

1-1-2013

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Staurowsky, Ellen and Weight, Erianne A. (2013) "Discovering Dysfunction in Title IX Implementation: NCAA Administrator Literacy, Responsibility, and Fear," *Journal of Applied Sport Management*. Vol. 5 : Iss. 1.

<https://doi.org/10.7290/jasm0548hm>

Available at: <https://trace.tennessee.edu/jasm/vol5/iss1/9>

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Discovering Dysfunction in Title IX Implementation

NCAA Administrator Literacy, Responsibility, and Fear

Ellen Staurowsky
Erianne A. Weight

Abstract

Higher education officials, including presidents and senior athletics administrators, are expected to voluntarily comply with the mandates of Title IX. In anticipation of the need for assistance in learning about the law's requirements, Title IX regulations devised in the 1970s called for every institution in the country receiving federal financial assistance to appoint a Title IX coordinator to examine campus policies, practices, and philosophies in light of Title IX standards. As a result of the deficits in the application of this Title IX enforcement model, the purpose of this study was to assess how much senior athletics administrators know about basic Title IX information, how formally prepared they are to assume responsibility for Title IX compliance, how functional the Title IX enforcement mechanism is on their campuses, what insights they have to offer about the climate within athletics departments regarding Title IX compliance, and what they would change to achieve Title IX compliance with less stress and greater positive impact. Results reveal a moderate level of basic Title IX knowledge, moderate feelings of Title IX responsibility, and notable levels of fear and discomfort related to broaching equity issues. Knowledge and responsibility were fairly consistent across genders with a significant divide between male and female feelings of fear. The current lack of consistent and systematic education mechanisms may explain administrator decisions that are not in line with the law and tensions that frequently arise around gender equity issues within college and university athletics departments.

Keywords: *Title IX, Title IX literacy, athletics administrators*

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Introduction

Higher education officials, including presidents and senior athletics administrators, are expected to voluntarily comply with the mandates of Title IX in the interest of the public good and to the benefit of the public trust. Anticipating the need for higher education officials to learn about the law's requirements, Title IX regulations devised in the 1970s required every institution in the country receiving federal financial assistance to appoint a Title IX coordinator. The role of the Title IX coordinator was to examine campus policies, practices, and philosophies in light of Title IX standards.

The intention of this model of enforcement was, in theory, the cultivation of Title IX literate educators (administrators, coaches, faculty, and staff) and citizens who would devise compliance strategies best suited to their respective institutional missions. Over the past four decades, many institutions either refused or failed to appoint a Title IX coordinator or were unaware of the requirement to do so. Without a central figure on campus charged to oversee compliance efforts, encourage Title IX education, and provide leadership, a lack of systematic processes has been put in place to ensure a baseline level of legislative understanding to consistently guide daily decision making (Carpenter & Acosta, 2005; Matthews & McCune, 1975).

The absence of this key piece in the Title IX enforcement mechanism is reflected in the findings from a 2005 study by Zittleman in which "...fewer than 50 percent of educators understand what Title IX covers and...only a miniscule percent of students and parents are aware of their rights under Title IX" (as cited in Nash, Klein, & Bitters, 2007, p. 89). Similarly, a national telephone poll conducted by *The New York Times*/CBS News (New York Times Staff, 2011) found nearly 65% of 1,266 adults (629 men, 637 women) had little if any familiarity with Title IX.

Journalists and researchers alike have documented an array of Title IX issues that point toward dysfunction in Title IX implementation within college and university athletics departments. In April 2011, *The New York Times* reported some athletics administrators were falsely reporting participation numbers to subvert Title IX compliance requirements (Thomas, 2011a). Controversies associated with program cuts in the name of Title IX have ignited challenges from alumni and the general public (Crumpacker, 2010; Gammon, 2010; Thomas, 2011b), and complaints have been settled and lawsuits won by administrators and coaches who reported they had been subjected to retaliation because of their advocacy for Title IX compliance and gender-equitable programs (Buzuvis, 2010; Funk, 2009; Grant, 2008; Hostetter, 2007; Jayne, 2010; Steeg, 2008).

Given the litigious nature of Title IX discussions, it seems reasonable to ask whether these issues would have arisen if the on-site mechanisms expected to be in place to proactively respond to the requirements of Title IX had been functioning properly. How much Title IX information that should have been passed along to athletics administrators failed to meet its destination because Title IX coordina-

tors had not been designated or had not been empowered to fulfill their obligation of developing ongoing programming to educate athletics administrators?

In acknowledgement of this disruption in the model of Title IX enforcement, the purpose of this study was to assess how much senior athletics administrators know about basic Title IX information, how formally prepared they are to assume responsibility for Title IX compliance, how functional the Title IX enforcement mechanism is on their campuses, what insights they have to offer about the climate within athletics departments regarding Title IX compliance, and what they would change to achieve Title IX compliance with less stress and greater positive impact.

Literature Review

Title IX: The Fundamentals

Title IX of the Education Amendments was passed by the U.S. Congress and signed into law by President Richard M. Nixon in 1972. Crafted with awareness in mind that the actions of educators in schools have a dramatic impact on the prospects of children to realize their individual potential and on the nation as a collective whole, Title IX reads:

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. (Department of Health, Education, and Welfare, p. 71413)

The obviousness of its intent is reflected in the testimony of former U.S. Senator Birch Bayh, one of the drafters of the legislation delivered in 2002 before the U.S. Department of Education Commission on Opportunities in Athletics. In his testimony he said,

What we were looking for was ... equal opportunity for young women and girls in the educational system of the United States of America. Equal opportunity. Equality. That shouldn't be a controversial subject in a nation [that] now for 200 years has prided itself in equal justice. (Bayh, 2002)

The passage of Title IX recognized deeply imbedded beliefs in female inferiority could no longer be tolerated in educational settings. Because these beliefs were understood as messages that foreclosed on the futures of both boys and girls, men and women, Title IX focused the attention of educators (coaches, teachers, school administrators), parents, and public policy makers on charting a course that would encourage children, regardless of sex, to live up to their promise and potential in service to a more humane educational system and the overall betterment of society (Blumenthal, 2006; Carpenter & Acosta, 2005; Durrant, 1992; Sandler, 2007).

Although the notion of equality under the law resonates as eminently achievable, it is necessary to identify standards by which equal treatment is effectively realized. In the area of athletics, this has been a particularly interesting process given Title IX allows for the concept of separate but equal to remain in place (Brake, 2010). As a result, although questions regarding Title IX's application to intercollegiate athletics programs still arise, existing regulations, policy interpretations, and court rulings developed over 40 years provide a substantive basis for athletics administrators and higher education officials to proceed (Carpenter & Acosta, 2005; Hogshead-Makar & Zimbalist, 2007; Staurowsky & Weight, 2011).

Administrators seeking guidance on Title IX's application to intercollegiate athletics programs can turn to several important documents. The first of these, known as the Title IX Regulations, was approved by the U.S. Congress in 1975 (Hogshead-Makar & Zimbalist, 2007; U.S. Department of Justice, n.d.). Three years after the regulations were approved, the Intercollegiate Athletics Policy Interpretation was issued in December 1978 with the Title IX Athletics Investigators Manual following suit in 1990 (Bonnette, 2004; Carpenter & Acosta, 2005).

In an effort to promote public access to information regarding annual resource allocations devoted to men's and women's athletics programs at the college and university level, the Equity in Athletics Disclosure Act was passed in 1994 (National Women's Law Center & DLA Piper, 2007). Furthermore, the U.S. Department of Education Office for Civil Rights (formerly the U.S. Department of Health, Education, and Welfare) has formulated and distributed letters of clarification to higher education officials to respond to points of identified confusion and ambiguity (Ali, 2010; Ali, 2011; Cantu, 1996; Cantu, 1998; Monroe, 2007, 2008; Reynolds, 2003).

The Role of Title IX Coordinators & the Disruption in the Enforcement Mechanism

At the time the regulations were formulated, a need was identified for an employee on individual college and university campuses to be assigned Title IX responsibilities. Significantly, the designated coordinators were entrusted to develop preventive activities "...such as the periodic assessment of the awareness of employees and students regarding Title IX requirements...and updating services to staff regarding compliance responsibilities" (Matthews & McCune, 1975, p. 51). Despite this requirement, some schools were not aware this had to be done or simply did not feel compelled to honor the requirement. As Carpenter and Acosta (2005) pointed out, the assignment of Title IX coordinators may have been in name only with no sincere effort to execute responsibilities associated with the designation. Describing the perspective some schools adopted regarding Title IX coordinators, Carpenter and Acosta wrote, "Other than posting a name and title on the back-corridor bulletin board, many schools did little to disseminate to the campus community information about the requirements of Title IX" (p. 8).

In 2004, Marcus, acting Assistant Secretary for Civil Rights, wrote a letter to higher education officials reminding them of the responsibility to designate a Title IX coordinator. Following a review of the Title IX compliance status of selected institutions receiving federal financial assistance where Title IX violations were found, Marcus reported institutions were failing to designate and/or adequately train at least one employee to coordinate Title IX responsibilities. The most frequently cited problem was the “failure to effectively disseminate notice of the Title IX coordinator’s identity and contact information as required by the Title IX regulations” (Marcus, 2004, para. 2).

This failure to designate and/or train Title IX coordinators has proven to be a crucial disruption in the Title IX enforcement chain. There was an expectation that education would be handled directly within each school, which would have then resulted in generations of employees and students being exposed to the basics about Title IX. Ongoing Title IX education would have served to inform constituencies about what their rights are under the legislation and how it is to be integrated into decision making regarding allocation of resources. The accumulated effect of the dysfunction within the system is seen in the low percentages of educators who understand what Title IX is and how it should advise their work (Nash et al., 2007). Recognizing this disconnect, the Association of Title IX Administrators (ATIXA, 2011) was formed to create “...a venue for professional exchange between coordinators and other administrators with Title IX responsibilities, to finally and meaningfully wrap our heads around the Coordinator role, other Title IX-based administrative responsibilities and best practices for institutional Title IX compliance” (Why Is ATIXA Needed section, para. 6).

Mirroring the lack of clarity in campus-wide Title IX efforts, intercollegiate athletics programs’ oversight of Title IX has been “all over the map” (ATIXA, 2011). Although directors of athletics share responsibility for Title IX compliance with other institutional administrators, models of oversight within athletics departments vary widely. Some deal with Title IX issues at the senior management level, others have gender equity committees that may be departmental or institutional, some receive oversight through faculty athletics committees, and still others may rely on the designation of one person within the department, often a senior woman administrator.

The Role of Senior Woman Administrators in Title IX Compliance

For those fulfilling the role of senior woman administrator (SWA), a designation required by the National Collegiate Athletic Association (NCAA) to ensure there is a female presence within the athletics department’s management team, the role is fraught with potential complications regarding gender equity and Title IX compliance (Hatfield, Hatfield, & Drummond, 2009; Hoffman, 2010; Pent, Grapendorf, & Henderson, 2007; Tiell & Dixon, 2008). On one hand, as the designated female presence within the management structure, this person is expected to serve as the advocate for gender equity issues. At the same time, however, gender

equity issues are not isolated within one area of athletics departments, but may require change throughout the entire operation. Some portion of SWAs believe they are in a catch-22 situation where they are expected to bring issues forward, yet are confronted with strong prohibitions against doing so (Hatfield et al., 2009; Hoffman, 2010; Pent et al., 2007; Tiell & Dixon, 2008).

Hatfield et al. (2009) reported SWAs believe strongly their role should include advocating for women's programs within athletics departments and working proactively to deal with gender equity issues, and Pent et al. (2007) found SWAs were often not involved in financial decision making. Gleaning information from interviews with SWAs, Hoffman (2010) noted, as one administrator put it, "I do think it's incumbent on the SWA to sort of ring that bell... You have to have the courage, to say 'hey AD' by the way" (p. 65). Another woman in the same study observed, "I used to be quite a crusader, and it hurts you professionally, [but] it is my responsibility... It's a burden for women to carry and they shouldn't [have] to carry it" (p. 66). In a comparison of perceptions between directors of athletics (ADs) and SWAs, Tiell and Dixon (2008) found ADs characterized SWAs as having higher involvement in decision making overall and in gender equity than SWAs reported.

Ambiguity in role and authority may explain why numerous disputes have occurred between female athletics department personnel and their employers alleging retaliation and wrongful termination after they stepped forward to complain about inequities and Title IX violations. Since March 2005, when the U.S. Supreme Court ruled to expand the scope of Title IX to protect whistleblowers who report institutional discrimination against college athletes based on gender (*Jackson v. Birmingham Board of Education*), a wave of retaliation suits has come before the courts (Funk, 2009; Grant, 2008). In 2007, former SWA Diane Milutinovich reached a \$3.5 million settlement with Fresno State University following her reassignment to another administrative role within the institution after she allegedly complained about persistent gender inequities within the athletics department (Hostetter, 2007). Many other disputes have been settled out of court including retaliation and wrongful termination cases at University of California-Berkeley, University of California-Davis, Sonoma State, Florida Gulf Coast University, San Diego State University, Feather River College, Cabrillo College, San Diego Mesa, Clark College, and San Diego Community College, to name a few (Funk, 2009; Grant, 2008; Jayne, 2010; Steeg, 2008). This information suggests the SWA, who plays a key role in the Title IX enforcement scheme, is potentially in a compromised position.

Rationale and Research Purpose

Despite the media coverage devoted to Title IX's impact on college and university athletics departments (Hardin & Whiteside, 2009; Walton & Helstein, 2008; Whiteside & Hardin, 2008), administrators continue to make decisions with clear repercussions from a legal standpoint (Crumpacker, 2010; Gammon, 2010; Steeg,

2008; Thomas, 2011a, 2011b). Scholars and advocates for gender equality have wondered how administrators could be so foolish in decision making when the law and precedents are clear (Ridpath, Yiamouyiannis, Lawrence, & Galles, 2008; Staurowsky, 2003, 2010; Yiamouyiannis & Lawrence, 2009).

Athletics administrators working within the current Title IX enforcement model are expected to make decisions in an informed manner despite a lack of education and support as intended through the designation of a Title IX coordinator. Despite this tremendous responsibility, there is effectively no information or mechanism to assess the degree to which individuals working in college and university athletics departments have been formally educated about Title IX and its enforcement scheme (Staurowsky & Weight, 2011). In one of the only studies to focus on this, Force (1987) found male and female sport leaders held similar beliefs on equality in the abstract. However, differences between male and female sport leaders were found when the sports leaders were pressed about their perception of how the value of equality was applied in athletics departments. Based on the finding, Force anticipated the controversy around Title IX would continue into the future and an adherence to Title IX would require concerted efforts. A decade later, Sanger and Mathes (1997) reported a similar disconnect of NCAA Division III athletics directors and faculty representatives compared to head women's basketball coaches.

In a study of NCAA Division I, II, and III coaches (Staurowsky & Weight, 2011), results revealed few coaches to be Title IX literate. The majority of coaches did not have a basic knowledge of the application and extent of the law, had not been educated about Title IX through reliable educational mediums, and possessed a strong desire to learn more and have candid and meaningful discussions about these issues. These results provide clear evidence of the legal illiteracy that results when there is not a systematic mechanism within institutions of higher learning and athletics departments to consistently educate staff and students about Title IX. They also point to the need to assess how much senior athletics administrators know about basic Title IX information, how formally prepared they are to assume responsibility for Title IX compliance, how functional the Title IX enforcement mechanism is on their campuses, what insights they have to offer about the climate within athletics departments regarding Title IX compliance, and what thoughts they have on how to achieve Title IX compliance with less stress and greater positive impact. The pursuit of these questions was the purpose of this study.

Method

Instrument

In an effort to address the research questions identified, a modified version of the Title IX Literacy Project (TIXLIT) survey (Staurowsky & Weight, 2011) was developed. The survey was designed using a mixed-methods approach that yields

quantitative and qualitative data. The TIXLIT survey includes 24 questions covering four major areas. The survey also provides opportunities for subjects to comment on each question if they wish. The four major areas covered in the survey include the following:

1. Demographic Information: designed to gather administrators' information about their sex, age, and number of years in an administrative role within intercollegiate athletics.
2. Title IX Literacy: designed to assess basic understandings about Title IX rules and regulations. Question content in this area covered the three-part test: whether the enforcement scheme for Title IX constituted a quota system, whether booster money was covered under Title IX, and whether the institution had a designated Title IX coordinator.
3. Sources of Title IX Information: designed to address where administrators got their information about Title IX and whether they review the federally mandated Equity in Athletics Disclosure Report that each institution must file annually.
4. Perceptions of Title IX Compliance on Campus: designed to address administrator perceptions of their own institution's compliance with Title IX and whether administrators experience pressure to remain silent about Title IX issues.

The initial TIXLIT instrument was reviewed by researchers and coaches to enhance face validity and instrument flow. Minor adjustments were made to TIXLIT based on the unique administrator population targeted for this study, but the general format remained true to the instrument. After the modifications were made, the instrument was then reviewed by a second panel of five administrators and researchers to further enhance the face validity and flow of the instrument used within this study.

Data Collection and Analysis

To garner widespread response from administrators in a variety of institutional affiliations, a random sample of 100 institutions from Division I-Football Bowl Subdivision (DI-FBS), Division I-Football Championship Subdivision (DI-FCS), IAAA (non-football playing institutions), Division II (DII), and Division III (DIII) were selected, and available administrator e-mail addresses were obtained via official institutional department websites. Within each school selected, the survey was sent to two to three administrators including the AD, SWA, and another administrator listed as associated with compliance. The instrument was distributed to 1,390 administrators, and responses were obtained from 352, yielding a response rate of 25.3% with divisional breakdowns of DI-FBS ($n = 53$, 15.1%), DI-FCS ($n = 50$, 14.2%), DIAAA ($n = 21$, 6.0%), DII with football ($n = 54$, 15.3%),

DII no football ($n = 47$, 13.4%), DIII with football ($n = 74$, 21.0%), DIII no football ($n = 15$, 15.1%).

Quantitative data were analyzed using descriptive techniques and chi-square analysis using the independent variable of gender. Open-ended responses were reviewed independently by each researcher and organized into eight coding categories with three subcategories. Interrater reliability for these coding categories was 86.6%. Approval for the study was obtained from the Human Subjects Review Committee, and appropriate precautions were taken to ensure respondent confidentiality.

Summary of Findings

Demographic Information

The majority of respondents were female (72.2%). There was a wide variation among respondents in terms of institutional role and responsibility with those holding the title of SWA (45.5%) having the highest participation in the study followed by associate ADs (27.9%), ADs (25.3%), and assistant ADs (20.1%). An additional 12.4% of respondents reported an array of titles including senior associate AD, compliance coordinator or director, interim AD, and in one case, Provost. The majority of respondents held master's degrees (73.6%) with 5.2% holding law degrees and 6.6% doctoral degrees.

Age and experience of administrators only minimally varied by sex with the cumulative average years of experience in athletics administration being 12 years, with men having slightly more experience (14 years) than women (11 years). Average age of all administrator respondents was 44.2 years. Women were slightly younger with a reported average of 40.2 years. Divisional affiliation of the administrators was well balanced with roughly one third of all respondents from each of the NCAA divisions: DI (35.2%), DII (28.7%), and DIII (36.1%). Sex representation by division mirrored the overall percentage of respondents with DI respondents, 78% female and 22% male; DII respondents, 71% female and 29% male; and DIII respondents, 68% female and 42% male.

Title IX Basics: How Much Do Administrators Know?

In a five-question test of basic Title IX literacy, the administrator population demonstrated a moderate knowledge of Title IX basics (see Table 1). Over 90% reported being aware that through the three-part test, there are three available methods toward compliance in participation, and nearly 90% correctly answered that substantial proportionality is calculated by comparing the percentage of females and males in the overall student population to the percentage of females and males in the athlete population. Most athletics administrators (71.70%) were also aware money raised through booster organizations or through friends of a specific team separate from department funds is covered under Title IX, 10% answered the question incorrectly, and 17.3% were not sure or did not know.

The other two basic Title IX questions were answered correctly by just over 50% of the administrators. One of these questions asked whether the enforcement scheme for Title IX is a quota system or a defacto quota system. The majority (52.2%) of the coaches responded it is not, 5.3% marked it was, and 41.5% were not sure or did not know. Many administrators addressed their answer to this question in open-ended follow-up by writing they understand Title IX is not meant to be a quota system, but it has become enforced as such on many campuses.

The final question referred to scholarship proportionality, specifically the Title IX requirement calling for the percentage of scholarship assistance offered to female athletes to be within 1% of their representation within the athlete population. Surprisingly only 50.6% of administrators answered this correctly. We speculate, however, the lack of knowledge on this item may be a reflection, in part, of the large percentage of DIII nonscholarship institution administrators in the sample.

The one area within the survey where male and female respondents differed significantly was on the question of proportionality as it pertains to participation. Women were significantly more knowledgeable about the proportionality regulation with 56.8% responding correctly, and only 34.8% of the male population knew athlete participation must be within 1% of the proportionate undergraduate population. A complete breakdown of administrator responses by sex to basic Title IX questions is available in Table 1.

Sources of Title IX Information

When administrators were asked to identify the primary places where they get Title IX information from a list of 10 sources, with the option of checking all that apply, over 70% reported gathering information on Title IX from an NCAA workshop. Colleagues were their next highest source of information (56.9%), followed by the NCAA News (55.4%), the NCAA Gender Equity Task Force (43.4%), and the mainstream news (40.2%). Men and women administrators differ significantly in the sources they use to gain information about Title IX. Women tend to reference the NCAA Gender Equity Task Force and the Women's Sports Foundation, and men rely on colleagues, the main stream news, the NCAA News, college courses, and workshops hosted by their conference or university for information on the legislation (see Table 2).

Institutional Title IX Knowledge

Roughly three quarters of administrators (75.2%) believed their athletics departments to be in compliance with Title IX. Significant differences between men and women appeared, however. The majority of male respondents (78.7%) reported believing their department was in compliance, and only 65.9% of female respondents believed this to be true (see Table 3). Separation also existed in the percentage of male and female administrators who reported reviewing their institution's Equity in Athletics Disclosure Act report annually (80.9% of men, 71% of women). Collectively, only 25% of the administrators surveyed reported receiving

Table 1
Administrator Responses to Basic Title IX Questions

Question	χ^2	Correct Response (%)			Incorrect Response (%)			Don't Know / Not Sure (%)		
		CUM	Female	Male	CUM	Female	Male	CUM	Female	Male
Three part test allows compliance in one of three ways	2.13	90.60	89.10	94.40	4.10	4.80	2.20	6.40	6.10	3.30
Title IX enforcement is a quota system	3.99	52.20	52.00	52.80	5.50	4.40	7.90	41.50	42.40	39.30
Booster money cannot be touched under Title IX	2.86	71.70	70.70	74.20	10.10	9.60	11.20	17.30	18.40	14.60
Proportionality in participation calculation	6.06	88.7	88.6	88.8	6.6	5.2	10.1	4.7	6.1	1.1
Participation must be proportionate within 1% to UG M/F population*	14.54	50.6	56.8	34.8	19.2	15.7	28.1	29.2	26.6	36

* $p < .01$
 $\chi^2 (3), N = 341$

Table 2*Administrator Sources of Title IX Information*

Source	χ^2	Cumulative (%)	Male (%)	Female (%)
Workshop(s) hosted by the NCAA	0.96	70.1	71.9	69.7
Colleague(s)*	7.83	56.9	67.7	53.1
NCAA News**	10.91	55.4	67.7	50.6
NCAA Gender Equity Task Force**	9.22	43.4	33.3	47.3
Main stream news **	10.74	40.2	52.1	35.7
Women's Sports Foundation**	27.64	37	17.7	44.8
College course(s)*	8.26	34.9	41.7	32.8
Workshop(s) hosted by conference*	8.96	28.2	35.4	25.3
Workshop(s) hosted by university*	1.47	6.5	8.3	5.4
College Sports Council*	2.08	3.8	8.3	2.1

* $p < .05$. ** $p < .01$.

$\chi^2 (2), N = 341$

Title IX education in preparation to become an administrator, and just over one third of the sample reported having a standing committee to monitor Title IX compliance.

Feelings of Responsibility and Fear

In response to a question regarding how comfortable they feel raising Title IX issues in their department, 77.7% believed it was their responsibility to bring issues forward and 78.3% reported feeling comfortable bringing issues forward, leaving under a quarter of administrators feeling uncomfortable or not responsible relating to Title IX issues. Seven and a half percent (7.5%) of the administrators responded they felt they could lose their jobs as a result of advocating for equitable treatment. Significant differences existed in the administrator feelings of Title IX responsibility and fear between sexes (see Table 4). One in 10 women administrators (10%) reported feeling they might lose their job if they were to advocate for gender equity, and just over 1 in 100 men (1.1%) had this feeling. Not surprisingly, more men felt comfortable bringing issues forward (85.4%) compared to 75.6% of the female administrator population.

Table 3
Administrator Education and Institutional Title IX Knowledge

Question	χ^2	Yes (%)		No (%)	
		Female	Male	Female	Male
Taught about Title IX in training to become an administrator?	0.79	25.3	25.8	73.8	74.2
Review EADA Report annually?*	7.32	71.2	80.9	25.3	12.4
Do you believe your department is in compliance with Title IX?*	7.54	65.9	78.7	30.6	15.7
Standing committee to monitor Title IX compliance?	1.15	38.4	38.2	57.6	55.1

* $p < .05$

$\chi^2 (2), N = 341$

Table 4
Administrator Feelings of Title IX Responsibility and Fear

Question	χ^2	Yes (%)		No (%)	
		Female	Male	Female	Male
Your responsibility to bring issues forward	0.889	79	74.2	16.6	20.2
Comfortable bringing issues forward*	8.99	75.6	85.4	21.9	9
Feel you could lose your job*	8.163	10	1.1	86.9	93.3

* $p < .05$

$\chi^2 (2), N = 341$

Qualitative Insights

Respondents were invited to share what they might change to achieve Title IX compliance with less stress and greater positive impact. Just under half of the respondents ($n = 167$) accepted this invitation and elaborated on their frustrations (see Table 5). Of those responding to the open-ended question, 27% voiced a plea for educational clarification of the law, how it is enforced, and/or how to implement it within athletics departments. The second largest subsection of the administrators (26.3%) provided ideas for alternative methods of enforcement including removing football from the proportionality equation, focusing on quality of experiences over quantity of participants, and allowing flexibility in enforcement rules to allow for fluctuation in enrollment or financial distress. Other administrators emphasized the need for funding (9.0%), enforcement (9.6%), and support by administrative colleagues (6.6%). Only 4.2% of the population that responded to this question mentioned satisfaction with Title IX as it currently stands.

Table 5

Responses to Open-Ended Question: If there was one thing you could change to achieve Title IX compliance with less stress and greater positive impact, what would that be?

	%	<i>n</i>
Educational clarification of law, enforcement, and/or implementation	26.9%	45
Alternative methods of enforcement	26.3%	44
Additional budget transparency	11.9%	20
Enforcement	9.6%	16
Funding	9.0%	15
Support by administrative colleagues	6.6%	11
Other	5.4%	9
No Change Needed – Title IX is great as is	4.2%	7

N = 167.

Discussion

Both female and male administrators cited attendance at workshops hosted by the NCAA as their primary source of gender equity information. Because only 25% of administrators were taught about Title IX in training to become an administrator, these workshops and the other sources of information listed have been paramount to their continuing education and understanding of the law. Despite a large number of quality information resources available, the level of basic Title IX knowledge evidenced in this study and the cited actions of many administrators in the media (Crumpacker, 2010; Gammon, 2010; Thomas, 2011a, 2011b) lend to a conclusion there is a gap in the comprehension and application of the law. Data uncovered in this study reveal much of the Title IX literature and information referenced by administrators is not fully understood, and in addition, many administrators encounter difficulty enacting gender equity plans or raising gender equity concerns because of departmental constraints and fear. To capture the sentiments expressed by respondents, their narratives have been interwoven in the sections below to bring their voice to the discussion of what these data mean.

Responsibility and Fear

Findings from athletics administrator perceptions regarding responsibility and fear may provide insight into why the information they receive from workshops is not being put to practice at many institutions. Just under 20% of male and female administrators do not feel it is their responsibility to bring Title IX issues forward. This begs the question, if it is not their responsibility—the responsibility of senior administrators within an athletics department—whose responsibility is it?

The enforcement mechanism intended to promote Title IX compliance primarily relies upon volitional acceptance of social responsibility propelled by public interest (Matthews & McCune, 1975). To facilitate this process, a Title IX designate should be appointed on every university campus. As Carpenter and Acosta (2005) mentioned, many schools ignored this and many who did appoint designates did so in name only. This critical element of Title IX compliance and buy-in is a dysfunctional link in the enforcement chain. With 1 in 5 administrators not feeling a sense of responsibility for gender equity issues, it explains many of the counterintuitive administrative decisions made, the varying levels of information-seeking practices, and the lack of information transfer related to Title IX issues (Ridpath et al., 2008; Yiamouyiannis & Lawrence, 2009).

Even more alarming, perhaps, are the feelings of fear associated with the law. Within many institutions, the SWA holds a Title IX support designation (Tiell & Dixon, 2008), but as open-ended insights reveal, many women in this position feel alone, powerless, and fearful of repercussions for asserting their voice. Nearly 22% (21.9%) of female respondents and 9% of male respondents are not comfortable bringing issues forward. Furthermore, 10% of women and 1.1% of men feel they could lose their jobs for being a gender equity advocate. When 1 in 5 women is not comfortable bringing up an issue, this points to a deeper problem beyond simple knowledge of the law. In an educational institution where social change should be rooted, if administrators are hesitant to broach a topic, or even feel that they could lose their job for speaking out, progress will undoubtedly be stymied.

Evidence of this referenced hostility was mentioned in the open-ended responses. Respondent 265 stated:

Our institution does not want to talk about Title IX, gets angry if it is brought up, and will attempt to put a person down if Title IX is talked about. We are not in compliance and know we are not. (DII female compliance coordinator)

Similarly, Respondent 271 echoed the sentiment:

I know our institution does not satisfy any of the prongs...participation at my institution is now 75%–25% at a school that is 62%–48% the opposite way. There needs to be a way for me to enact some change without getting fired. (DII male compliance specialist)

One DI male compliance officer described Title IX as “reverse discrimination at its best...used by institutions and administration as a cop out of financial and contractual obligations” and responded in all caps to the open-ended question with “REMOVE TITLE IX FROM THE LAW” (Respondent 198). His passion appears to reflect administrative pressure and misuse of the law in addition to tension

surrounding discussion of the legislation. Insights such as these explain the increase in litigation since the Supreme Court granted protection for whistleblowers (*Jackson v. Birmingham Board of Education*, 2005; Jayne, 2010; Steeg, 2008). The unfortunate reality, however, is undoubtedly many administrators choose not to speak out, but rather tolerate injustice, feel no sense of responsibility, or suffer in silence out of fear of misunderstanding.

Other administrators who were vocal in their open-ended response expressed outrage at the limited urgency and lack of enforcement mechanisms currently in place. One respondent passionately stated, “I want to be heard! I have put together two gender equity plans for our school. Neither of them have been reviewed or implemented. Gender Equity is not a priority” (Division III SWA, Respondent 20). Similarly, “Our administrators would make changes if they knew there would be immediate consequences for non-compliance. There must be pressure put on them outside of the institution members” (Female DII compliance coordinator, Respondent 265). Only one respondent (a female AD) mentioned her own culpability or ability to enact change. This respondent stated, “We could do more proactive gender equity education for our staff which would increase general awareness and understanding of some of our priority decisions” (Respondent 288). With the current enforcement mechanisms, aside from “the death penalty” of losing all federal financial assistance and individual lawsuits, limited repercussions exist for noncompliance. Certainly a combination of increased enforcement and proactive education could lessen the tension evident in the current athletics environment described by some respondents.

Title IX Literacy

The expressed lack of responsibility and inherent fear with gender equity discussions is evident as a potential root of noncompliance at many institutions, but our findings suggest an equal partner in the equation is lack of education. Although administrator knowledge of Title IX basics was moderate, a vocal 29% of respondents voiced a plea for educational clarification of the law. Several respondents specifically mentioned the need for a clear educational program to get everyone within the athletics department on the same page. “I would strongly encourage the NCAA and the US Department of Education to use one report rather than two separate reports, which ask for basically the same information but in different ways, resulting in inefficiencies of administrators’ time” (DIII female assistant AD/SWA, Respondent 148). This simple plea to streamline paperwork provides insight into a larger issue potentially contributing to confusion. One respondent pointed out different definitions for participation used by the NCAA, Office of Civil Rights, and other educational materials he or she has picked up. Streamlined education with all entities presenting the same message could facilitate better understanding, buy-in, and action. Along this vein, a DIII female assistant AD/SWA (Respondent 328) mentioned, “Communication is tricky when not

all parties understand Title IX and have varying expressions. For example, some of the wording [used in this study] I have not seen before despite having reviewed this information recently.” Other respondents described available educational material as “far too vague” (DII SWA, Respondent 232), “grey” (DI male assistant AD, Respondent 26), “too complicated” (DII female associate AD, Respondent 222), “fuzzy” (DI male AD, Respondent 143), and “a moving target” (DI female assistant AD, Respondent 103).

In the Title IX enforcement mechanism proposed (Matthews & McCune, 1975), administrators were to be a prominent fountain of knowledge, but the adjectives used by athletics administrators to describe their interpretation of the law suggest the cycle of education is not working. These expressions of misunderstanding support scholarly assertions of uninformed decision making (Crum-packer, 2010; Gammon, 2010; Ridpath et al., 2008; Steeg, 2008; Yiamouyiannis & Lawrence, 2009). This administrative confusion is prime breeding ground for departmental tension (Force, 1987).

The majority of administrator respondents were far from apathetic in their lack of Title IX understanding. Suggestions for education were rampant, including calls for “simplistic education...with baby steps to help institutions move forward” (DII female associate AD, Respondent 222); “an ongoing [educational] process—not an exception” (DII SWA, Respondent 219); “a tutorial for our coaches and administration” (DI SWA, Respondent 160); “standardized education from the NCAA” (DI assistant AD/SWA, Respondent 57); “required education” (DI female compliance coordinator, Respondent 208); and “education about best practices in the application of the rules” (DII female associate AD, Respondent 293). One respondent mentioned, “If it is clear what is expected, and it is the law, most people would comply. There is too much gray area within Title IX” (DII female assistant AD, Respondent 103). Administrators are expressing a need for simplification and standardization, a desire for black and white rules with black and white consequences. The three-part test allows for tremendous flexibility in compliance, and this is perhaps a strength as well as a weakness of the legislation; however, the three-part test is only one subsection of participation compliance of which 90% of administrators within the sample were aware. Beyond this, it seems comprehension is fuzzy, and often where there is misunderstanding, there is fear.

Gender Issues in Gender Equity Advocacy

Overall, gender responses to basic Title IX questions were similar with the exception of a significantly higher degree of female administrators who were aware of the participation proportionality requirements. Male and female administrators differed significantly in where they received information about Title IX, with men citing an overall greater number of news sources and women relying significantly more on the NCAA Gender Equity Task Force and Women’s Sports Foundation. Despite these differences, both resoundingly cited NCAA workshops as their primary source of information.

Perhaps the most notable significant differences occurred in administrator feelings of responsibility and fear. Women were significantly less comfortable than their male colleagues bringing gender equity issues forward and felt nearly 10 times more likely they could lose their job for being an advocate. Consistent with news reports, open-ended responses pointed to a concern among female administrators that they would be stereotyped as a “nag” or “feminazi” if it was perceived they were too regularly or too forcefully pressed for Title IX reviews and remedies (O’Beirne, 2005).

Because of the lack of knowledge or buy-in by administrators of both sexes, many female administrators who feel a responsibility to speak out about inequalities based on gender feel alone because few others in the department have the education. Respondent 61 delineated it clearly: “There is a gigantic burden on SWA’s and they have little to no support” (DI associate AD/SWA). This provides insight into perhaps why the initial structure of a campus Title IX designate has not been effective (Carpenter & Acosta, 2005; Matthews & McCune, 1975). If one person is responsible to enact change or maintain gender equality when there is little in terms of repercussions for noncompliance and/or education for other constituents in the organizational sphere, the sole enforcer becomes the person that stands between budget cutbacks or reallocations and equal educational opportunities for both sexes. When hundreds of millions of dollars are at stake in the powerful arms race of expenditures driving many administrative decisions (Knight Commission on Intercollegiate Athletics, 2010), one voice might seem easy to stifle, and it might be worth testing the waters to see whether there is significant pushback to be held to the requirements of the law as a result of protests by the athletes and their supporters (Gammon, 2010; Crumacker, 2010; Steeg, 2008).

Conclusions and Implications

Education is empowering. This study provided a voice for many administrators who feel trapped by misunderstanding within their athletics departments. Since 2005 when the Supreme Court granted legal recourse to Title IX whistleblowers, some administrators and coaches have spoken up. For every one that has spoken up, however, there are likely dozens who have not. With 1 in 5 women administrators hesitant to bring issues forward and 1 in 10 feeling they could lose their jobs for speaking out, an avenue for safe dialogue needs to be established where all athletics department constituents can be educated about Title IX.

Furthermore, sentiments expressed by some athletics administrators at the 2011 NCAA Gender Equity Forum reveal trepidation about not only bringing issues up within athletics departments but also seeking assistance directly from federal agencies because of a concern that institutions will be inviting investigations on their campuses. As one athletics official commented to Jacqueline Michaels, Title IX team leader at the U.S. Department of Education’s Office for Civil Rights who spoke at the Forum, there is a perception that asking questions of the

federal agency would “open the door for a proactive investigation” (as cited in Motz, 2011).

Compliance can be achieved with less tension and more results if constituent parties are consciously and proactively educated about what Title IX is and what it requires. In effect, what may be ailing athletics departments with regard to Title IX compliance may not warrant the calls for reform in interpretation and application advocated by vocal minorities. According to the results of the study, what appears to be impeding athletics department Title IX progress is the lack of education necessary for a grassroots, citizen model, which Title IX was intended to create. As such, there is a lack of Title IX buy-in from the stakeholders who should be advocates of Title IX as a law and the spirit of its intent. All administrators in an athletics department should be aware booster money is considered under Title IX, they should know how the three-part test works, and they should understand Title IX is not a quota system. These beliefs should be held confidently not as a matter of impressionistic viewpoint but as an acknowledgement of law.

After 40 years, it is not unreasonable to expect athletics department personnel would have a basic foundational understanding of the law. The lack of consistent and systematic education mechanisms may explain the tensions that arise frequently around these issues within college and university athletics departments and why administrators, as evidenced in the response received in the narrative data, want to have candid and meaningful discussions on these issues. The degree of outright pressure administrators experience around Title IX issues on the surface might appear small. However, the existence of this pressure may signal far more self-censoring where administrators are taking themselves out of the conversation rather than risking career, reputation, and livelihood.

Recommendations

Although Title IX has assumed cultural cache, to know it exists does not, according to these data, mean it is understood. Our findings recommend simplified educational programs be developed across the board to reach all campus constituencies in an effort to create a culture of Title IX buy-in rather than a mind-set that aspires to technical compliance. The result would be a dialogue about Title IX that is part of the cycle of ongoing departmental business, a dialogue that would contrast sharply with those programs, as many administrators in this study described, where Title IX is simply not to be talked about. This would provide a forum for discussion without the sole campus representative “pushing the gender issue.”

Through a comprehensive and well-grounded Title IX education program, we theorize the culture around not only Title IX but also overall decision making within athletics programs could be improved through more disclosure about resource allocations. Although rarely thought of in this way, Title IX could be the tool that helps athletics departments to adopt healthier organizational models that rely on transparency, accountability, defensibility, and vision in the pursuit of

providing quality educational experiences for male and female athletes. Athletics administrators should consider the following recommendations for how to create a more Title IX literate staff:

1. Build a culture of Title IX buy-in by including Title IX education programs as part of ongoing staff development within your department where compliance is viewed as an opportunity for the entire department to contribute to creative problem solving.
2. Formally review your institution's Equity in Athletics Disclosure Act report with your staff and athletes on a yearly basis.
3. Consider establishing a yearly rotation where you send every administrator and head coach in your department to the NCAA Gender Equity Forum, regardless of sport.
4. If your institution does not have a Gender Equity Committee or Title IX Review Committee, establish one. The NCAA's (2011) *Gender Equity Planning: Best Practices* provides an overview of how to form a committee like this, its composition, and what the charge of the committee should be. The Appendix also provides resources that can be used to do this.
5. Consider creating the mini-Title IX educational moment as part of your ongoing staff communication. If you have a department newsletter or update, brief staff about recent Title IX developments.
6. Implement a Title IX briefing for all new hires within your department to bring them up to speed on where your department is with Title IX compliance and what the goals of your Title IX compliance plan are.

There are a myriad of resources available to support such educational initiatives. For a list of some of those resources, see the Appendix.

Limitations and Future Research

This is the first study of its kind of which we are aware to undertake a national survey of college administrators and their Title IX literacy, and the challenges associated with data collection created limitations. Although we made an effort to collect a representative sample from administrators within DI, DII, and DIII, a greater sample size drawing from administrators from all institutions could have provided additional narrative insights and statistical depth.

Another limitation was the use of an electronic data collection method. We do not know, for example, how many solicitations were blocked or trapped due to spam filters or how many requests were successfully delivered but deleted or ignored by recipients. In the future, perhaps data collection on site at national NCAA administrator meetings might yield a higher rate of participation if this can be negotiated.

Furthermore, the TIXLIT survey in its present form provided valuable descriptive measures that shed light on the Title IX literacy levels of administrators, but adaptations to the survey that would allow for additional tests of significant differences between population means using alternative independent variables would be valuable in the future.

An ongoing research agenda tied to practitioner concerns regarding gender equity and Title IX compliance in athletics departments needs to be completed as well. The focus of this research was on athletics administrators working in NCAA institutions. This effort started to shed light on the depths of what athletics administrators know about Title IX and the climate around gender equity issues within athletic departments, but much more work is ahead to identify levels of understanding and to encourage regular and consistent educational efforts designed to advise decision making and empower those influencing decisions made in college and university athletics programs as well as those influenced by those decisions.

Beyond continued focus on NCAA athletics administrators, a next step in this research line would focus on the insights and experiences of athletics administrators working in 2-year and junior college programs, National Association of Intercollegiate Athletics (NAIA) institutions, and other sectors of the college sport enterprise. Longitudinal studies assessing baseline levels of Title IX literacy should be initiated across constituent groups who have a relationship with college sport programs, including coaches, college athletes, conference athletics administrators, donors, faculty athletics representatives, higher education officials, parents, and Title IX coordinators.

The results of this study argue for the development of tools that will provide routine and accessible Title IX education to those with an investment in realizing gender equity within athletics departments. As more becomes known about this area, future research should examine the dynamics that exist within departments that are more committed to Title IX compliance and to engaging in open and transparent decision-making processes to grow the body of literature related to Title IX best practices.

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Appendix

Selected Title IX Resource Cites

- National Association for Girls and Women in Sport Resources & Title IX DVD, <http://www.aahperd.org/nagws/programs/titleix/>
- National Collegiate Athletic Association Title IX Resource Center, http://www.ncaa.org/gender_equity
- National Women's Law Center, <http://www.nwlc.org/>
- Women's Sports Foundation, <http://www.womenssportsfoundation.org/>
- Title IX Blog, <http://title-ix.blogspot.com>
- Legislative History of Title IX, http://www.now.org/issues/title_ix/history.html
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Management Whitepaper

Discovering Dysfunction in Title IX Implementation

NCAA Administrator Literacy, Responsibility, and Fear

Ellen Staurowsky and Erianne A. Weight

I. Research Problem

Despite the expectation that higher education officials will take responsibility for Title IX compliance, few studies and none in recent years have examined the level of Title IX literacy among NCAA senior athletics administrators. The purpose of this study was to assess four questions related to Title IX literacy among athletics administrators, specifically what do athletics administrators know about basic Title IX requirements, where do they get their information about Title IX, what do they perceive to be their level of responsibility relative to Title IX issues, and do Title IX literacy and perceptions regarding responsibility vary based on whether an administrator is female or male?

II. Issues

As a story by *The New York Times* reporter Katie Thomas in April 2011 revealed, some institutions appear to have manipulated information about female and male participation in college and university athletic programs for the purpose of meeting or improving their Title IX compliance profiles. Uncertainty regarding the motives behind the decisions higher education administrators make when it comes to Title IX and gender equity in athletics contributes to a climate of suspicion that some institutions are not acting in good faith to meet their obligations under Title IX.

Compounding this issue is a larger question regarding how knowledgeable athletics department administrators and coaches are regarding Title IX compliance. Title IX enforcement is based on an expectation that higher education officials will seek to comply voluntarily because of the issues regarding the public good and the public trust. When devised in the mid-1970s, the regulations called for every educational institution in the country receiving federal financial assistance to appoint a Title IX coordinator who would be responsible to work with various constituencies on individual campuses to examine policies, practices, and philosophies in light of Title IX standards.

The intention of this model of enforcement was, in theory, the cultivation of Title IX literate educators and informed citizens who would devise compliance strategies best suited to their respective missions, needs of students, and available resources. Over the past four decades, many institutions either have refused or

failed to appoint a Title IX compliance officer or were unaware of the requirement to do so. Without a central figure on campus charged to oversee compliance efforts, encourage Title IX education, and provide leadership, there has been a lack of systematic and consistent processes for ensuring a baseline level of legislative understanding to consistently guide daily decision making.

It was anticipated this person would assist in the conduct of compliance reviews, hear grievances, oversee corrective and remedial actions, and educate various stakeholders within colleges and universities about Title IX requirements. In 2004, Kenneth Marcus, Deputy Assistant Secretary for Enforcement delegated the authority of the Assistant Secretary for Civil Rights, wrote a letter to higher education officials reminding them of the responsibility to designate a Title IX coordinator. Following a review of the Title IX compliance status of selected institutions receiving federal financial assistance where Title IX violations were found, Marcus reported institutions were failing to designate and/or adequately train at least one employee to coordinate Title IX responsibilities.

This failure to designate and/or train Title IX coordinators has proven to be a crucial disruption in the Title IX enforcement chain. It was expected education would be handled directly within each school, which would have then resulted in generations of employees and students being exposed to the basics about Title IX. Ongoing Title IX education would have served to inform constituencies about what their rights are under the legislation and how it is to be integrated into decision making regarding allocation of resources. There is effectively no information or mechanism to assess the degree to which individuals working in college and university athletics departments have been formally educated about Title IX and its enforcement scheme.

For those fulfilling the role of senior woman administrator (SWA), a designation required by the NCAA to ensure there is a female presence within the athletics department's management team, the role is fraught with potential complications regarding gender equity and Title IX compliance. On one hand, as the designated female presence within the management structure, this person is expected to serve as the advocate for gender equity issues. At the same time, however, gender equity issues are not isolated within one area of athletics departments, but may require change throughout the entire operation. Some SWAs believe they are in a catch-22 situation where they are expected to bring issues forward, yet are confronted with strong prohibitions against doing so.

As research on the Title IX literacy of school administrators, educators, and coaches has shown, few people making decisions regarding Title IX compliance understand the basics of the law itself. In a study of NCAA Division I, II, and III coaches, results demonstrated few coaches to be Title IX literate. The majority of coaches did not have a basic knowledge of the application and extent of the law, had not been educated about Title IX through reliable educational mediums, and possessed a strong desire to learn more and have candid and meaningful discus-

sions about these issues. These results provide clear evidence of the legal illiteracy that results when there is not a systematic mechanism within institutions of higher learning and athletics departments to consistently educate staff and students about Title IX. This lack of knowledge intuitively helps to explain the tensions that arise frequently around gender equity issues.

III. Summary

To garner widespread response from administrators in a variety of institutional affiliations, a random sample of 100 institutions from Divisions I-Football Bowl Subdivision (FBS), I-Football Championship Subdivision (FCS), I, II, and III was selected, and available administrator e-mail addresses were obtained via official institutional department websites. Within each school selected, the survey was sent to two or three administrators including the athletic director, SWA, and another administrator listed as associated with compliance. The instrument was distributed to 1,390 Division I, II, and III administrators, and responses were obtained from 352, garnering a response rate of 25.3%.

The first part of the survey contained a five-question test of basic Title IX literacy. Based on the test results, the respondents demonstrated a moderate knowledge of Title IX basics with between 50% and 90% of the administrator population answering the individual questions correctly. When administrators were asked to identify the primary places where they get Title IX information from a list of 10 sources, with the option of checking all that apply, over 70% reported gathering information on Title IX from an NCAA workshop. Colleagues were their next highest source of information (56.9%), followed by the NCAA News (55.4%), the NCAA Gender Equity Task Force (43.4%), and the mainstream news (40.2%). Men and women administrators differ significantly in the sources they use to gain information about Title IX. Women tend to reference the NCAA Gender Equity Task Force and the Women's Sports Foundation and men rely on colleagues, the mainstream news, the NCAA News, college courses, and workshops hosted by their conference or university for information on the legislation.

When questioned about their institutional Title IX knowledge, roughly three quarters of administrators (75.2%) believed their athletics departments were in compliance with the legislation. Significant differences between men and women appeared, however. Nearly 80% of male respondents reported their department was in compliance, and only 65.9% of female respondents believed this to be true. Separation also existed in the percentage of male and female administrators who reported reviewing their institutions EADA report annually (80.9% of men and 71% of women). Collectively, only 25% of the administrators surveyed reported receiving Title IX education in preparation to become an administrator, and just over one third of the sample reported having a standing committee to monitor Title IX compliance.

In response to a question regarding how comfortable they feel raising Title IX issues in their department, 77.7% believed it was their responsibility to bring

issues forward and 78.3% reported feeling comfortable bringing issues forward, leaving under a quarter of administrators feeling uncomfortable or not responsible relating to Title IX issues. Nearly 8% of the administrators responded they felt they could lose their jobs as a result of advocating for equitable treatment. Significant differences existed in administrators' feelings of Title IX responsibility and fear between sexes. One in 10 women administrators (10%) reported feeling they might lose their job if they were to advocate for gender equity, and just over 1 in 100 men (1.1%) had this feeling. Not surprisingly, more men (85.4%) felt comfortable bringing issues forward compared to 75.6% of the female administrator population.

Respondents were invited to share what they might change to achieve Title IX compliance with less stress and greater positive impact. Just under half of the respondents ($n = 167$) accepted this invitation and elaborated on their frustrations. Just under one third (29.3%) of those responding to the open-ended question voiced a plea for educational clarification of the law, how it is enforced, and/or how to implement it within athletics departments. The second largest subsection of the administrators (26.3%) provided ideas for alternative methods of enforcement including removing football from the proportionality equation, focusing on quality of experiences over quantity of participants, and allowing flexibility in enforcement rules to allow for fluctuation in enrollment or financial distress. Other administrators emphasized the need for funding (13.8%), enforcement (8.4%), and support by administrative colleagues (6.6%). Only 4.2% of the population that responded to this question mentioned satisfaction with Title IX as it currently stands.

IV. Analysis

Both male and female administrators cited the primary source of gender equity information to be the attendance of workshops hosted by the NCAA. Because only 25% of administrators were taught about Title IX in training to become an administrator, these workshops and the other sources of information listed have been paramount to their continuing education and understanding of the law. Despite many quality information sources referenced, the basic Title IX knowledge findings in this study and cited actions of many administrators in the media lend to a conclusion there is a gap in the comprehension and application of the law. Data uncovered in this study reveal much of the Title IX literature and information referenced by administrators is not fully understood, and in addition, many administrators are facing difficulty enacting gender equity initiatives or raising gender equity concerns because of departmental constraints and fear.

Administrator responsibility and fear findings may provide insight into why the information administrators receive from workshops is not being put to practice at many institutions. Just under 20% of male and female administrators did not feel it was their responsibility to bring Title IX issues forward. This begs the question, if it is not their responsibility—the responsibility of senior administra-

tors within an athletics department—whose responsibility is it? This critical element of Title IX compliance and buy-in is a dysfunctional link in the enforcement chain. With 1 in 5 administrators not feeling a sense of responsibility for gender equity issues, it is not surprising that much of the information received in workshops is not put into practice.

Even more alarming, perhaps, are the feelings of fear associated with the law. Nearly 22% (21.9%) of female respondents and 9% of male respondents reported not being comfortable bringing issues forward, and 10% of women and 1.1% of men felt they could lose their jobs for being a gender equity advocate. When 1 in 10 women are not comfortable bringing up an issue, this points to a deeper problem well beyond simple knowledge of the law. In an educational institution where social change should be rooted, if administrators are hesitant to broach a topic, or even feel they could lose their job for speaking out, progress will undoubtedly be meager at best.

These findings reinforce the argument that there is a breakdown in the mechanism in place to create a responsive institution culture that consistently, confidently, and systematically works to implement Title IX throughout athletics departments. This gap then allows for misunderstandings to occur, a generalized sense that few avenues are available for individuals within athletics to advocate for gender equity, and a palpable sense of fear for those considering holding athletics departments and institutions accountable.

V. Discussion/Implications

We recommend that simplified educational programs be developed across the board to reach all campus constituencies in an effort to create an investment in institutional compliance. When Title IX education programs for entire departments are proactively initiated, the silence around the topic or the difficulties associated with one member of the staff (most often a female member of the staff) bringing the topic up is alleviated to some degree. This allows a forum to discuss without the sole campus representative “pushing the gender issue.” Resources are available to assist in this process including the NCAA Gender Equity and Issues Forum and the *Title IX* DVD, but until education is mandated, regulated, or streamlined, these materials will likely serve as little more than a reference not to be enacted as has so often happened.

Through a comprehensive, well-grounded Title IX education program, we theorize the culture around not only Title IX but also overall decision making within athletics programs could be improved with more disclosure about resource allocations. Although rarely thought of in this way, Title IX can help athletics departments to adopt healthier organizational models that rely on transparency, accountability, defensibility, and vision in the pursuit of providing quality educational experiences for male and female student-athletes.