



March 27, 2024  
Equity and Inclusion

# Title IX and Athletics: Workshop

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# Agenda

## Review of Title IX

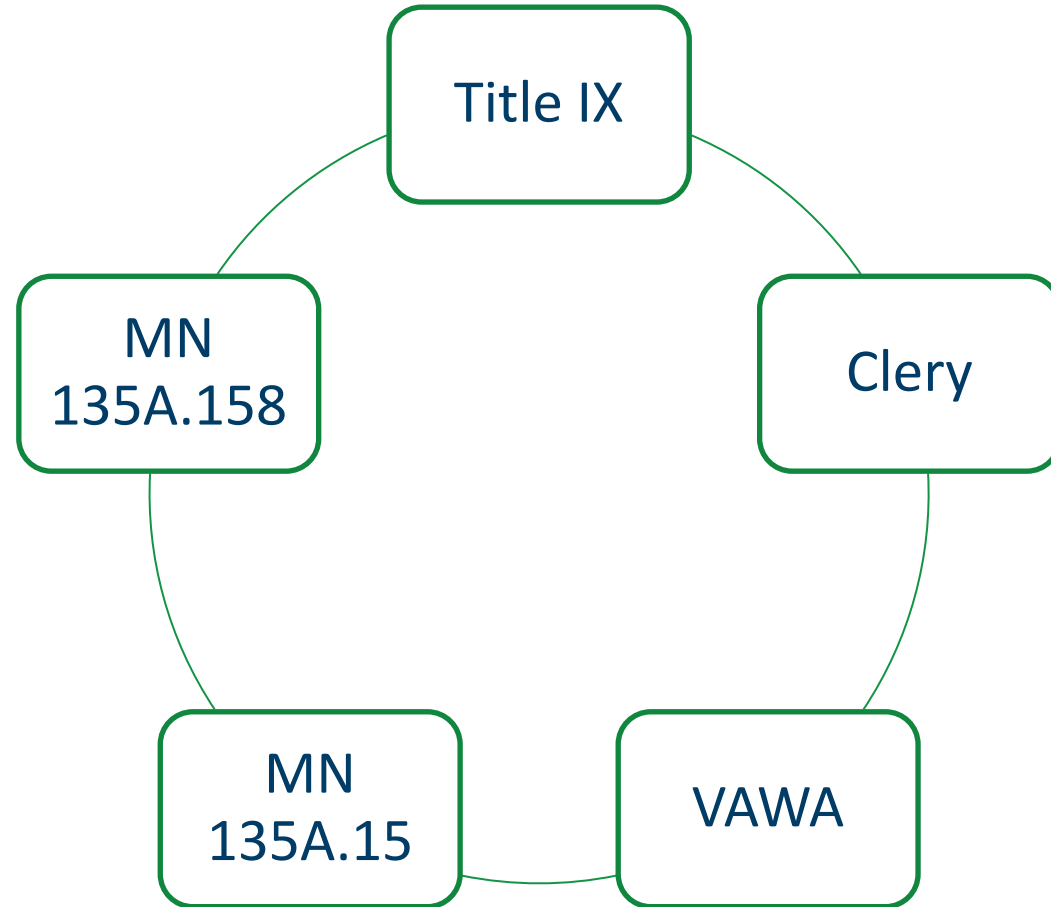
- General application
- Special topics
- Athletic Specific Challenges
- Compliance Areas within Athletics
- Compliance Committee

# Title IX Overview

**"No person in the United States shall, on the basis of sex,  
-- be excluded from participation in,  
-- be denied the benefits of, or  
-- be subjected to discrimination  
under any education program or activity receiving federal financial  
assistance."**

**Title IX of the Education Amendments of 1972 (34 CFR Part 106)**

# Adjacent Federal and State Laws



# Areas of Compliance



# Title IX Compliance and Oversight

- **Oversight** of compliance in athletics: the institution's Title IX Coordinator
- Compliance in athletics may be **delegated** to the Senior Woman Administrator (SWA per NCAA) or compliance officer in athletics; *who must have Title IX relevant education*
- Deputy Title IX Coordinator in Athletics is **recommended**; should not be the Title IX Coordinator

# Special topics

- Employment (sex-based discrimination)
- Sex-based harassment
- Pregnant and parenting students
- Training

# Special topics, continued

NCAA sexual violence prevention policy, attesting process

- **Athletics Dept is informed on, integrated in, and compliant with institutional policies and processed regarding sexual violence**
- **Readily available policies & processes re: sexual violence prevention and adjudication**
- **Annual education for student-athletes and staff re: sexual violence prevention, intervention, and response**
- **Annual disclosure for student-athletes re: Title IX proceedings or criminal convictions**
- **Reasonable steps by institution to confirm disclosed information**
- **Written procedure re: staff gathering information**



# **Title IX Lens: Athletic Specific Challenges**

**Expectations of loyalty to coach, team, department**

**Coach-athlete relationships**

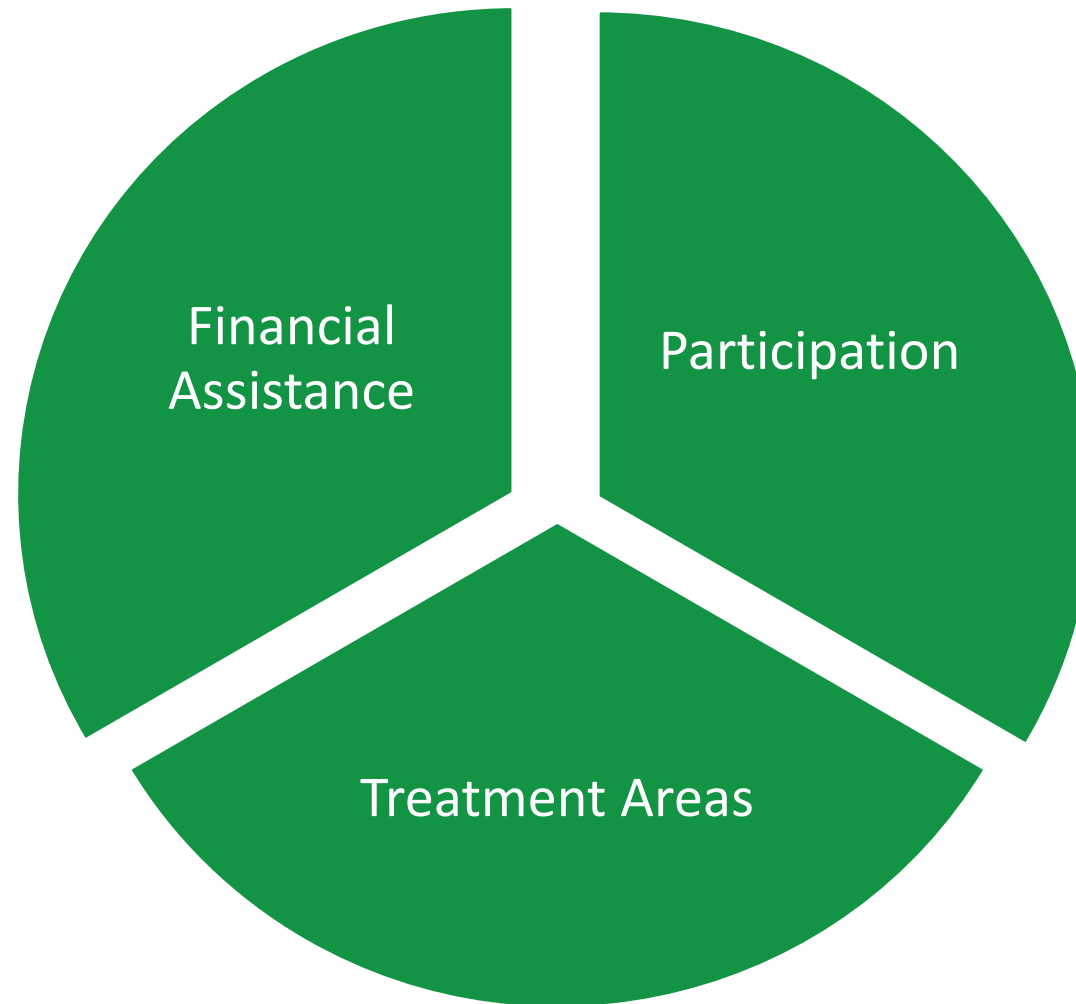
**College promotion of one particular sport**

**Body image and mental well-being**

**Winning and scores driven**

**Acceptable language, behavior, and attitudes**

# Overview of Gender Equity in Athletics



Applies to:

- intercollegiate
- club
- intramurals

# Title IX and Athletics

## Title IX requires an institution to:

- Provide equal opportunities for women and men students to become intercollegiate athletes
- Provide equitable treatment of participants in the overall women's program as compared to the overall men's program

# Title IX and Athletics (continued)

## Not required:

- Providing the same funding overall or for the same sport
- Providing specific benefits
- Offering the same number of teams or the same sports
- Providing the same benefits to teams of the same sport

# \*Equity in Athletics Data Analysis

## Equity in Athletics Disclosure Act

Co-educational institutions that participate in a Title IV, federal student financial assistance program, and have an intercollegiate athletic program:

REQUIRED to prepare an annual report to the Department of Education on athletic participation, staffing, and revenues and expenses, by men's and women's teams.

Equity in Athletics Data Analysis (EADA): [www.ope.ed.gov/athletics](http://www.ope.ed.gov/athletics)

# Participation

3- part test

## Equitable opportunities to participate

- Substantial proportionality;
- History and continuing practice of expansion; or
- Effective accommodation of interests and abilities

# Evaluating the proportion

## Compare enrollment to women and men participants on your school's teams:

- Are the percentages of men and women participants **substantially proportionate** to the percentages of men and women enrolled in the school?
- *Note: This evaluation also includes calculating the number of additional participants needed to make the percentages of participants on men's and women's teams substantially proportionate to enrollment.*
  - *If this number is so small that it would not be enough to make a viable team (a team for which there are enough interested and able students and enough available competition to sustain a team), your school can likely be considered substantially proportional.*
  - *If this number is enough to make a viable team, your school likely cannot use this option to show its athletic program provides equal opportunity based on sex.*

# Treatment Areas

## Equitable benefits and opportunities within offerings

- Provision & maintenance of **equipment and supplies**
- Scheduling of **games and practice times**
- **Travel and per diem expenses**
- Opportunity to receive **tutoring** and assignment and compensation of tutors
- Opportunity to receive **coaching**, and assignment and compensation of coaches
- Provision of **locker rooms, practice, and competitive facilities**
- Provision of **medical and training services and facilities**
- Provision of **housing and dining services and facilities**
- **Publicity**
- **Support services**
- **Recruiting**



# Treatment Areas: Key Questions

**Not all sports are easily compared to others: differences are inherent in operation; such sport-specific needs must be met in an equivalent manner for both men's and women's programs.**

# Financial Assistance

## Proportionality of financial assistance

- Regardless of where the money comes from
- Other than scholarships (work-related aid or loans)
- Tiering: caution

# Evaluating the financial assistance

## Compare the percentage of participants to athletic scholarship money awarded:

- Is the percentage of athletic scholarship money awarded to participants on women's and men's teams substantially equal to the percentage of participants? (*For example, if 45% of the participants in the athletic program are women, then women should receive about 45% of the available athletic financial assistance*)
- If your school provides financial assistance to athletes in forms **other than scholarships** (*for example, work-related aid or loans*), does your school make equivalent benefits proportionately available to men and women in its athletic program?
- If any unexplained disparity in the athletic scholarship budget for women and men is 1% or less of the entire scholarship budget, there will be a strong presumption that the disparity is reasonable and based on legitimate, nondiscriminatory factors.

# \*Fundraising

**Teams raising money on their own**

- **For specific opportunity**
- **For equipment, uniforms, etc.**
- **For special equipment, uniforms, etc.**

**Foundation solicitation, Targeted funding**

**Athletics “giving” campaigns**

**Foundation or campus events**

# Gender Equity in Athletics

## Compliance Evaluation

- Participation
- Treatment Areas
- Financial Assistance

## Committee

## Guidance materials

# Post-Test

1. Participation compliance
2. Percentage of athletic scholarship money
3. Athletic department decisions
4. Committee membership
5. Oversight of gender equity in athletics compliance

# Questions?



# Resources (& sources for this presentation)

[Office of Civil Rights: Title IX and Athletic Opportunities in Colleges and Universities, February 2023](#)

[Equity and Title IX in Intercollegiate Athletics: A practical guide for colleges and universities \(2012\)](#)





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