

# TITLE WHAT?

## Twenty-four years later, gender equity remains a mystery

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PHOTO ILLUSTRATION BY MATT FLICKNER, U. OF KANSAS

**L**AWS AND RULES. THEY'RE MEANT TO ENSURE ORDER, civility and fairness in society. Without them, we would have chaos. And then there's Title IX — federal law requiring gender equity in education. With it has come chaos.

What is gender equity? How does the government define it? Does it or can it really exist? And how is it to be achieved? These are the questions at the heart of the Title IX debate as it applies to gender equity in college athletics. Almost a quarter century after the law's inception, many people think these questions are no closer to being answered than they were in 1972.

Meanwhile, the majority of college athletic departments still are not in compliance with Title IX. The situation has improved since an enforcement crackdown by the U.S. Department of Education's Office for Civil Rights began four years ago, but the problems remain far from solved.

### Addition by subtraction

Dave Taylor is preparing his U. of Wyoming baseball team — eliminated to achieve gender equity — for its final season. "It's reverse discrimination," Taylor says, adding that Title IX is becoming the divisive issue of sports — akin to the affirmative-action debate. "Men's sports are getting slighted by Title IX."

To comply with Title IX, athletic departments must demonstrate one of the following: proportionality in participation and funding for male and female athletes, a history of increasing opportunities for female athletes or an accommodation of the interests and abilities of the underrepresented gender.

Most schools have chosen the first route to satisfy Title IX — proportionality. But it's often hard, if not impossible, to add opportunities for women without eliminating them for men. Shrinking budgets just don't allow it.

One popular method of achieving gender equity is to eliminate

think if [administrators] want to make things equal, they should add sports for women instead of penalizing men."

### Male, female and football?

The fact that there is no "companion sport" for women matching the participation and funding levels of football is at the root of the Title IX debate.

In the proportionality equation, football, which allows for a maximum of 85 scholarship players, must be offset by approximately five women's teams of 17 full-scholarship players each. That means, on the surface, that a school with a full football squad must offer five more sports for women than for men to achieve gender equity.

But the AFCA has a biological news flash for us: There are actually three genders. That is the rationale behind its claim that football should be given special calculation privileges, if not complete exemption from the equation.

Grid coaches claim that their sport, along with men's basketball, brings more revenue into college athletic departments than any other sport, men's or women's. At many schools, a portion of that money is used to fund the "non-revenue" teams.

AFCA members ask why they should be penalized with reduced scholarship numbers and smaller head counts while they already are doing their part for Title IX by underwriting other teams.

"We've been accused of wanting to exempt football," Bell says. "We're just asking that they use a little bit more fairness in applying Title IX."

But fair is fair, says Donna Lopiano, executive director of the Women's Sports Foundation. She says football is a men's sport and should be treated as any other men's sport. "Football asking for special relief under Title IX is a lot like IBM asking for an anti-trust exemption," she says.

### It can be done

While most athletic departments are not in compliance with Title IX, Stanford U. is often recognized as the example to follow. The Cardinal sports program offers 16 teams for men, 16 for women and one coed squad.

Stanford officials say they've tackled the football problem by awarding more scholarships to

female athletes on "non-revenue" teams than for men playing the same sport. For example, the Stanford women's tennis team might receive five full grants-in-aid, while the men's tennis team might have only one. (Stanford U. officials would not release specific scholarship numbers.)

And through increased fundraising and revenue generation, Stanford has managed to add women's teams without eliminating men's squads.

### The road ahead

The Department of Education's Office for Civil Rights is in charge of enforcing Title IX and has drawn much criticism for that enforcement. The OCR has been accused of failing to offer viable choices to athletic departments, placing too much emphasis on the proportionality option and discounting attempts by schools to achieve equity via the two other tests.

The concerns of various schools, several men's athletic organizations and other constituencies have snow-

balled into a call for the OCR to clarify its position on Title IX compliance. Those groups would like the OCR to recognize efforts to achieve equity in a less quantitative manner. Meanwhile, nothing has changed or been clarified.

The debate in the interpretation of Title IX appears to slice right across America and all the way to the nation's capital. In fact, Title IX's fate could become an issue in this fall's elections.

U.S. Rep. J. Dennis Hastert (R-Ill.), in an essay titled "The Unintended Effects of Title IX," encourages athletes to contact Congress members concerning negative aspects of the law. "First, we need people to understand that eliminating programs for men is not the way to comply with Title IX," Hastert writes. "It does not help women, and it unfairly punishes young men who want to participate."

*Robert Manker and Carrie Hutchison not only tag-teamed to write this story, but could also win most major tandem golf tournaments. Fore!*



**Title IX: Is it the answer to gender equity?**