sure that sleeping arrangements were “similar on the road for men’s and women’s teams.” If the men were “sleeping two people to a room then the women shouldn’t be putting three or four to a room” (Kay). Additional money had to be placed into the travel budgets, or meal allowances had to be raised to correct this problem.

Issues Causing Compliance Problems

Compliance problems were an issue at every institution (Table 5). Opportunity to participate for female athletes was a primary concern at all institutions. This resulted in all four schools adding more programs for women. Three out of four cited facilities as compliance problems. Facilities needed to either be improved or expanded for the men’s and women’s programs. Increases to budgets, coaching opportunities and coaches benefits were other areas that concerned these administrators.

North University

As the compliance office at North University, Soccer 16 believed that opportunities

Table 5. Issues Causing Compliance Problems

Administrator	Comments
Soccer 16	"...budgets, it might come down to a budget being a problem."
Mac	"OCR will tell you that funding is no excuse. They expect you to do the right thing, whether you have the funding or not."
Ann	"It's not that what we have [facilities] isn't good. We just don't have anywhere to go."
Kay	"...within the next five years we will be much closer than we've ever been..."

for athletes and dressing facilities were potential compliance problems. This was the reason why the school was adding two, possibly three, women's sports and "taking inventory of every locker room." Soccer 16 noted that "general student welfare" for both the men and women was a concern. Some athletic facilities on the campus were outdated and needed repair. There was not a need at the moment to add facilities. Renovations were needed more than the addition of facilities.

The biggest problem concerned the practice facilities. They would sometimes have six sports practicing in the same indoor facility. The women's basketball and volleyball teams practiced and played in a smaller gym. Soccer 16 saw this as an advantage, "to be honest the women get a better deal for practice because they are over there by themselves." North University did not see this situation as a compliance problem. Another institution in this study, South University, which encountered a similar situation, did not allow their women to practice in this similar situation.

If there were compliance problems at North University it might be budget related. Some of the women's budgets were less than the men's. It should be noted that Soccer 16 stated that the women did not complain about their budgets being significantly less. The defense that North University utilized if they were ever questioned on female participation rates was they could document no local interest in some of their women's sports .

South University

At South University Mac does not foresee any real compliance problems, barring any major budget disasters that may hinder the implementation or expansion of women's programs. One concern was with funding recruitment for women's programs on the front end rather than waiting until the end of the recruiting seasons to come up with the money. Mac stated that OCR did not care where the money came from "as long as you commit to the program."

The Office for Civil Rights had no problem with the practice times at South

University for the men's and women's programs. The practice opportunities were equal for all teams. The sports which shared the indoor facility, men's and women's basketball and volleyball, all changed practice schedules after every semester. At this time of the year, "our men's basketball, which is our biggest source of revenue, probably has one of the worst practice times."

South University had been able to accommodate all the changes that OCR suggested on their invitation visit, such as improving facilities, like the softball field, and adding coaching positions to tennis and volleyball. They made adjustments because "OCR will tell you that funding is no excuse. They expect you to do the right thing, whether you have the funding or not" (Mac). The only problem South encountered was trying to add to their indoor facility "we have no space in this building" (Mac).

East University

According to Ann, the only compliance problem East University had concerned some facilities. One specific problem was three women's sports and one men's sport were all using the same outdoor field area for practice and competition. The problem on East's campus was that it was in the city and they were running out of room to expand. Ann commented, "It's not that what we have isn't good. We just don't have anywhere to go."

There were no real budget discrepancies between the men's and women's programs to cause compliance problems. Both the men's and women's basketball team had identical budgets. Women's basketball had more money in their budget than baseball. In the soccer programs, the women had more money in their budget than the men. The men's and women's golf and tennis programs all had the same budgets.

West University

In Kay's opinion West University was "much closer than we have ever been in the past" as far as compliance with Title IX and gender equity. Kay felt that West was in better compliance because "we are giving similar opportunities in a similar number of sports."

Kay hoped that "within the next five years we will be much closer [in compliance] than we've ever been."

One area of concern was coaching opportunities for women's sports. Kay felt there was a need for more coaches in the women's programs. West University wanted to add more assistant coaching positions for women's programs because most of the men's programs had a head and an assistant coach. For West University, Kay stated "I believe every program should have the benefit of a head and an assistant coach." West University wanted to add the two full-time positions in volleyball and softball .

Another area West was investigating, was extra benefits for coaches. These included shoe contracts and courtesy cars. Kay believed that "the university has to do more for a university as a whole, not a particular program." There were more men's programs than women's benefiting from these areas. All of the men's head coaches had a courtesy car, while only the women's basketball coach had a car. Most of the men's programs were benefitting from a shoe contract. Only a few of the women's programs had a contract.

Discussion

Blum (1993) stated that OCR was responsible for compliance reviews. The criteria used by OCR included: (a) participation rates; (b) expanding opportunities for women; and (c) accommodating interests and abilities of female athletes. Johnson (1994) noted that equal opportunity to participate was the judicial cornerstone for determining compliance with Title IX.

All the institutions that had OCR on their campuses were not meeting all of the criteria or else they would not be adding more women's programs and money to those programs. The one institution that had not invited OCR to their campus, North University, realized there were not enough opportunities for their female athletes and were adding more women's programs. At most of the institutions facilities were a concern. There were either

not enough of them or what was there needed to be improved.

CHAPTER 7

COMPLIANCE SOLUTIONS

All of the institutions in this study had situations that were potential compliance problems. Compliance solutions were composed of the following three elements. The expansion of women's programs which included: (a) adding women's sports (Table 6); (b) adding monies for travel, budget and recruiting budgets; and (c) scholarships for females (Table 7). These compliance solutions negatively effected men's programs as well. Also, new coaching opportunities for many women's programs were created out of these compliance solutions.

Women's Programs

North University

Adding women's programs

As a result of a self analysis of athletic programs at North University, Soccer stated "we are going to have to add two women's sports over the next two to four years." Currently, North offered eight sports for men and seven for women. North University was not adding these women's sports under pressure. Soccer added "we are adding sports in order to get into compliance with Title IX and gender equity." There had not been requests from club programs to add women's sports. This was an administrative decision.

Over the next two years, soccer will be added, and within four years softball will be added. North University was even considering adding field hockey just to "combat the numbers problem that football brings into the proportionality equation." In the fall of 1996, North University would go through its NCAA certification study. The biggest concern for the administration was the lack of female participant numbers. Thus, they were

Table 6. Adding Women's Programs

Administrator	Comments
Soccer 16	"We are going to have to add two women's sports over the next two to four years... we are adding sports in order to get into compliance with Title IX and gender equity."
Mac	"...we have been trying to do that [add women's programs] over a number of years without someone coming in and twisting your arm."
Ann	"[East University] added lacrosse as our next women's sport."
Kay	"[West University] was instructed to add soccer as program for women."

Table 7. Adding Money to Women's Budgets

Administrator	Comments
Soccer 16	"...it [women's soccer] will start out at 50% fully funded and gradually increase to fully funded..."
Mac	"[South University was] adding \$20,000 to women's recruiting budgets, \$170,000 to women's scholarships and \$15,000 to team travel for women's athletics."
Ann	"...[women's sports] have gone from a budget of under a million to over two million..."
Kay	"[The AD had committed] over the next five years to put at least \$50,000 more into women's programs than he did the men's."

adding the two sports for women's programs.

Adding Money to Women's Budgets

When the soccer program is added, "it will start out at 50% fully funded and gradually increase to fully funded." The money for these additional programs would not come from the university unless it came down to staying in Division I or not.

As far as funding for these programs, Soccer 16 was not certain where the money would come from to fund these new sports, but he did offer some suggestions. North University was not "in a position to raise enough money to completely fund these programs without having to cut portions of existing sports." They planned to use fundraising and, in addition, may have to take some money from men's sports, and possibly from existing women's sports. They would take money from their women's sports only as a last resort.

South University

Adding Women's Programs

South University was represented by Mac, an associate AD and Senior Women's Administrator. At South University seven varsity sports for men and eight varsity sports for women are offered. In the fall of 1997, South would initiate women's soccer. There was currently a club soccer team on campus. Members of the club team had come to Mac in the past and asked for varsity status. Mac commented on the reason why South was starting women's soccer. Mac remarked "we have been trying to do that [add women's programs] over a number of years without someone coming in and twisting your arm."

Adding Money to Women's Budgets

One problem with adding soccer was obtaining all the necessary money for initiating the new program and maintaining all the other athletic programs. South was "adding \$20,000 to women's recruiting budgets, \$170,000 to women's scholarships and \$15,000 to team travel for women's athletics", in addition to adding more coaching positions for women's sports. This institution requested additional funds from its Board of

Regents system, but only received money from the University. Mac noted, "Everybody needs more funding, the chemistry department, education, arts and sciences. Everybody is in there fighting for the same pool of money."

The partial funding for soccer would come from at least two fund-raising events at South University. One of these fundraisers was specifically designed for athletic scholarships. Soccer was to begin with "one to four scholarships." This scholarship money would come from a specific event called "the Scramble." There was another fundraiser set up for the non-revenue sports which was held every spring. These fundraising events were an excellent beginning, but additional money was to be requested from the University or Board of Regents.

East University

Adding Women's Programs

East University was represented by Ann the Associate Athletic Director. There were an equal number of men's and women's programs at East University. East University had "added lacrosse as our next women's sport" (Ann). The Kappa Conference ruled that each school has to sponsor two more women's sports than men's. After the addition of lacrosse, there were eight sports for women and seven for men. To honor their conference rules, "we only have the one [women's] sport to add" (Ann).

There had been five sports which requested varsity status, but the decision had "not been made as to which one would be added." When contemplating bringing club sports up to varsity status, East had an extensive evaluation process. This procedure was brought about by an incident with the volleyball team. Ann commented that after two years "the women came and asked us to return it to club sport level because of the time commitment and how much more fun it was to be in a club sport."

When a club sport requested varsity status, that sport "is required to fill out a questionnaire about that sport over the past four years" (Ann). The compliance officer was

then brought in to talk to the team and inform them about "the difference in a club sport and intercollegiate sport" (Ann).

Even though East was in the process of adding sports for women, they had to drop a women's program in the past. In the early 1990's, East dropped its women's swimming program. There were two reasons the program was dropped. First, "we had an extremely antiquated facility. Even to the point where it was not regulation" (Ann). Second, Ann noted East University had "twelve athletes. We had the minimum number." Because of the lack of participants, "the coach actually asked an injured athlete to go off the blocks." With only five athletes returning, there was no choice but to discontinue the sport. Those five athletes were continued on their scholarships and received their degrees from East University.

Adding Money to Women's Budgets

When adding sports or other opportunities for women, Ann stated "I have always felt it was something that they wanted to do from the university administration to the AD." The AD came five years ago and found a discrepancy in the funding of men's and women's sports. According to Ann, "He didn't just talk about it. He put the money there." Under the current athletic director, women's sports "have gone from a budget of under a million to over two million" (Ann). When women's swimming was dropped, the AD distributed that whole budget to the other women's sports.

West University

Adding Women's Programs

West University was represented by Kay, the compliance coordinator and Senior Women's Administrator. At West University, there were eight men's sports and seven women's sports offered. As a result of an OCR investigation, West University was found to not offer enough opportunities for women. West University had a solid club soccer program for both the women and men. Because of the of the interest and ability in soccer

on West's campus, they were "instructed to add soccer as program for women" (Kay).

Adding Money to Women's Budgets

West added to the travel and recruitment budgets of women's programs to make sure "our women's athletic teams have the same opportunity to play the maximum amount of games and travel to be similar to our men's programs." West University got a "commitment from the athletic director to put so much money over and above any increases women's programs might normally get." The AD had committed "over the next five years to put at least \$50,000 more into women's programs than he did the men's" (Kay).

Travel and recruitment came out of the same funds, and many times there was "nothing left to recruit on" at the end of the year. For the 1996-97 year, there were definite funds set aside for the recruiting budgets. West wanted to give women's teams enough money to travel and still "have funds that they can recruit on throughout the season" (Kay). The women's programs at West "have funds and a number of scholarships, but did not necessarily have out-of-state money" (Kay). This really affected softball and volleyball. The coaches had to decide, "do I want several in-state players with my money or do I want one or two quality out-of-state players" (Kay). In the lack of out-of-state scholarship money, Kay stated the women "probably suffer a little bit more than the men."

Effect on Men's Programs

Men's sport programs suffered by not only having their athletic programs dropped but also in other areas, such as facilities, reductions in scholarships, and budget restrictions (Table 8). Two institutions out of four had cut at least one men's programs. One of these institutions had cut three men's programs. The two institutions which had not cut men's programs made adjustments to men's sports in other areas, such as budget restrictions and changes in dressing facilities. All men's athletic programs at these participating institutions were affected in some form by compliance with Title IX.

Table 8. Effect on Men's Programs

Administrator	Comments
Soccer 16	"It's not something we have done [reduce men's scholarships]. It's something the NCAA has done."
Mac	"We discontinued men's track completely and took away all spring sport scholarships for the men's programs."
Ann	"Men's swimming was dropped due to a lack of interest."
Kay	"No men's program has been cut to give money to a women's program."

North University

North University was trying to gradually increase its number of female participants. This meant there would be a reduction in the number of male participants. Soccer 16 said it would be "much easier to decrease the numbers on the men's side rather than increasing the number of female athletes". Soccer 16 verified one example of this reduction, "right now men's golf is a ten. We will eventually ask them to go to eight."

In order to add the two new women's programs, the money would come from portions of existing men's programs. Men's budgets would be cut or even worse, a men's sport would be dropped. Soccer 16 named two possible budget cuts, "football would be cut a tad in travel, as well as men's basketball." There was some discussion of possibly dropping football. This was a consideration because of the cost of the program and there were no significant attendance figures for the games. There was also some discussion of dropping men's indoor and outdoor track in order to come up with some additional funds for the new women's programs.

Women's volleyball and basketball had better dressing facilities than baseball. Soccer 16 added that the only negative effect to men's programs at North University had been the reduction in the number of men's scholarships. Soccer 16 faulted the NCAA, "It's not something we have done [reduce scholarships]. It's something the NCAA has done. It has reduced the number of scholarships in some of our men's programs."

South University

Men's programs at South University were affected by Title IX since the late 1970's. When Title IX came out as law in 1978, South University "discontinued men's track completely and took away all spring sport scholarships for the men's programs" (Mac). South University was the only school in the Beta Conference to take such drastic measures. Mac remembered, "it was horrible; It was the worst experience you could possibly go through." It took South University 17 years to get back to those scholarship

levels of the late 1970's. South University also was trying to reduce its men's participant numbers. Football was to stay at 84 participants. Tennis was to go from 12 to 10 participants. Men's golf was also to go from 12 to 10 participants. The men's golf team had been the hardest hit by gender equity requirements.

In 1995 there were 31 men who tried out for those 12 slots. Mac recalled a meeting with the coach "all these guys want is a opportunity to say I went to South University and participated on an intercollegiate golf team." This reduction in the number of male participants had not worked well for the golf team. In 1995, "two players quit, two were out sick. He is down to eight players. Four had an exam on the same day, and he did not have five players left to go to a match he begged to get into" (Mac). For South University, a significant reduction in the number of male participants may not be feasible because of this type of situation.

South University had eliminated three men's athletics programs, track, wrestling, and soccer. These were cut "because of funding for what we had to do for the women's programs" (Mac). South University discontinued sports in which there also was an interest on the men's side. This trend of cutting men's programs at South University would continue if this institution faced any budget shortages. They would cut an entire men's programs and "not make the mistake of the 1970's by participating without scholarships in our men's programs" (Mac).

Mac concluded with this statement,

there is nobody more pro-women's athletics because I see both sides. I work for both the men and the women. I don't like destroying the men's side to accomplish that [gender equity] in a short term when they have existed for so many years.

East University

Men's programs at East University had not suffered as much as men's programs at other institutions. At East University there were eight sports offered for women and seven offered for men. The Kappa Conference that East belonged to had a rule that there had to

be "two more women's sports offered that men's" (Ann). The NCAA ruled that, in order to be Division I, an institution only had to sponsor six men's programs.

For East University that meant that they could "drop a men's program and be in compliance." Ann did not like this option because "there would be x number of female athletes that aren't going to get the opportunity." The administration decided in the best interest of both male and female athletes to add the other women's program.

The only men's sport to be dropped at East University was men's swimming. This program was dropped because there was a lack of interest on the men's part. This disinterest was the result of "the women were fully schoalrshipped and the men were not." One of the reasons women's swimming was eventually dropped was because there was no men's program. That affected the women in that "it hurt us in recruiting that we did not have men's swimming" (Ann).

West University

At West University, "No men's program has been cut to give money to a women's program" (Kay). The men were affected but "not adversely." At West University,

we don't want to achieve equity by tearing something down just to get it equal. The men have given up monies to help women's programs and made adjustments.

These adjustments related to rotating practice schedules and giving up funds to help the women's sports.

Kay understood that "there are a lot of men's premiere sports that are always going "to require more attention and more money." The idea of cutting a men's program to achieve equity did not appeal to Kay. For the men's programs at West, "we do not want to take the letter of the law to harm someone, like a men's program" (Kay).

Personnel Additions and Issues

At all the institutions there were several categorical discrepancies between the

coaches of the men's sports and coaches of the women's sports (Table 9). These differences centered around coaching opportunities, salaries, and benefits. Coaching opportunities referred to a team that had one head coach that coached the men's team, and assistants who coached the women's team. This section also examined the number of female administrators within each of the athletic departments.

North University

Coaching opportunities at North University presented two areas that were in the process of being changed. The tennis team had only one coach who was a male. He was assisted by a full-time female coach. This female coach worked with the women's team, while the male coached the men. This female full-time assistant was going to be named head women's tennis coach in the summer of 1996. This was the same situation with the track program. For the female assistant track coach, "she will eventually be named head women's coach." Golf had two sperate male and female head coaches. No arrangements were made to start the search process for the new soccer and softball coaches.

The only notable salary difference was between the men's and women's basketball coaches. This difference was based on "our men's coach has been here several years more than the women's coach. He has been here and has had a lot of success. She has been here and had one year of success" (Soccer 16). As far as benefits, the men's basketball and golf coaches had courtesy cars. The basketball assistants did not. The women's basketball coach did not have a car, but "we are in the process of getting her a car." The women's golf coach did not have car.

As far as females in the department, there were two female administrators. One was recently hired in the area of Sports Information for women's sports. The other female was in the academic office.

South University

Mac saw a problem with adding the women's soccer program. The problem was

Table 9. Personnel Additions and Issues

Administrator	Comments
Soccer 16	"She [assistant track coach] will eventually be named head women's coach."
Mac	"...if there was full staff for football, there should be one for volleyball"
Ann	"[Salaries were] much more similar than they once were."
Kay	"...if our men's programs had a certain number of assistants, then we needed to look at doing those things for our women's programs"

finding a female coach. South wanted a qualified female coach for its new program. At this point in time, Mac had not been able to locate one. Mac noted, "...they are hard to find. There are not a lot of women who dedicate their lives in this area."

All of the coaches at South University, coached half-time or performed some other function. Most of the coaches choose to teach. Some held other administrative duties as well. One of the Assistant Athletic Directors was also "the director of tennis, facilities, and marketing. The men's basketball coach is also the compliance office" (Mac).

As a result of OCR suggestions, two coaching positions were filled for the women's program. A full-time tennis coach was hired because "we felt like the girls really needed some stability" (Mac). There was a second coaching position added which was a full-time assistant in women's volleyball. This was added under the reasoning that "if there was full staff for football, there should be one for volleyball." There was one head coach with no assistants for the men's and women's golf programs.

The salaries for the head men's and women's basketball coaches were not totally equitable. In order to get more in line, "we did give the women's basketball coach another \$5,000 increase. We gave the raise because we thought that would be the right thing to do. That was not required in any way" (Mac). The men's basketball coach made more money because he was also the compliance officer.

As far coaches benefits, "anything that is offered is offered all the way down to the administration" (Mac). No one had a country club membership. As for courtesy cars, both the men's and women's basketball coaches had cars. The head football coach did not have a courtesy car. Additional money for the coaches was made through shoes contracts. There were contracts for football and men's and women's basketball. There were none for baseball and volleyball. At South University there were only two female administrators. One of those positions was an administrative assistant, while the other was Mac's position as an associate athletics director.

East University

All the programs at East University had the benefit of head and assistant coaches. The newly added lacrosse program already had a coach. This coach had worked with the club program before it achieved varsity status. The lacrosse coach was an All-American at another Division I institution.

Benefits for coaches at East University were very comparable. No one had a country club membership. Ann stated, "every women's head coach has a courtesy car. Not every men's coach has a courtesy car." The men's tennis coach who was also the Director of Tennis had been at East longer than the women's coach. His salary was larger than the women's tennis coach based on this one criteria. The men's golf coach was making more than the women's because he had won a major PGA tournament. Ann stated that the salaries were "much more similar than they once were."

There were three female administrators in the department. Ann recalled "over the past five years females have increased on the staff." For many years Ann was the only female administrator.

West University

West also wanted to create additional coaching and administrative opportunities in its women's programs. They had a position added to Sports Information for women; a full-time athletic trainer was hired for women's programs; a track full-time assistant was added; and a full-time assistant for softball and volleyball would start in the fall of 1996.

West University was trying to improve coaching opportunities by "hiring full-time coaches for sports that did not have full-time assistants" (Kay). The assistants that West had might be part-time or graduate assistants. Kay felt that "if our men's programs had a certain number of assistants, then we needed to look at doing those things for our women's programs." This had prompted the hiring of a full-time person for Sports Information, a full-time athletic trainer for the women's program, a full-time assistant coach for track, and

in the fall volleyball and softball would receive full-time assistants.

As far as salaries, there was a difference in the men's and women's coaches. Kay noted that at West University "it [salary discrepancies] will never go away." Kay stated West University was trying to "bring those salaries into better proportion." Kay noted that the typical justification for why men make more money was their ability to bring in money to the university. This was not a valid justification at West University because "no one is packing a house any night" (Kay). West wanted to improve everyone's salary and "get it to where it's respectable among other counterparts."

There were benefit areas that Kay felt needed to be taken over by the university. These included shoe contracts and courtesy cars. For the shoe contracts, the AD was trying to "pursue a contract for the school, so that everyone can benefit" (Kay). The current system was based on an individual coach's relationship with the car dealer. Kay was also worried because the high profile men's programs, like basketball and football, might get shoes for their athletes while the female athletes would not get a shoe contract.

The other area that Kay believed need to be regulated by the University was the courtesy car program. As a result of the coach to dealer relationship, "all of the men's programs had courtesy cars and the women's had none" (Kay). West had been able to acquire a car for the women's basketball coach. According to Kay, "we are way off in that area." The ideal situation West would be to "have the dealer donate the car through the fundraising organization and someone at the university make the decision [who the car goes to]" (Kay).

Kay was one of two females in administration at West University. The other was a recently promoted Assistant Compliance Coordinator. Kay felt that when she was moved to administration that it was "the first time that we had a voice for our women's programs'."

Discussion

In 1993 Andrew Blum reported that a new wave of court cases were resulting from Title IX complaints. These cases revolved around the demotion of varsity women's programs to club sport level. The courts ruled that the demoted sports had to be reinstated back to varsity level.

All the participant schools were adding sports that had never held varsity status. They were adding these sports in order to comply with the equal opportunity to participate cornerstone established by the courts. None of the institutions in the study ever demoted a women's varsity sport to club level. There was nothing in the review of literature to compare to East University's elimination of women's swimming.

Markoski and Semo (1995) reported that the University of Illinois men's swimming team lost their suit to be reinstated. The men's swimming program had been cut along with other men's and women's programs at the school. The men lost the appeal because proportionately there were more men than women in athletics, but proportionally the overall student population was more than half female. Therefore, based on the current standards the number of female participants in athletics should have been higher.

At South University the men's programs were cut due to financial constraints related to Title IX compliance. The three sports, track, soccer, and wrestling were never reinstated. The men's swimming program at East University was cut because of a lack of interest on the men's part. The men were discouraged because the women were fully scholarshiped and the men were not.

Michael Villalobos (1990) found that there was a lack of women in leadership positions within athletics. He felt that this would only hurt women's sports. All the institutions that participated had at least two female administrators within their athletic department. With the increase in the number of women's sports offered, more coaching positions were made available. One of the participant schools, South University, indicated

that they were looking for a female to fill a head coaching position. Obviously the institutions which participated saw the need to increase coaching opportunities for their women's sports.

CHAPTER 8

SUMMARY AND RECOMMENDATIONS

The purpose of this study was to examine perceptions of athletic administrators about the effect of Title IX on intercollegiate athletic programs. In order to achieve the best results a qualitative interviewing technique was administered. The interview consisted of open-ended questions answered by the participants. The participants consisted of four randomly selected Division I athletic administrators at institutions throughout the Southeastern United States.

Summary

The responses from the interviews were collected, analyzed, and categorized into the following conclusions. All of the institutions had altered or changed their athletic programs in some form in order to accommodate the requirements of gender equity or Title IX. Three of the four participants agreed that gender equity was about providing equal opportunity for females to participate in intercollegiate athletics. All participants agreed that Title IX was a necessary policy. As for the goals of gender equity, the participants had different views. These ranged from the issue of proportionality to providing for the interest and ability on the campus.

The Office for Civil Rights had visited three of the four participant campuses. Two institutions had complaints filed against them. One was filed because of unequal treatment of a women's team, and the other because there were not enough opportunities. The biggest compliance issue on all these campuses was the opportunity to participate. Other issues concerned adding or improving facilities and adding more money into women's budgets.

All institutions were adding at least one new sport for women. All these institutions were adding sports in order to meet compliance requirements. All the institutions had to add additional funds into other areas such as travel, scholarship, and recruiting budgets. At two of the institutions, the athletics director played a major role in making a commitment to add more money into the women's budgets.

Men's programs were also affected by compliance with Title IX. Men's programs were either cut, had scholarships taken away, or budgets reduced in order to add to women's programs. Coaching opportunities were also an issue at these institutions. Some schools were making salary increases or adding new coaching opportunities for the women's programs. These opportunities required that women's programs had the benefit of a full-time coach.

Title IX and gender equity had impacted intercollegiate athletic programs. Until the number of female athletes was brought into proportion with the female undergraduate student body, there would be continued increases in the number of women's programs implemented and the addition of funds to those and existing women's programs.

Recommendations

The following recommendations are based on the data collected and summary of the findings. More research needs to be done on the impact of Title IX and gender equity on athletic programs. Research studies will help institutions explore options to determine what is effective in complying with Title IX and gender equity. Athletic departments should have a better evaluation procedure on a constant basis of their programs to determine areas of improvement. Institutions from different conferences and divisions should be examined to determine if experiences are similar or different. Coaches opinions should be explored to establish how Title IX and gender equity have effected them.

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REFERENCES

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APPENDICES

**APPENDIX A
TITLE IX**

Education Amendments of 1972

TITLE IX-PROHIBITION OF SEX DISCRIMINATION

Sec. 901. (a) 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 educational program or activity receiving Federal financial assistance except that:

(1) in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;

(2) in regard to admissions to educational institutions, this section shall not apply (A) for one year from the date of enactment of this Act, nor for six years after such date in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education or (B) for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education, whichever is the later;

(3) this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenants of such organization;

(4) this section shall not apply to an educational institution whose primary purpose is the training of individuals for the military service of the United States, or the merchant marine; and

(5) in regard to admissions this section shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex.

(b) Nothing contained in subsection (a) of this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area: Provided, that this subsection shall not be construed to prevent the consideration in any hearing or proceeding under this title of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of, any such program or activity by the members of one sex.

(c) For purposes of this title an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college or department which are administratively separate units, such term means each school, college, or department.

FEDERAL ADMINISTRATIVE ENFORCEMENT

Sec. 902. Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 901 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in

connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be affected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons, of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

JUDICIAL REVIEW

Sec. 903. Any department or agency action taken pursuant to section 1002 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 902, any person aggrieved (including any State, or political subdivision thereof and any agency of either) may obtain judicial review of such actions in accordance with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of section 701 of that title.

PROHIBITION AGAINST DISCRIMINATION AGAINST THE BLIND

Sec. 904. No person in the United States shall, on the ground of blindness or severely impaired vision, be denied admission in any course of study by a recipient of Federal financial assistance for any education program or activity, but nothing herein shall be construed to require any such institution to provide any special services to such person because of his blindness or visual impairment.

EFFECT ON OTHER LAWS

Sec. 905. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

INTERPRETATION WITH RESPECT TO LIVING FACILITIES

Sec. 907. Notwithstanding anything to the contrary contained in this title, nothing contained herein shall be construed to prohibit any educational institution receiving funds under this Act, from maintaining separate living facilities for the different sexes (Education Amendments of 1972).

APPENDIX B
INFORMED CONSENT STATEMENT

INFORMED CONSENT

TITLE

The Institutional Impact Of Title IX On Intercollegiate Athletic Programs.

PURPOSE OF THE STUDY

The purpose of this study will be to examine the perceptions of Compliance Officers about the overall impact of Title IX on selected men's and women's athletic programs.

DESCRIPTION

This study will consist of two interviews which will be conducted at a mutually agreed upon time. The first interview will be approximately one hour. The focus of this interview will be the feelings and perceptions the participant has about the impact of Title IX in regard to their specific athletic program. The second session will be approximately an hour and will include sharing of the summary of the first interview, opportunity to listen to the tape or read the transcript, and allow the participant to add, correct or delete comments made in the first interview and the summary.

Participation in this study will be completely voluntary. If at any time, you do not wish to answer a question or would like to stop you may skip the question or terminate the interview. There will be no penalty for canceling the interview. The point of the interview is to gather perceptions about the affects of Title IX from those who work with these issues on a daily basis.

POTENTIAL RISKS AND DISCOMFORTS

Participation in this study does not involve any anticipated physical or emotional risks. You, the subject, are under no obligation to answer the questions or complete the interview. You may end your interview at any time. In order to keep accurate records, the

interview answers will be recorded on audio tape(s). The tape(s) will be kept in a locked filing cabinet until the end of the study when they will be erased.

POTENTIAL BENEFITS

Participation in this study will help athletic administrators at individual institutions comprehend the complex issues of Title IX. It will assist institutions with compliance and gender equity issues.

CONFIDENTIALITY

The participants names, institutions, and conference along with all interview information will be coded using a pseudonym of your choice to ensure complete confidentiality. Only two individuals, the academic advisor and the interviewer, will have access to the audio tapes of the interview. All related information about this study will be kept in a locked filing cabinet.

All participants have the right to review their individual interviews. The audio tapes of the interviews will be erased six months after the interview process is complete. Subjects may withdraw from the study at any time without penalty or judgment.

I HAVE READ THE ABOVE STATEMENTS AND UNDERSTAND THE RESEARCH PROCEDURES, MY ROLE IN THE PROJECT, AND THE POTENTIAL RISKS INVOLVED IN MY PARTICIPATION.

SIGNATURE: _____ DATE: _____

For further information or questions, please contact:
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Sport & Physical Activity Unit
1914 Andy Holt Ave.
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APPENDIX C
INTERVIEW GUIDE

The Institutional Impact Of Title IX On Intercollegiate Athletic Programs

Interview Guide

1. What impact has Title IX had on your institution or athletic program? Could you use some examples?
2. What significant changes have been made because of Title IX requirements?
3. What do you believe gender equity is about? What are the goals?
4. If you could change any part of Title IX, what would it be?
5. Explain your thoughts on proportionality and the race quota system.
6. Has your department ever been in contact with the Office for Civil Rights? If yes, under what circumstances?
7. How do you feel that your program is in compliance with Title IX? Could you elaborate?
8. Explain which aspects may not be in compliance.
9. What are you doing to correct the situation?
10. Has your department been in litigation over Title IX compliance? What issues have caused problems with Title IX compliance?
11. How have mens' teams at your university been effected by Title IX? Explain.
12. Have specific men's programs been restricted or cut due to financial constraints?
13. What program changes would take place if this athletic program faced a budget shortage? Would program changes interfere with compliance? Explain.
14. What are the positions of female administrators in your department?
15. What qualifications do you look for in applicants? Name essential skills.
16. What is your impression of the Equity in Athletics Disclosure Act? Is there a need for such legislation? Name strengths and weaknesses.
17. Is there anything you would like to add?

APPENDIX D
DEMOGRAPHIC INFORMATION SHEET

PARTICIPANT DEMOGRAPHIC INFORMATION

DATE:_____

INTERVIEW #_____

PSEUDONYM:_____

INSTITUTION:_____

POSITION:_____

YEARS IN CURRENT POSITION:_____

GENDER:_____ **AGE:**_____

OTHER ATHLETIC ADMINISTRATIVE

APPOINTMENTS:_____

VITA

Gretchen Ramsey Glass was born April 24, 1972, in Morristown, Tennessee. She graduated from David Lipscomb High School in May, 1994. She attended Queens College and received a Bachelor of Arts Degree from the University of Tennessee in May of 1994. She entered the Sport Management program in August of 1994 and received her Master of Science degree in August of 1996. She is currently employed by the University of Tennessee's Men's Athletic Department as a graduate assistant in the Office of Student Life.