

Title IX  
Within Interscholastic Athletics  
and Booster Clubs

Sports Related Lawsuits

1997 Title IX Complaints:

Scholastic 154

Collegiate 88

2000 Title IX Complaints:

Scholastic 214

Collegiate 24

## Sports Related Lawsuits

1997 Title IX Lawsuits:

Scholastic 24

Collegiate 37

2000 Title IX Lawsuits:

Scholastic 88

Collegiate 18

## Title IX Compliance Framework

- Component I: Sports Offerings
- Component II: Athletic Scholarships (N/A)
- Component III: Other Athletic Benefits
  - PLAYING FAIR

## Component I: Sports Offerings

- The Three Prong Test:
  - Substantial Proportionality
    - Ratio of female athletic participation must be “substantially proportional” to the ratio of female enrollment
  - History of Continuing Practice of Program Expansion
    - OCR focuses on very recent history (last three years)
  - Full and Effective Accommodation of Athletic Interests and Abilities
    - Surveys to show that all sports interests of female students have been “fully” and “effectively” satisfied

## Component III: Other Athletic Benefits

### PLAYING FAIR

- **P** : Protective Athletic Equipment and Supplies
  - *Quality Athletic Equipment*
  - Suitability of Athletic Equipment
  - *Amount of Athletic Equipment*
  - Maintenance of Athletic Equipment
  - Availability of Athletic Equipment

## Component III: Other Athletic Benefits

### PLAYING FAIR

- **L** : Locker Rooms and Practice/Competition Facilities and Playing Fields
  - Quality and Availability of Facilities
  - *Exclusivity of Use of Facilities*
  - Event Preparation in Facilities
  - Maintenance and Repair of Facilities
  - *Locker Room Quality*
  - Locker Room Availability

## Component III: Other Athletic Benefits

### PLAYING FAIR

- **A** : Allocation of Travel/Transportation
  - *Modes of Transportation*
  - *Housing During Overnight Travel*
  - *Length of Stay Before/After Events*
  - *Meal Allowances*
  - *Dining Arrangements*

## Component III: Other Athletic Benefits

### PLAYING FAIR

- **Y** : Years of Experience, Quality Compensation and Assignment of Coaches
  - Availability of Coaches
  - Assignment of Coaches
  - *Compensation of Coaches*
    - *Volunteer Coaches*

## Component III: Other Athletic Benefits

### PLAYING FAIR

- **I** : Institutional Housing and Dining Facilities (Boarding Schools)
  - Housing Quality and Arrangements
  - Dining Quality and Arrangements
  - Special Services Related to Housing and Dining Arrangements

## Component III: Other Athletic Benefits

### PLAYING FAIR

- **N** : Nature of Sports  
Publicity/Marketing/Media Services
  - Sports Information Personnel
  - *Sports Program Related Publications*
  - *Other Publicity Resources for Your Interscholastic Athletic Program*

## Component III: Other Athletic Benefits

### PLAYING FAIR

- **G** : Game and Practice Times/Scheduling
  - Number of Competitive Events
  - Time of Day Events are Scheduled
  - Number/Length of Practice Opportunities
  - Time of Day Practices are Scheduled

## Component III: Other Athletic Benefits

### PLAYING FAIR

- **F** : Facilities For and Access to Athletic Training and Medical Services
  - Availability of Medical Personnel
  - Availability of Athletic Trainers
  - *Availability of Weight/Training Facilities*
  - *Availability of Conditioning Facilities*
  - Health/Accident/Injury Insurance

## Component III: Other Athletic Benefits

### PLAYING FAIR

- **A** : Academic Tutoring Services for Student-Athletes
  - Opportunity to Receive Tutoring
  - Assignment of Tutors
  - Compensation of Tutors

## Component III: Other Athletic Benefits

### PLAYING FAIR

- **I** : Institutional Support Services for Athletic Programs
  - Secretarial and Clerical Assistance

## Component III: Other Athletic Benefits

### PLAYING FAIR

- **R** : Recruiting Resources for Athletic Programs (For Collegiate Only)

## Booster Clubs

- Private Fundraising is Permissible
- Outside donations, such as contributions from businesses, community members or parents are treated as private funds even if the school doesn't have a formal "booster club."
- Vastly unequal budgetary allocations usually result in unequal treatment and therefore suggest inequality concerns

## Booster Clubs

- Title IX requires that boys' and girls' teams must have equal access to comparable benefits and services no matter the source of money.
- To be in compliance, the school may have to provide equity through the school athletic fund/budget.

## Caution For Booster Fund Raisers

- A school district that accepts outside financial assistance and allows vast gender differences to emerge at the hands of a third party (the booster club) may face claims it has violated Title IX.

## Caution For Booster Fund Raisers

- “Where booster clubs provide benefits or services that assist only teams of one sex, the institution shall ensure that teams or the other sex receive equivalent benefits and services.” (Title IX Athletic Investigators Manual, Office of Civil Rights)

## Caution For Booster Fund Raisers

- “If booster clubs provide benefits and services of one sex that are greater than what the school provides to athletes of the other sex, then the institution shall take action to ensure that benefits and services are equivalent for both sexes.” (Title IX Athletics Investigator’s Manual, OCR)

## Caution For Booster Fund Raisers

- Title IX Compliance is not only a Male to Female Comparison, but a Program to Program Comparison (Example: Football Compared to Cross Country)



QUESTIONS?