



Title IX Compliance in Athletics

Figuring it out one step at a time

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Kenyon

Kevin Peterson (he/him)

- Civil Rights/Title IX Deputy Coordinator
- This is my 6th year at Kenyon
- Over 17 years experience working in Higher Education
- I am not a lawyer

My Usual Work

- Training and Prevention
- Taking reports of sexual misconduct and other forms of harassment and discrimination
- Managing Investigations

My boss gave me a new assignment...

Form a committee to review the Athletic Department for Title IX compliance.

I Love Sports

- All three of my kids play High School soccer
- I am a licensed ref for club and High School soccer
- I have 8 years experience coaching club soccer
- I was the president of of our local youth soccer club for two years

I knew very little about how an athletic department works

- Scheduling games, practices, facilities...
- Budgets and fundraising
- Coaches, assistant coaches and volunteer coaches
- NCAA compliance

Forming a Committee

- Athletic Director
- Dean of Students
- Associate VP for Institutional Research
- Both Faculty Athletic Representatives
- Two Head Coaches
- One Assistant Coach
- Associate Director of Admissions
- Administrative Assistant

How are we going to do this?

- Very overwhelming
- Lack of examples
- Bonnette, Valerie McMurtie, and Mary Von Euler. *Title IX and Intercollegiate Athletics : How It All Works--In Plain English*. Good Sports, 2004.
- Finding the right questions

One of our Goals

To develop the tools the necessary to evaluate our Athletic Department that can be easily replicated in future years.

The Applicable Title IX Regulations

§ 106.41 Athletics.

(c) *Equal opportunity.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:

The Applicable Title IX Regulations

- (1) Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
- (2) The provision of equipment and supplies;
- (3) Scheduling of games and practice time;
- (4) Travel and per diem allowance;
- (5) Opportunity to receive coaching and academic tutoring;
- (6) Assignment and compensation of coaches and tutors;
- (7) Provision of locker rooms, practice and competitive facilities;
- (8) Provision of medical and training facilities and services;
- (9) Provision of housing and dining facilities and services;
- (10) Publicity.

Sub-Committees

- Interest and Abilities
- Finance
 - Equipment and supplies
 - Travel and per diem
 - Assignment and compensation of coaches
- Facilities and Schedules
 - Games and practice times
 - Coaching and tutoring
 - Facilities
- Support Services
 - Trainers
 - Housing and dining
 - Publicity

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Title IX and Athletic Opportunities in Colleges and Universities

A Resource for Students, Coaches, Athletic Directors, and School Communities

INCLUDED IN THIS RESOURCE

- Background on Title IX 2
- Evaluating Your School's Athletic Program 3
 - Benefits, opportunities, and treatment for men's and women's teams 3
 - Athletic scholarships and financial assistance 6
 - Meeting students' athletic interests and abilities..... 8
- What to Do if You Think Your School's Athletic Program Violates Title IX 12

This resource is designed by the [Office for Civil Rights \("OCR"\)](#) of the U.S. Department of Education ("Department") to help college and university communities ("schools"), including students, coaches, athletic directors, and school officials evaluate whether a school is meeting its legal duty to provide equal athletic opportunity based on sex consistent with Title IX of the Education Amendments of 1972 ("Title IX") and the Title IX regulations.¹

This resource explains the rights that students have to participate in intercollegiate, intramural, or club athletic programs free from discrimination based on sex and may help you evaluate whether your school's athletic program is providing equal opportunity consistent with Title IX.

If you believe that your school may not be providing equal athletic opportunities based on sex, you may file a complaint through your school's grievance procedures or directly with OCR, as described on page

Three Part Test (pgs. 8-12)

- Option 1: Substantial Proportionality
- Option 2: History and Continuing Practice
- Option 3: Interest and Abilities of Students

Option 3: Interest and Abilities of Students (pgs. 11-12)

- Is there unmet interest in a particular sport that is not offered at your school?
- Is there enough talent and skill among the student body to sustain a team in the sport?
- Are there other schools in your area or region currently competing in the sport?

If the answer is “no” to any of these questions, your school can likely use Option 3

Option 3: Interest and Abilities of Students (pgs. 11-12)

What about students who did not come to your school because you do not have their sport?

Admissions Data!!!

What we Learned Doing the Laundry

Money is complicated

- Money spent does not necessarily show compliance or noncompliance
- Title IX impacts fundraising

What we Learned Doing the Laundry

Not everything is simple

- Double Headers
- Uniforms

What we Learned Doing the Laundry

Work hard to stay in your lane

What we Learned Doing the Laundry

The conversation is important!

Moving Forward

Develop tools to capture concerns outside of the full review process.

Questions or Comments?