

Title IX Compliance in Athletics – Accommodating Interests and Abilities

- Eastern regularly monitors compliance with Title IX.
- NCAA recertification process is underway.
- U. S. Office for Civil Rights issued new guidelines on assessing the interests and abilities of the underrepresented sex.

Title IX Compliance in Athletics

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in education programs and activities by recipients of Federal financial assistance, which include schools, colleges and universities. The U. S. Office for Civil Rights enforces Title IX and its implementing regulation.

In determining whether equal athletic opportunities are available, the regulation requires the OCR to consider whether an institution is effectively accommodating the athletic interests and abilities of students of both sexes.

Provision of Opportunities for Both Sexes

Three Compliance Options:

- 1) Whether intercollegiate level participation opportunities for male and female students are provided in numbers substantially proportionate to their respective enrollments; or
- 2) Where the members of one sex have been and are underrepresented among intercollegiate athletes, whether the institution can show a history and continuing practice of program expansion which is demonstrably responsive to the developing interests and abilities of the members of that sex; or
- 3) Where it can be demonstrated that the interests and abilities of the members of that sex have been fully and effectively accommodated by the program.

Full and Effective Accommodation of Interests and Athletic Abilities

The U. S. OCR considers these three questions in determining whether there has been a full and effective accommodation of the interests and abilities of the university's students who are members of the underrepresented sex.

Is there unmet interest in a particular sport?

Is there sufficient ability to sustain a team in the sport?

Is there a reasonable expectation of competition for the team?

If the answer to all three questions is "Yes," the U.S. OCR will find that a university is not fully and effectively accommodating the interests and abilities of the underrepresented sex and therefore is not in compliance.

Assessment of Potential Unmet Interests

The OCR evaluates a broad range of *indicators* in determining whether a university has met the interests and abilities of the underrepresented group, including:

➤ Multiple indicators of interest;

➤ Frequency of conducting assessments;

➤ Whether an institution uses nondiscriminatory methods of assessment when determining the athletic interests and abilities of its students; and

➤ Multiple indicators of ability.

Frequency of Conducting Assessment

✓ **Eastern meets or exceeds the OCR's guidelines related to the frequency of conducting assessment.**

For example:

- Over the past decade, we have surveyed new freshmen and transfer student cohorts seven times.
- High school team participation data is reviewed by Athletics at least every four years.
- Enrolled students may contact Athletics Administrators or others at all times.

Nondiscriminatory Methods of Assessment

✓ **Eastern uses nondiscriminatory methods of assessment of the unmet interests and abilities.**

- High school participation numbers – public information
- Intercollegiate teams in our conference and in the region – public information
- Athletics is charged with providing open lines of communication for students to express opinions regarding potential sports and with documenting these contacts.

Nondiscriminatory Methods of Assessment

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The Interests and Abilities Survey:

- Administered by the Eastern's Office of Civil Rights and Diversity in coordination with the Orientation Office;
- Very high response rates;
- Students are given the opportunity to complete the online survey without supervision;
- Their responses are collected and retained in database for analysis. These aggregated responses remain anonymous. The information is reviewed by the Office of Civil Rights (and also a faculty consultant) and reported to Athletics and other university officials;
- Respondents are able to describe high school competition experiences as well as to express opinions regarding sports at Eastern.

Interests and Abilities – Intercollegiate Sports Equity Survey

Response Rates

Summer 2010

- 84% of the female freshmen class completed the survey (771 out of 917 new female freshmen)
- 37.5% of female transfer students completed the survey (243 out of 648 new female transfers)

Summer 2009

- 80% of the female freshmen class completed the survey (830 out of 1,032 new female freshmen)
- 22% of female transfer students completed the survey (136 out of 627 new female transfers)

		Reported interest in participating in this sport in either varsity or intramural levels	Reported interest and ability to participate in intercollegiate athletics
2010	Freshmen Females	11 (8) Bowling 5 (5) Water Polo 6 Lacrosse 5 Gymnastics 2 Equestrian 1 Field Hockey 1 Ice Hockey	3 Bowling 1 Water Polo 1 Lacrosse 3 Gymnastics
	Transfers Females	1 (1) Bowling 1 (1) Water Polo 1 Lacrosse 1 Field Hockey	1 Bowling 1 Hockey 1 Lacrosse
2009	Freshmen Females	9 (6) Lacrosse 8 (5) Bowling 5 (4) Gymnastics 2 (2) Water Polo	4 Lacrosse 6 Bowling 2 Gymnastics 1 Water Polo
	Transfers Females	No Suggestions	N/A
Total of 2010 and 2009	Freshmen and Transfers Females	20 (14) Bowling 16 (6) Lacrosse 10 (4) Gymnastics 8 (8) Water Polo 2 Equestrian 2 Field Hockey 1 Ice Hockey	10 Bowling 6 Lacrosse 5 Gymnastics 2 Water Polo 1 Hockey

Lists responses related to current and emerging NCCA sports

Parenthesis reflects students who competed on high school teams

Multiple Indicators Are Evaluated to Assess Sufficient Number of Interested and Able Students to Sustain a Team

- Universities are not required to create an intercollegiate team or elevate a club team to intercollegiate status unless there are a sufficient number of interested and able students to sustain a team.
- The Interests and Abilities Survey is one of a number of indicators.

Indicators for Determining if There Are Sufficient Numbers of Students to Form a Team

Multiple Indicators include:

- Minimum number of participants needed for a particular sport;
- Opinions of athletic directors and coaches concerning the abilities required to field an intercollegiate team; and
- Size of a team in a particular sport at institutions in the governing athletic association or conference to which the institution belongs or in the institution's competitive regions.

Reasonable Expectation of Competition

- The OCR also considers:
 - Competitive opportunities offered by other universities against which the institution competes; and
 - Competitive opportunities offered by other universities in the university's geographic area, including those offered by universities against which the university does not now compete.

Conclusion

- Eastern is assessing the potential interests and abilities of the underrepresented sex (women) to participate in its intercollegiate athletics program.
 - Ongoing, frequent assessment
 - Using multiple indicators of potential interest
 - Nondiscriminatory administration of assessment
 - Athletics and others are responsible for the analysis of unmet needs and planning for the future.

End