



Frequently Asked Questions: Title IX — Publicity



Q: What is the Title IX “Laundry List” of benefits?

A: Title IX regulations require that institutions “provide equal athletics opportunities for members of both sexes.” In order to determine whether or not a school provides equivalent athletics benefits and opportunities, the Office for Civil Rights (OCR) will review the following “laundry list” of treatment issues:

- (1) Provision and maintenance of equipment and supplies;
- (2) Scheduling of games and practice times;
- (3) Travel and per diem expenses;
- (4) Opportunity to receive tutoring and assignment and compensation of tutors;
- (5) Opportunity to receive coaching, and assignment and compensation of coaches;
- (6) Provision of locker rooms, practice and competitive facilities;
- (7) Provision of medical and training services and facilities;
- (8) Provision of housing and dining services and facilities;
- (9) Publicity;
- (10) Support services; and
- (11) Recruiting.

The availability, quality and kinds of benefits, opportunities, and treatment provided to members of both sexes must be assessed within each of these areas. Compliance can only be established if the men’s overall program and the women’s overall program are equal in effect. The law does not mandate identical benefits, opportunities or treatment in each area but rather provides that where members of one sex enjoy more favorable treatment in one area, such benefit must be “offset” by treatment in another area that favors members of the other sex.

This flexibility sometimes lulls schools into relying upon equitable budgeting for programs of each sex and then leaving it to the coaches to decide how best to spend money. While this approach certainly empowers coaches and encourages them to make responsible decisions, it can lead to treatment problems

if not monitored. It is imperative to make sure that the decisions do not merely reflect the preference of the coach but also fits into the department’s overall plan for equitable distribution of support and resources.

The key questions that must be asked in each of the treatment areas are the following:

- a. Are the benefits provided to students equally available?
- b. Is a benefit being provided to one sex, but not the other? If so, why?
- c. Is the under-represented sex denied or limited any benefit that is provided to the other sex? If so, why?

Q: How is equity measured in the area of publicity?

A: Three factors need to be assessed when evaluating whether there is equitable treatment of men’s and women’s programs in this area:

- Quality and availability of sports information personnel.
- Access to other publicity resources for men’s and women’s programs.
- Quantity and quality of publications and other promotional devices.

While Title IX does not have jurisdiction over the general media, it does apply to colleges and universities and, more specifically, to the provision of publicity to both the men’s and women’s programs. While no athletics department can guarantee coverage of women’s teams in the papers, on the radio, Internet or television, an institution can guarantee that equivalent efforts to publicize and promote the women’s programs are in effect. Title IX requires that departments strive to meet the overall goal of equivalent publicity for men’s and women’s sports overall

Sports information personnel

At most institutions, there are likely to be few full-time professional sports information personnel, but they are assisted by several students with varying degrees of experience and expertise. One fair way to make team assignments is to have

the professional staff service the same number of men's and women's teams and to share equitably the student pool between the men's and women's programs.

The quality of the work should be comparable if this method of assignment is used. Compliance issues arise when professional personnel are assigned to football and men's basketball while students are assigned to cover the women's teams. It also would be problematic, for example, to have the professional staff assigned to three men's teams and only one women's team.

The availability of personnel can be established by investigating the number of home events and the number of away events attended by the sports information person assigned to each sport. A common problem is found when men's teams have support people both at home and away events while women's teams have them at home events only. Another problem exists if the professionals cover the men's teams on the road while students travel with the women.

Certainly some allowances may be acceptable where media demands for one sport may be greater than for other sports, but it is important to tread carefully here. The OCR has recognized that a disparate amount of time and effort may be directed toward a particular athlete up for a national award. Each case is evaluated on its own merits, however, and it is important to have a nondiscriminatory policy that ensures similar coverage on both sides of the aisle for athletes of similar note. In general, it would be prudent to analyze overall the time spent by the professional staff and by students on the men's program compared to that spent by each group on the women's program and to document those nondiscriminatory reasons (if any) for disparities that may exist.

Publications

At some universities, publications may include media guides, game programs, schedule cards, posters and press releases. When attempting to assess the quality of those publications, one should consider such factors as the size of the publication, number of pages, quality of the paper and cover, and color versus black and white. The quantity can be assessed by checking with the coach to find out if the team's needs are being met.

- A common way to ensure equitable treatment is to provide equivalent quality of media guides to the same number of

men's and women's teams. Identical thickness of media guides is not required since some men's teams have a much longer history and therefore many more statistics.

- For game programs/schedule cards and posters, again, the easiest way to treat teams in an equitable fashion is to ensure that the same number of men's and women's teams have a similar quality of items.
- For press releases, two practices can help ensure fairness in this area. First, issue press releases for all teams in season at the same intervals, and second, issue press releases for the same teams in similar quantities and to similar locales. That is an area where the institution can help the media develop an interest in women's sports and thereby increase the coverage. If the institution fails to do so, there is little hope of achieving greater media coverage for women's sports.
- Finally, new mediums for publicity must be evaluated: Web site coverage, downloadable programming, etc. The same standards of equitable treatment apply to newer technology and outlets for promoting and covering the university's sport programs.

Other publicity/promotional resources

Some institutions have been successful in publicizing, promoting and marketing their women's teams and are now reaping the positive benefits of increased spectatorship and sponsorship. The minimum threshold for compliance in this area is that the effort made by the institution to publicize, promote and market its women's program must be equivalent to that expended for its men's program. It is the degree of effort that will be assessed rather than the results.



A common problem arises when a department determines that only the few sports that have the potential to bring in revenue will be promoted and marketed. For example, there would be a compliance problem if football, men's basketball, men's ice hockey and women's basketball were assigned the bulk of the promotional time, effort and money. Thus, institutions that have "major/minor classifications" or a "tier system" should investigate the promotional devices being used in all sports in order to ensure that the women's program is receiving an equitable share of the personnel and the finances in that area.

When it comes to the medium used for publicity (for example, newspapers, radio, the Internet and TV) again, efforts to publicize, promote and market women's teams should be equivalent to the efforts for men's teams. A common problem occurs when resources are used primarily or exclusively for men's teams. That occurs often when men's events are promoted through paid advertisements in the newspapers, on radio or on television. Another compliance problem arises if a university pays, or helps pay, for a coach's show on radio or on television in any of the men's sports but fails to do so for any women's sports.

As for support groups, the basic rule of thumb is that they should be made equally available for men's and women's events, both at home and away. These groups include cheerleaders, mascots, marching band or pep band, and dance squads.

It would be prudent to have written policies in all areas related to publicity to ensure compliance with the law.

Outsourcing

Some institutions have begun to outsource the marketing and promotional needs of individual or entire programs. While that approach is completely acceptable, institutions must remember that it does not relieve them of compliance in this area. Instead, they must ensure that the contractor is providing an equitable level of service. The best way to deal with this requirement is to incorporate the requirement of providing equitable treatment into the contract with the marketing vendor. If the vendor fails to provide equitable treatment, the institution must fill the void in-house.

For more information, see the NCAA's Gender Equity Web site:
www.NCAA.org/gender_equity
and particularly the online NCAA Gender Equity Manual