

MEASURING WOMEN'S INTEREST IN PARTICIPATION IN INTERCOLLEGIATE ATHLETICS: A CRITIQUE

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In the discourse concerning the proper implementation of Title IX, an issue that has become increasingly prominent is the level of women's interest in participating in intercollegiate athletics. The three-part test for Title IX compliance endorsed by the federal courts requires that if a school has failed to provide participation opportunities proportionate to the undergraduate enrollment, and has failed to show a history and continuing practice of expanding opportunities for the underrepresented sex, then it must demonstrate that the interests and abilities of the underrepresented sex are being fully and effectively accommodated by the existing program.¹ The use of this three-part test has made the third prong regarding interests and abilities the critical prong because overwhelmingly schools fail the first and second prongs. The third prong is thus viewed as the last hope against a finding of noncompliance. Therefore, the question of women's interest in sport participation has provoked much debate. Women have historically had far fewer opportunities than men to participate in sports. In the years since Title IX mandated equal opportunity, women's participation has increased but seems to have plateaued at approximately thirty-five per cent of total athletics participation at both the high school and college levels.² Some have inferred from this that women are not as interested as men in participating in sport.

This widely accepted oversimplification of the problem is illustrated in an editorial written by Terry Don Phillips and Paul Makris, athletics department personnel at the University of Arkansas, Fayetteville. Phillips and Makris argue that lower participation numbers in intramural and interscholastic sports demonstrate that females are not as interested as males. They compare these ratios with participation in other extracurricular activities such as band, debate, drama, choir, and pep squads in which the female participa-

tion rate is much higher than that of males, and assert that this comparison demonstrates that women are more interested in these activities than in sport. They conclude that the "data strongly indicate that women have a more limited interest in sports than men."³ However, they fail to acknowledge that factors other than lower interest could at least partly explain the lower participation rate of females.

Instead of relying solely on inferences from participation ratios, several universities are attempting to directly assess women's interests and abilities through the use of interest surveys. The NCAA itself has completed pilot-testing of such an instrument and has made it available for distribution to member institutions.⁴ This methodology could be used to gather information for the purpose of making a well-informed determination about program changes necessary in order to move toward Title IX compliance. There is a danger, however, that interest surveys could also be used to attempt to prove that women are not as interested as men in participating in sport, thereby proving that the existing program meets women's needs under prong three of the compliance test. This potential attempt to prove compliance based on lack of female interest in participation is worrisome because measuring female interest is complicated by several factors that are often overlooked.

The use of interest surveys may be problematic on two levels: first, the very use of such surveys to address the interest and ability issue may be conceptually flawed; and second, there may be bias, intentional or unintentional, in the construction of the instrument that would render the data suspect.

USE OF INTEREST SURVEYS IS CONCEPTUALLY FLAWED

The following five problems with the use of in-

terest surveys will be discussed in turn: 1) hidden factors which may create a false perception of low female interest; 2) depressed female interest and/or ability due to past and current discriminatory practices; 3) assessment of female interest **RELATIVE** to male interest; 4) inappropriate target populations; and 5) women's documented tendency to underrate their own ability.

False Perception of Low Female Interest

The first problem with the use of interest surveys is that measuring interest ignores factors that may create a false perception of low female interest in sport participation. Three factors other than lack of interest could at least partly explain the lower participation rate of females. For one thing, there are many women who have serious interest and ability in sports that are not traditionally offered as part of the school athletics menu, for example, some of the Olympic sports such as figure skating, skiing, riflery, and equestrian events. Assessing interest in athletics based on programs with traditional menus may be unfairly ignoring large amounts of interest and ability.

Second, part of the numerical imbalance in participation is caused by large male participation numbers in football, which has no female equivalent, combined with the common practice of offering more sports for males than for females. To illustrate this latter point, in 1993-94, a Division I-A midwestern university offered ten sports for men and nine sports for women, and carried ninety-seven players on its football team. The total percentage of athletes who were female was thirty-two percent. If football is subtracted from the calcu-

lation, thus removing ninety-seven male athletes and evening the number of sports offered to both sexes, the total percentage of athletes who were female rises to forty-one percent (see Table 1).

Third and finally, many of the sport offerings for men are team sports that carry larger squad sizes than most of the similar sport offerings for women (see Table 1). These three factors, having nothing to do with lack of female interest, may serve to elevate male participation numbers arbitrarily and contribute unfairly to the perception of depressed women's interest.

TABLE 1
Numbers of Intercollegiate Athletics Participants at a Selected Division I-A University in the Midwest 1993-94

MEN		WOMEN	
Baseball	33	Softball	16
Basketball	13	Basketball	15
Cross Country	27	Cross Country	16
Golf	16	Golf	8
Swimming	22	Swimming	21
Tennis	10	Tennis	11
Track	55	Track	43
Soccer	24	Gymnastics	15
Ice Hockey	29	Volleyball	11
Football	97		
TOTAL = 326		TOTAL = 156	
Total Number of Athletes		482	
Total Percentage of Male Athletes		68%	
Total Percentage of Female Athletes		32%	
Not Counting Football, Total Number of Male Participants		229	
Not Counting Football, Total Number of Athletes		385	
Not Counting Football, Total Percentage of Male Athletes		59%	
Not Counting Football, Total Percentage of Female Athletes		41%	

Depressed Female Interest Due to Discrimination

The second problem with the use of interest surveys is accounting for depressed interest and/or ability due to past and current discriminatory practices. Measuring interest without having provided

the opportunity for it to develop is unfair. It is difficult to maintain a serious interest and ability in something which you have had no organized opportunity to pursue. For example, someone who grows up in South Florida will have had very little opportunity or encouragement to play ice hockey. It is no coincidence that geographic areas where ice hockey is most popular are those areas that provide the most opportunity for people to participate in that sport. Women have historically had far fewer opportunities than men to participate generally in sports. This entrenched lack of opportunity may be causing female participation numbers to plateau at approximately 35% of total student participation.⁵ Surveying women college students about sports in which they might be interested but have never been able to pursue in high school ignores this possibility. Similar surveys of female high school students would be subject to the same criticism, because opportunities have been similarly limited at that level.

Assessment of Relative Interest

Third, surveys are often used to assess female interest in participation relative to male interest (rather than to measure absolute female interest), a comparison which is legally irrelevant. The argument made by several universities is that accommodating the same percentage of interest for females as for males would be fair and equitable. In other words, if 25% of the total male interest in participation is accommodated, then it should be sufficient to accommodate 25% of the total female interest as well. The problem is that this relativistic argument rests on the assumption that women's interest is less than men's; universities would not propose accommodating 25% of the interested parties of each sex if they did not believe that only a small portion of men's interest is being accommodated and that it would be easy to accommodate the same proportion of women's interest because fewer women are interested. Following the "relative interest" arrangement would allow universities to continue to offer fewer absolute participation slots for women, which is contrary to the remedial intent of Title IX.

Henson and Cabaniss have addressed the "relative interest" argument and its assumption of lesser female interest. They provide three responses to the argument that accommodating interest on a relative basis is fair.⁶ First, the purpose of Title IX is remedial; that is, it provides redress for the stereotype-driven discrimination implicit in the relativistic standard, which is that females do not need to be given as many sport opportunities because they are not as interested or as able as males.⁷ Statistical support

for this stereotype would not render it any less stereotypical or discriminatory. It is the history of such stereotypical notions about women and sport that would give rise to statistical imbalances. In analogizing to a different factual context, Henson & Cabaniss discuss Craig v. Boren (an equal protection case), in which the Supreme Court struck down a statute that legalized alcohol consumption at an earlier age for females than for males based on statistics that demonstrated more alcohol-related automobile accidents were caused by young males than by young females.⁸ The Court "rejected discriminatory regulation of alcoholic beverages based on gender...stereotypes with regard to drinking habits, even though such stereotypes were supported by statistical evidence."⁹ The Court stated, "In sum, the principles...are not to be rendered inapplicable by statistically measured but loose-fitting generalities concerning the drinking tendencies of aggregate groups."¹⁰ In other words, a stereotype may be statistically supported but there may be factors other than the stereotype itself that contribute to the statistical representation. Thus, if a university were to find a statistical disparity in aggregate female interest in sport participation, that finding alone should be insufficient to justify a discriminatory distribution of participation opportunities.

Moreover, the Supreme Court has recognized the effect of historical discrimination on the attitudes of minority groups. In Cannon v. University of Chicago, the Court criticized the university's use of statistics regarding the small number of female applicants relative to male applicants to medical school, asserting "Of course, the dampening impact of a discriminatory rule may undermine the relevance of figures relating to actual applicants."¹¹ This opinion recognizes that a tradition of discrimination in opportunities provided can depress interest and perceived ability and render reliance on survey results a risky business.

Second, the Office of Civil Rights' (OCR) Policy Interpretation lists four requirements for methods of institutional determination of athletic interests and abilities which, Henson argues persuasively, imply an absolutist approach. The first requirement demands that "[t]he processes take into account the nationally increasing levels of women's interests and abilities."¹² This focuses on women's interests without asking for a comparison to men's interests. Additionally, accounting for national trends suggests comparing the interests of local students with a wider sample of women, not with the interests of local men. The second criterion requires that "[t]he methods of determining interest and ability do not disadvantage the members of the underrepresented sex."¹³ As

discussed above, the purpose behind use of the relativistic approach would be to justify the current disparity in participation slots, which would operate to disadvantage females. OCR's third requirement is that "[t]he methods of determining ability take into account team performance records."¹⁴ Again, nothing is mentioned about a comparison based on sex here. And the fourth criterion is that "[t]he methods are [to be] responsive to the expressed interests of students capable of intercollegiate competition who are members of an underrepresented sex."¹⁵ Once more, the focus of the requirement is on the interests of the underrepresented sex, with no mention of comparison to the interests of the other sex. If the Office of Civil Rights had intended that women's interests be assessed relative to the interests of men, some kind of comparison would have been required in this section of the Policy Interpretation. Its conspicuous absence indicates that a relativistic approach was not what OCR intended.

Third and finally, as set forth in another portion of the Policy Interpretation, the standard enunciated by the Office of Civil Rights in the third prong of the compliance test is that the interests and abilities of the underrepresented sex must be fully and effectively accommodated.¹⁶ As the 1st Circuit noted in Cohen, and the 10th Circuit reiterated in Roberts, the relativistic approach "reads the 'full' out of the duty to accommodate fully and effectively."¹⁷ These courts found that men's interests and abilities are irrelevant to fully accommodating women's interests and abilities, and therefore rejected the relativistic approach as against the plain meaning of the law.

For the reasons stated above, the comparison of female interest to male interest is a fundamentally flawed approach. Indeed, the Cohen and Roberts courts rejected this perspective as contrary to the remedial intent of Title IX.

Inappropriate Target Populations

A fourth problem with the concept of using interest surveys is the difficulty in determining the appropriate target population to survey. Many universities have been satisfied to survey only their own existing student body, and the NCAA's instrument will similarly target the member universities' existing students.¹⁸ The underlying assumption seems to be that currently enrolled students are the relevant reference group. This is a logical perspective for the first prong of the compliance test which requires the proportion of athletes who are female to reflect the proportion of female undergraduates. If women are half the student body, they should have equal participation opportunities. However, the existing student

body is not the logical reference group for the third prong regarding accommodating interests and abilities. Most athletes are not walk-ons nor are they recruited from the existing student body; on the contrary, they are recruited to attend the university primarily for their athletic prowess, and frequently from out of state. For purposes of satisfying the third prong, what the existing female students might be interested in doing is largely irrelevant because they are not the pool from whence athletes are drawn. An interest survey should, then, target high schools in the states from which athletes are typically recruited. Again, however, the problem of depressed interest and ability is present at the high schools just as it is at the college level. Therefore, measuring interest in a more appropriate recruiting pool is also problematic. Moreover, targeting recruiting-area high schools still does not measure interest and ability in sports not traditionally offered in school settings.

Women Underrate Their Ability

Finally, the fifth problem inherent in the use of interest surveys is accounting for women's tendency to underrate their own ability, as documented in the sport psychology research on sex differences in attributions and self-confidence. Women tend to attribute success to external factors such as luck rather than to internal factors like skill or preparation.¹⁹ Women also score lower on measures of self-confidence in activities that are considered nontraditional for women, and tend to underrate their ability in tasks not considered traditionally appropriate for females.²⁰ Sport activities typically are grouped in the category of activities not considered traditionally appropriate for women. Therefore, asking women to rate their own ability to participate in sport at the intercollegiate level may result in data that does not accurately reflect women's true ability levels. The NCAA's survey asks specifically about whether the respondents think they have the ability to compete at the varsity level, a question which would play right into the underrated ability problem. However, it also asks if the respondents think they might be able to develop the requisite ability if provided time and/or help.²¹ Perhaps this follow-up question is sensitive to the problem of female lack of self-confidence in sport. On the whole, however, surveys fail to adequately address this problem.

Most surveys do not ask women to rate their own ability directly; rather, ability is assessed in part based on past participation at the high school level. However, assumptions about ability are also built into questions that ask respondents to indicate whether

they would try-out for or be interested in participating in a sport at the intercollegiate level. A respondent probably would not indicate interest in participating if they were not confident that they had sufficient ability. Therefore, women may be self-selecting out in their responses, again potentially resulting in suspect data.

In sum, the concept of surveying women's interest in sport participation is problematic in several ways. Using such surveys runs a real risk of ignoring or obscuring the problems discussed above, and thus risks obtaining results that do not accurately reflect reality. Nevertheless, it seems that such surveys are increasingly being used. Therefore, it is necessary to move from the problems inherent in the use of such surveys to an evaluation of some existing surveys for

the purpose of identifying potential bias in construction.

CONSTRUCTION CONCERNS

Six different interest surveys were obtained, represented in Table 2 as coming from universities A through D, with E being the NCAA's survey, and F being a survey used by a state high school athletics association. Following examination of the surveys, the categories in Table 2 were developed in order to best describe the instruments and the differences among them. The results for each category will be discussed in turn.

Survey Method

Two of the six surveys (C and D) were conducted by phone, with the other four being admin-

TABLE 2
Summary of Survey Characteristics

	A	B	C	D	E	F
length of survey	1pg	2pp	3pp	32pp	14pp	1pg
surveyed by phone			X	X		
number of activities listed	40	45	0	46*	78	17**
listed more than traditional menu of sports offerings	X	X		X	X	
space provided to add activities not listed	X	X	X	X	X	X***
listed non-school-sponsored activities				X		
terminology defined		X		X	X	
response to each item encouraged	X	X			X	
gender equity or intercollegiate athletics stressed		X	X	X		
asked re perception of emphasis on inter-collegiate athletics			X		X	
asked whether overall activity needs were met				X		
high school participation as indicator of ability	X	X			X	
ability addressed specifically					X	
asked for reasons why would not participate					X	

* = 27 competitive + 12 more recreational + 7 noncompetitive

** = 17 different sports composed of 13 sports for each sex

*** = no space for sports not sponsored by state HS ath. assoc.

Note: A-D are university surveys; E is the NCAA survey; F is a state high school athletics association survey.

istered on paper. University D's phone survey was quite time-consuming, as it involved asking each question forty-six times (for each listed activity).

Length of Survey

The surveys were typically no more than two pages in length, with two exceptions. The NCAA's survey (survey E) was fourteen pages long, which reflects the deeper and more thorough inquiry present in that instrument compared to the others. The other long survey was a thirty-two page instrument used by University D. The only reason this was longer than the surveys used by the other universities was that it was a phone survey which, for recording purposes, listed each of forty-six activities for each substantive question. The short surveys typically only asked for ratings of interest and/or ability, and were too brief to elicit information that would attempt to address some of the conceptual concerns previously discussed. The NCAA's instrument (survey E), however, was detailed enough to ask questions reflective of some of these underlying concerns, such as the self-confidence and ability issue discussed above, and reasons why respondents might choose not to participate.²²

More Than Traditional Menu of Sport Offerings, Space to Add Other Sports, and Non-School-Sponsored Activities

The problem of women's lack of self-confidence in traditionally "masculine" activities like sport may be exacerbated by the selection of sports typically offered in the college setting. Presenting only traditional menu college sports on a survey ignores the existence of other sports that may be perceived as more gender-neutral or female-appropriate, and in which women might feel more confident about expressing interest and therefore implied ability. Moreover, not providing a list may simply leave respondents thinking too traditionally. According to Connor and Vargyas in an article on gender bias in standardized tests and interest inventories, "Some researchers maintain that an interest test can and should suggest an expanded range of options and not simply reflect socialized experiences and the patterns of a segregated workforce."²³ One might add, "or the patterns of a segregated sport structure." Failure to expand the range of options on an interest inventory could result in data that ignores interest that exists in nontraditional activities. Olympic rower Anita DeFrantz probably never would have plucked her Olympic sport out of the air to add as a response on an interest survey; rowing never even occurred to

her as a possibility until a chance meeting with someone provided her the opportunity to try it.²⁴ Finally, according to Herb Cohen, who has lectured on negotiations at such institutions as Harvard and the University of Michigan, putting something on paper tends to have a legitimizing effect on that information.²⁵ Listing various sports may legitimize them as indeed being both appropriate and real possibilities for females.

Most of the surveys do in fact list a wide variety of activities as potential offerings, and most often include some nontraditional offerings amongst them. University C's survey, however, provided no list of sports, but expected the respondents to come up with sports of interest on their own and then indicate their level of participation interest. This was perhaps due to the fact that this was a phone survey, and covering several listed sports per question on the phone is unwieldy, but another phone survey managed to do it. Another survey (survey D) listed 46 activities, but grouped them into three unnamed categories, which could subtly influence respondents to take seriously only the first category clearly composed of more competitive activities. The state high school athletics association survey (survey F) listed only the seventeen sports it already sponsored and left no room for students to list other sports in which they might be interested. All of the other surveys at least left a space for respondents to add other sports which might have been left off the list.

Only the NCAA's survey (survey E) asked about past participation and current interest in participation in formal and informal activities not sponsored by the university.²⁶ In failing to ask about such activities, the rest of the surveys may be ignoring women's interest and ability in nontraditional activities. Those that relied on past high school participation as the sole basis for making judgments about ability might thus omit relevant information. Another problem with relying solely on past high school participation to assess ability, as two of the surveys did (A and B), is that high school ability does not necessarily translate into higher level, intercollegiate ability.

Definition of Terms

Only three surveys (B, D, and E) took the space to define their terms well.²⁷ This effort would help students clarify what it would mean to compete at the intercollegiate level; for example, not all students may be aware of the differences between intramural sports, club sports, and intercollegiate athletics.

Responses Encouraged For Each Item

Three surveys (A, B, and E) expressly encouraged a response to every item even if the respondent had no interest in the particular sport referenced in that item.²⁸ Such encouragement would tend to eliminate false data based on lack of response due to respondent laziness.

Equity or Intercollegiate Athletics Stressed in Language Used

Three of the six surveys (B, C, and D) used language that indicated either that Title IX/gender equity was a purpose behind the survey, or that gender differences in interest in the level of intercollegiate athletics was a primary focus of the study. This may serve to bias some of the results from those students who have some antipathy to Title IX and the gender equity movement. Two of the surveys (C and E) asked for an evaluation of the university's amount of emphasis on intercollegiate athletics,²⁹ and another (survey D) asked for an evaluation as to how well the university was doing overall in meeting respondents' activity needs. It might be possible to use responses to such questions to establish a relatively greater amount of male support for intercollegiate athletics or a greater male interest in having more activities on campus. It would also be possible for the second question to yield data suggesting that women are generally dissatisfied with activity offerings; however, female dissatisfaction with inequities in intercollegiate athletics offerings could be swamped out by general satisfaction with the other types of offerings grouped together in that question (for example, club sports and intramurals).

CONCLUSION

In conclusion, the conceptual flaws inherent in the use of interest surveys and the problems posed in the typical construction of such surveys indicate problems with their validity, and therefore contraindicate their use in assessing women's interest and ability in sport. If, however, their use is inevitable, they should be carefully constructed to avoid gender bias. The NCAA's survey is probably the most carefully constructed survey produced to date. Such surveys should also be administered to an appropriate target population in order to minimize validity problems. Caution in these areas is critical given the incentive on the part of some universities to misuse interest surveys in order to avoid costly Title IX liability.

References

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Agriculture, 998 F.2d 824 (10th Cir. 1993); Favia v. Indiana University of Pennsylvania, 7 F.3d 332 (3rd Cir. 1993); but see Pederson v. Louisiana State University, 912 F. Supp. 892 (M.D. La. 1996).

² Donna A. Lopiano, *Political Analysis: Gender Equity Strategies for the Future*, in Greta L. Cohen, ed., *Women in Sport: Issues and Controversies*, 104 (1993).

³ Terry Don Phillips & Paul Makris, *Interest a Factor in Equity Equation*, *NCAA News*, April 21, 1993, pp. 4 & 24.

⁴ *Survey of Student Interests in Athletics, Fitness, and Sports*, NCAA (1995).

⁵ Donna A. Lopiano, supra note 2.

⁶ Diane M. Henson & Boyce C. Cabaniss, *It's Not Whether You Win or Lose, but Whether You Get to Play: Title IX Finally Expands Participation Opportunities for Female Athletes in the '90s*, 13 *The Review of Litigation* 1, 15-24 (1994).

⁷ *Id.* at 19.

⁸ Craig v. Boren, 429 U.S. 190 (1976).

⁹ Henson & Cabaniss, supra note 3, at 22.

¹⁰ *Id.* at 22, quoting Craig v. Boren, 429 U.S. 190, 208-09 (1976).

¹¹ *Id.* at 23, quoting Cannon v. University of Chicago, 441 U.S. 677, 680 n.2 (1979).

¹² Policy Interpretation, 44 Fed. Reg. at 71,417.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Policy Interpretation, 44 Fed. Reg. 71,418.

¹⁷ Cohen v. Brown University, 991 F.2d 888, 899 (1st Cir. 1993) (affirming preliminary injunction restoring women's teams to former varsity status); *see also* Roberts v. Colorado State Bd. of Agriculture, 998 F.2d 824, 831 (10th Cir. 1993).

¹⁸ *Instruction Manual, Survey of Student Interests in Athletics, Sports and Physical Fitness*, NCAA, 1 (1995).

¹⁹ M.E. Rudisill, *Sex Differences in Various Cognitive and Behavioral Parameters in a Competitive Situation*, 19 *Int'l J. of Sport Psychology* 296 (1988).

²⁰ Cathy D. Lirgg & Deborah L. Feltz, *Female Self-Confidence in Sport: Myths, Realities, and Enhancement Strategies*, 60 *Journal of Physical Education, Recreation, & Dance*, 49, 50-51 (1989); Katherine Connor & Ellen J. Vargyas, *The Legal Implications of Gender Bias in Standardized Testing*, 7 *Berkeley Women's L.J.* 13, 28 (1992).

²¹ NCAA Survey, supra note 4, pp. 8-9.

²² NCAA Survey, supra note 4, pp. 5-6.

²³ Katherine Connor & Ellen J. Vargyas, *The Legal Implications of Gender Bias in Standardized Testing*, 7 *Berkeley Women's L.J.* 13, 37-38 (1992).

²⁴ *Women's Interest Should Be Measured in Terms of Potential*, *NCAA News*, January 26, 1994, p.1.

²⁵ Herb Cohen, *You Can Negotiate Anything*, 58-60 (1980).

²⁶ NCAA Survey, supra note 4, pp. 7-8.

²⁷ NCAA Survey, supra note 4, pp. 1, 4, 7.

²⁸ See generally, NCAA Survey, supra note 4.

²⁹ NCAA Survey, supra note 4, p. 2