

11. The Chief Title IX coordinator and the athletics Title IX coordinator should meet annually with the Student-athlete Advisory Committee (SAAC) and/or team captains to engage in an interactive discussion of the treatment (aka laundry list) items, the institution's Title IX policy, complaint procedures, adding sports, and their experiences related to athletics participation.

▶ Sample Title IX Policy for Athletics

The following can serve as a model for an institutional Title IX policy.

Title IX provides that:

"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."

Although Title IX prohibits sex discrimination campus-wide, it has been defined to apply to intercollegiate athletics in three specific areas: Participation, Scholarships and Treatment of Existing Athletes and Programs. Title IX compliance requires equity as that term has been defined under the law in each of these three areas. [school] believes that all student-athletes have a right to participate in an athletic program free of discrimination, including sexual harassment and retaliation. [school] believes in the educational value of intercollegiate athletics and as such offers a competitive NCAA Division [I,II or III] varsity athletics program and is a member of the [name] conference[s].

Participation in intercollegiate athletics is a privilege and as such, those who participate agree to abide by the rule and regulations set forth by the NCAA, [] conference and [this school]. These rules are comprehensive and anticipate that those who participate in athletics will demonstrate a serious commitment to their teams. [schools should tailor this paragraph to their institution and the expectations of their athletics program.] [school] offers athletics participation opportunities at the intermural, club and intercollegiate levels. A summary of each is provided below:

[draft a description of each level with the assistance of students participating at each level]

Participation. Title IX provides three separate avenues for a school to demonstrate equity. Those who wish to compete on a varsity sport that is not currently offered at [school] may file a petition to gain varsity status. Petitions will be reviewed annually. Factors considered shall include gender equity, interest and ability, intercollegiate competitive opportunities, among others.

Athletics Scholarships. [if applicable] [school] offers equitable athletic scholarships to its male and female student athletes. Whether determining equity between male and female student-athletes, Title IX expects that the percentage of men and women who play sports will essentially mirror

the percentage of athletics based aid provided to male and female student-athletes.

Treatment. Title IX expects athletics programs to treat its male and female student-athletes equally with regard to the following areas:

- a. The provision of equipment and supplies;
- b. Scheduling of games and practice time;
- c. Travel and per diem allowance;
- d. Opportunity to receive coaching and academic tutoring;
- e. Assignment and compensation of coaches and tutors;
- f. Provision of locker rooms, practice and competitive facilities;
- g. Provision of medical and training facilities and services;
- h. Provision of housing and dining facilities and services;
- i. Publicity.
- j. Recruitment

Equity in this area means that there is equality when assessing how men as compared to women are treated in the aggregate in these areas. For example, men and women that play the same sport would not necessarily receive the same benefits but that an equitable number of men and women are treated alike. Also, because sports differs, they require different gear, medical attention, numbers of coaches, among other things. Accordingly, [school] provides believe that student-athletes should be treated equally given the unique features of their sports.

No matter the source of the funds used to support student-athlete financial aid and treatment (e.g., fund-raised, donated, contractually-secured), [school] will treat student-athletes equitably in its support of their participation.

▶ Helpful Links

NCAA Title IX Resource Center:
www.ncaa.org/title_ix

NCAA Gender Equity Manual:
<http://www.ncaapublications.com/p-4206-gender-equity-online-manual.aspx>

NCAA Gender Equity Planning Best Practices (includes a sample plan):
<http://www.ncaa.org/wps/wcm/connect/656e888040f809b797adff8fb435b24b/Final+online+version.pdf?MOD=AJPERES&CACHEID=656e888040f809b797adff8fb435b24b>

Office For Civil Rights:
<http://www2.ed.gov/about/offices/list/ocr/help.html>



The Title IX Coordinator and Athletics Compliance



▶ Title IX Legal Summary Overview

Passed in 1972 to ameliorate sex discrimination in educational settings, Title IX regulations as applied to athletics opportunities, financial aid and student-athlete treatment are complex. Intercollegiate athletic departments are expected to maintain gender equity plans that assist them in assessing compliance and correcting discrepancies. Ultimately the university is responsible for Title IX compliance, including efforts to provide equitable intercollegiate athletics experiences.

▶ Title IX Coordinator Overview

Every educational institution that receives some form of federal financial aid is required to designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX. 65 C.F.R. § 618.135(a). This person should oversee compliance, development, and implementation of grievance procedures, and the intake, investigation, and resolutions of complaints of noncompliance for the entire institution, not just the athletics department. The name, address, and telephone number of this person must be made available to students and employees. In addition, the contact information for this person must also be set forth in all recruiting materials published by the covered entity.

The Title IX coordinator's role should include the following:

- ▶ providing consultation and information regarding Title IX requirements to potential complainants;
- ▶ distribution of grievance forms to potential complainants;
- ▶ receipt of formal grievances and providing notification to complainants of receipt of the grievance;
- ▶ scheduling grievance hearings;
- ▶ moderation of grievance procedures;
- ▶ notification to all parties regarding grievance decisions;
- ▶ notification of complainants of the right and procedures of appeal;
- ▶ monitoring compliance of all requirements and time lines specified in the grievance procedures;
- ▶ training of staff responsible for grievance procedures;
- ▶ maintenance of grievance and compliance records and files; and
- ▶ provision of ongoing training, consultation, technical assistance, and information services regarding Title IX requirements, grievance issues, and compliance programs.

Ideally, the Title IX coordinator should not only have a practical working knowledge of Title IX as it applies across the educational setting, including but not limited to athletics, he or she also should be able to apply its protections in light of other nondiscrimination laws, including the Rehabilitation Act and the Americans with Disabilities Act (pregnancy issues), Title VII (harassment and gender discrimination), Title

VI (Title VI was the model for Title IX; courts frequently look to decisions under Title VI when applying Title IX), and relevant state antidiscrimination laws. In addition, the Title IX coordinator is responsible for overseeing investigations, so he or she should be aware of any applicable due process protections. He or she must be able to identify, clarify, and resolve Title IX issues and be able to gain access to the information necessary to resolve complaints and be provided the authority necessary to enforce compliance.

The Department of Education (DOE) published a helpful guide titled Title IX Grievance Procedures: An Introductory Manual that sets forth specific descriptions of the duties and responsibilities of a Title IX coordinator. It also contains helpful guidance to consider when drafting compliant grievance procedures, including a sample procedure. This document may be found at <http://www.eric.ed.gov/PDFS/ED396455.pdf>.

The Office for Civil Rights has issued three Title IX "Dear Colleague" letters since April 2010 on subjects ranging from athletics participation opportunity, sexual harassment and bullying, and acceptable procedures related to sexual violence incidents. Details about this guidance can be found in the NCAA Gender Equity Manual and on the government's website — <http://www.ed.gov/category/keyword/titleix>.

▶ Title IX Coordinator Best Practices

1. House the Title IX Coordinator position in the Equal Employment Opportunity/Affirmative Action office with a secondary coordinator position housed in the Department of Athletics. Include a dotted line report from the athletics expert to the university's Chief Title IX Coordinator.
2. Ensure that both the Chief Title IX Coordinator and the Athletics Title IX Coordinator attend the annual NCAA gender equity forum.
3. Draft a Title IX Athletics Policy that addresses the specific ways that Title IX applies to intercollegiate athletics specifically and folds in the institutional policies with regard to prohibitions against sexual discrimination, including sexual harassment and retaliation. Develop and train all university staff about complaint and resolutions procedures.
4. Form a Gender Equity Committee on Athletics, chaired by the Chief Title IX Coordinator and populated by faculty and staff across the university, including the Faculty Athletics Representative and the chair of the student senate. Have the committee staffed by the Director of Athletics, the Athletic Administrator/Coach with the Senior Woman Administrator and the Title IX Department of Athletics Coordinator. The Committee Chair should report annually to the President of the institution with regard to the findings and work of the committee.
5. Develop a proactive, comprehensive gender equity plan which is endorsed by campus leadership and reviewed regularly by the gender equity committee. The plan

should include areas for assessment that include the thirteen Title IX review areas and provide for articulation of measurable goals, assignment of responsibility, projected costs, and a timeline for completion.

6. Bring in a Title IX expert bi-annually to update the Committee on recent developments in the law and to refresh the expertise of the committee as well as educate new members.
7. Assign a separate item from the treatment list (aka known as the laundry list) to each member of the committee to allow the group to have resident experts in their particular area and to ensure that all facets of Title IX compliance are visited annually:
 - a. Participation opportunities
 - b. Scholarships
 - c. The provision of equipment and supplies;
 - d. Scheduling of games and practice time;
 - e. Travel and per diem allowance;
 - f. Opportunity to receive coaching and academic tutoring;
 - g. Assignment and compensation of coaches and tutors;
 - h. Provision of locker rooms, practice and competitive facilities;
 - i. Provision of medical and training facilities and services;
 - j. Provision of housing and dining facilities and services;
 - k. Publicity.
 - l. Recruitment

Also include an evaluation of fundraising practices, communication with donors and nondiscriminatory policies for expenditure of all funds.

8. Include gender equity questions in the annual student-athlete experience survey. Include a question asking student to identify the Title IX Coordinator. Ensure that the equity components of the survey are shared with and discussed by the Title IX Gender Equity Committee.
9. Survey the head coaches of men's and women's sports annually with regard to all aspects of Title IX, including squad size, scholarships, and the treatment areas. Surveys should be worded to educate the coaches about the law, appropriate communication about programmatic decisions, university policy and access their opinions about current status of program support and future plans for improvement.
10. The Gender Equity Committee should review and discuss the Equity in Athletics Disclosure Act submission (EADA), participation squad lists and the NCAA financial report annually. The committee should also ensure that the institution is documenting its efforts, history and unusual circumstances related to all compliance areas.