

# 2013 North American Society for Sport Management Conference (NASSM 2013)

## Title IX Compliance: Does Conference Affiliation Matter?

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**Legal aspects**

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**20-minute oral presentation  
(including questions)**

**Abstract 2013-137**

**1:15 PM**

**(Room 408)**

In June 2012, Title IX celebrated its 40th anniversary. The law has been credited for changing the academic experience as related to gender, both in the classroom and on the athletic field. While significant strides toward equity have been made and should be celebrated, it should also be acknowledged that the overarching goal of equality in education, and specifically in athletics, has not yet been achieved. It is well documented that a majority of educational institutions are not in compliance with Title IX (DOE, 2008; Staurowsky, 2005). Moreover, there is no recent data showing the number of division I athletic programs that are currently in compliance with Title IX. Although it has also been theorized that not much is likely to change in the future regarding institutional compliance with Title IX due to the way the law is currently enforced, information regarding the number of programs that are in compliance would be worth noting. Also noteworthy is the fact that the NCAA's recertification process does require member schools to develop gender equity plans to reduce the gender gap in several areas (NCAA, 2010).

While the data is reported on an annual basis, there is currently a lack of comparative research of Title IX compliance in collegiate athletic programs. In 2005, a comparative study was conducted by the Women's Law Project examining colleges and universities in Pennsylvania (Cohen, 2005). This study was followed up in 2007 by Staurowsky et al., focusing upon institutions in Ohio. In 2010, Ellen Staurowsky suggested that further research should take place to examine levels of Title IX compliance regionally. Taking this suggestion to heart, McGlone (2012) looked at regional compliance rates of Title IX.

Taking the next step, this study aimed to illustrate a clearer picture of Title IX compliance within conference affiliation. In addition, this presentation will compare compliance rates of BCS and non BCS conferences. Determining whether schools meet Title IX through the proportionality requirement should occur through a "flexible, case specific analysis" (Stevens, 2004, p. 174). Substantial proportionality is not defined through set ratios, causing dilemmas when athletic departments are reviewed for compliance with Title IX. The flexibility allowed often permits athletic departments to meet the first part of the three-prong test without meeting the true intent of the law, in order to provide equality in athletics. If true equality of opportunity existed, substantial proportionality would not be necessary as the proportions of athlete ratios to undergraduate ratios would inherently balance (Simons, 2011). To illustrate compliance in more depth, the following areas will be reviewed, overall proportionality, operating expenses, athletic financial aid, recruiting expense and compliance with the three-prong test of Title IX compliance. The data was compiled through the use of information collected through the Department of Education's Equity in Athletics Disclosure Act 2010-2011 reports. All Division I schools and conferences were reviewed.

The findings illustrate that gains have been made in the region in some areas. In addition, the data suggests that while schools are not in compliance with the Title IX, there is evidence at some levels that some conferences are doing a good job in going above complying with the 3-part test but also creating equitable operating procedures in other areas. The data illustrates that a gender gap still does exist, however gains are being made in some areas. In addition, comparing institutional compliance with Title IX by conference affiliation may create leverage for institutions in achieving the goal of creating an even playing field.