

## Gender and College Athletics: 25 Years after Title IX

by

Robert P. Fleischman, J.D., M.S.,

Mark E. Byers, and

C. Shawn Lincoln

East Stroudsburg University • East Stroudsburg, PA 18301

(570) 422-3316

### Introduction

There is strong belief in this country that discrepancies exist in the treatment received by males and females in our elementary and middle schools, high schools, colleges and universities. Nowhere is this more prominent than in the area of athletics, where much discussion has focused on the disproportionate number of opportunities provided to boys and men, in comparison to girls and women. In 1972, historic legislation known as Title IX of the Educational Amendments was enacted to eliminate gender-based discrimination in educational programs. The legislation states as follows:

“No person in the United States shall, on the basis of sex, be excluded from participating in, be denied the benefits of, or subjected to discrimination under any educational program receiving federal financial assistance” (20 U.S.C.A. 1681 {sec. 901}).

Title IX applies to most academic institutions in this country that is, public and private colleges and universities, high schools, middle and elementary schools since virtually all of them receive some form of federal financial assistance. While the statute includes all educational programs receiving federal financial assistance, its primary focus has been in the area of intercollegiate athletic programs (Wong, 1994).

The Department of Education's Office of Civil Rights (OCR) is responsible for monitoring compliance with Title IX. The OCR uses federal regulations in the form of a three-part test to determine institutional compliance with the

statute. These regulations require schools to:

1. Provide athletic opportunities in substantial proportion to student enrollment; or
2. Demonstrate a history and continuing practice of program expansion (creation of opportunities) for the under represented gender; or
3. Effectively accommodate the interests and abilities of the under represented sex. (44 Fed. Reg. at 71, 418).

These regulations, however, took almost seven years to enact and did not become effective until the 1978-79 school year. This fact becomes important when measuring the impact of the legislation on gender-based discrimination in educational programs and, in particular, its effect on college athletic programs and opportunities for females (Wong, 1994).

Another consideration impacting Title IX's effect regards the controversy surrounding judicial application of OCR regulations to cases involving Title IX claims. A plain reading of the regulations suggests compliance is achieved by satisfying either part of the above three-part test. However, as the First Circuit court of Appeals decided in *Cohen vs. Brown University* (991 F.2d 888, 1st Cir. 1995), to secure compliance with the statute an institution must offer athletic opportunities to men and women in substantial proportion to their student enrollment (part #1). For example, if enrollment at a particular institution is fifty (50%) percent male and fifty (50%) female, athletic opportunities must be provided on an equal (50%-50%) basis. If substantial proportionality is not met by the institution, then the courts will consider the remaining two prongs of the test to determine liability under Title IX.

This was clarified in the Brown case. Under Brown, a Title IX plaintiff must demonstrate not only "disparity between the gender composition of the institution's student body and its athletic program, thereby proving that there is an under-represented gender, but also that a second element unmet interest is present (101 F.3d 155, 1st Cir.)." After a plaintiff establishes this burden of proof, and the institution fails to demonstrate a history of program expansion, liability under Title IX will be established (101 F.3d 155, 1st Cir.)."

Before the Brown decision, college athletic administrators were free to establish opportunities that is, roster positions, scholarships, coaching and athletic training staffs, and media coverage and travel accommodations according to either part of the three-part test. Since Brown, administrators have been forced to employ compliance strategies aimed at creating equal numbers of opportunities for male and female athletes. Despite recent court decisions that have shifted emphasis towards the other two prongs—effective accommodation of interest and abilities and continuing practice of expanded opportunities substantial proportionality "has clearly become the compliance prong of choice for both the courts and the Office of Civil Rights (Dubios, 1999)"

This paper examines the impact of Title IX on athletic opportunities for women at NCAA member institutions, and compares participation and enrollment rates since the law took effect in 1972. In particular, attention focuses upon changed proportions in numbers of female athletic participants, and analyzes whether these changes reflect actual increases in participation opportunities for women if they imply decreased opportunities for men, resulting from the elimination of sports programs and loss of opportunities.

The paper also explores broader issues surrounding gender equity in college athletics. Alternate explanations for perceived imbalances are examined, and include debate on whether women have less interest than men do in sports, particularly in competitive intercollegiate sports.

It is a debate generally based on opinion and past participation rates, both of which may be artifacts of the opportunities available to women (Greller, Cochran & Taylor, 1995, p.48). The paper concludes by suggesting that various social or cultural factors might perpetuate gender imbalance rather than in institutional prerogative.

### **Review of the Literature**

In response to allegations that Title IX is having the perverse effect of destroying opportunities for men, the Women's Sports Foundation (1997) conducted research aimed at scrutinizing whether the post-Title IX addition of women's sports programs have caused cutbacks in men's programs (Sabo, 1998; cf. Will, 1997, p. B3). The research compared Men's and Women's programs that were added or dropped at member institutions between 1978 and 1996 (see Appendix A: Tables 1, 2) and found that the increased number of women's sports programs did not cause large-scale downsizing of men's programs (Sabo, 1998). Despite these findings, critics of Title IX maintain that men's athletics have suffered from the legislation.

Analysis of the data reveals gains in both men's and women's sports programs, with overall participation increasing since Title IX went into effect. Notwithstanding the gains, gender equity advocates are disheartened by the slow rate of change and resistance to their efforts. Concerns regarding proportionality have dominated discussion since the Brown Court's decision leading several commentators to attribute this to an almost universal failure among institutions to comply with Title IX (Staurowsky, 1996, p.196). Despite allegations that Title IX has caused great harm and threatened the very existence of men's college sports, examination of the Women's Sports Foundation Report (1997) indicates that men's programs were not dropped to accommodate the increase in women's programs (Staurowsky, 1996, p.197; cf. Sabo, 1998). For example, between 1978-1996, a net total of 74 new men's programs were added (see Appendix A). Even though many more were added (1,658 new programs) during this time, for every two

sport opportunities created for women, one and a half opportunities were added for men (Lopiano, 1993; Monaghan, 1998).

At first glance, the dramatic increase in the number of college women's programs appears impressive. For instance, in 1972, when Title IX was enacted, women accounted for 15 percent of all college athletes. Since then, athletic participation has risen 25 percent, with women now constituting 39 percent of all college athletes (see Appendix B). Additionally, since 1973-74, the number of intercollegiate sports available for women increased 100 percent, from an average of 2.5 programs per college to an average of 5.0 per college. (Erber, 1997, pp. 12, 14 and 15). Despite these gains under Title IX, by failing to provide proportionate opportunities for male and female athletes, college athletics has not succeeded in its attempt to achieve gender equity.

The importance of the recent court decisions illustrates that significant disparities remain in men and women's college athletics (see Appendix C). Since male/female undergraduate enrollment in colleges is roughly equal, and athletic participation is considerably less than equal, most colleges still fail to comply with the law, despite the Court's directive that schools provide athletic opportunities to women in substantial proportion to those offered to men (Lopiano, 1997, p.12). The significance of the Brown decision can hardly be overstated. While the decision requires that institutions provide opportunities proportionate to gender enrollment, the participation statistics for female athletes has never approached decithose for males (Staurowsky, 1996, p. 200; cf. Acosta & Carpenter, 1994; Grant, 1995; Lopiano, 1993).

Despite the emphasis placed on proportionality by the Brown court, the rulings in Boucher and other cases suggest the courts use the "substantial proportionality" prong as a starting point when determining Title IX cases. For example, in Boucher (1999), the United States District Court for the Northern District of New York first examined the proportion of athletic opportunities to undergraduate enrollment at

Syracuse University. When these numbers reflected a 19% disparity between the percentage of varsity athletes who were female and the percentage of the University's students who were female, the court then considered the other two prongs of the compliance test. In doing so, the court determined that Syracuse University complied with Title IX based upon its demonstrated history of continued expansion of athletic opportunities for women (164 F.3d 113, 2nd Circuit 1999).

Similar to the Boucher court, in Pederson v. Louisiana State University (1996), the U.S. District Court for the Middle District of Louisiana, reasoned that "substantial proportionality should not be dispositive (in Title IX cases) because the percentages of women students who wish to and are able to compete in college sports vary by college, by region, and over time (Porto, 1998)." The court further clarified this statement by suggesting that Title IX was not designed to ensure equal numbers of male and female participants, but instead focused on equal opportunities. Because LSU reported a 20% disparity between women enrolled at the institution and the number of athletic opportunities provided to female athletes the court then considered the other two prongs to determine compliance with Title IX. The court then determined that LSU did not meet the needs and abilities of its female athletes, and the institution did not demonstrate a history of expansion of opportunities for female athletes. The court therefore ruled that LSU was in violation of Title IX and ruled that the institution had to devise a plan to achieve compliance (Porto, 1998).

These cases highlight the fact that there is still a long way to go before substantial proportionality becomes a reality at most institutions. In fact, the NCAA Report on Participation Statistics (1982-97) demonstrates that women made significant participation gains (+60.2 percent) between 1982-1997, yet a substantial participation gap remains between males and females at around 20 percent (see Appendix C).

Other participation criteria used to measure compliance similarly demonstrate failure by

athletic administrators to allocate sufficient resources that is, scholarships, operating expenses, recruiting budgets, and salaries to the under represented gender. For example, in 1997, less than 33 percent of athletic scholarships were awarded to women athletes, with male college scholarship athletes receiving in excess of \$179 million more every year (Sweet, 1997, p.5).

Further research reveals that gender equity is far from reality. In fact, the NCAA recently conducted a Gender-Equity Survey (1997) to determine progress made under Title IX. During the period surveyed (1992-97), the average operating budget increased by \$159,522, yet the proportion of overall expenses remained the same. In addition, despite a 71 percent increase in recruiting expenses, women received only 27 percent of recruiting dollars (Sweet, 1997, p.5). Another relevant survey finding which at first would seem to demonstrate that women are making progress under Title IX relates to the equity in coaches salaries. The report shows that there has been a 45 percent increase in salaries for head coaches of women's teams since Title IX was enacted. However, the study also reports that head coaches of men's teams continue to receive an average salary 44% greater than do coaches for women's teams. Some have argued that since the majority of female coaches coach women's teams that this disparity in salary may represent continued discrimination within college athletic programs based on sex (Selingo and Naughton, 1997)

While compliance presents a difficult definition to frame, the OCR recently announced guidelines that consider a program compliant when the proportion of female athletes is within 1 percent of their total enrollment (Naughton, 1998). This represents a huge change from the 5 percent differential previously employed. For instance, if enrollment at an institution is 50/50 (male:female), OCR guidelines require that athletic opportunities offered to women must constitute at least 49 percent of the total opportunities offered. Under the old 5 percent rule, only 36 Division I institutions were considered compliant during the 1996-97 academic year, up

from 28 institutions the previous year (Naughton, 1998). Based on these changes, proportionality is considerably more difficult to achieve. This places increased demands on college administrators to comply with the law and questions the failure of an educational system to provide proportionate opportunities to women.

Football plays a major role in maintaining disproportionate participation rates. Since football rosters typically carry in excess of 100 players, this inflates the number of male sport participants, while decreasing participation opportunities for women (NCAA Sports Participation Report, 1982-97). Football also limits available spending for other sports, male or female. In fact, a 1997 NCAA report found for the previous year that Division I-A women's programs had gained \$400,230 in spending on recruitment, scholarships, and head coaching salaries, while allocation for men's programs increased by \$1.37 million.

Moreover, 63 percent (or \$872,000) of the \$1.37 million went to football (Sabo, 1998, p. 30; cf. Dempsey, 1997).

These findings are not restricted to the Division I-A and I-AA level. For instance, the NCAA Participation Statistics Report (1982-97) found that 104 new football programs were added on all Divisions between 1981-1997, accompanied by 13,251 additional roster spaces and a 7.86 percent increase in average roster size (see Appendix D). Simply put football is the most expensive intercollegiate sport commonly offered by colleges, and in terms of funding or the number of athletic opportunities, colleges do not sponsor comparable sports for women (Kathleen Larose, as quoted by Philippine, 1999).

Title IX critics lobbied to exempt football from the proportionality test on the grounds that football is a sport unlike any other, with a disproportionate resource allocation without comparison to a women's sport (Staurowsky, 1996, p. 201). These efforts resulted in passage of the Javits Amendment (1976), which allows for the unique nature of certain sports, and permits exemption from proportionality in unusual cir-

cumstances (pp. 201-202). Despite football's claim of unique status, neither the OCR nor the courts have ever exempted football from proportionality requirements. Removing football from the test, however, would lift a burden from college administrators and reveal real gains made toward gender equity. For example, without football, the difference in male: female/enrollment: participation ratio falls to 6 percent compared to a 20 percent differential with football.

Another factor to consider regards the tremendous costs associated with college football, since football normally consumes a large portion of an athletic department's budget. Typically, most of an athletic program's scholarships, operating cost, recruiting expenses and coaching salaries are allocated to football. This places a tremendous burden on athletic administrators to offer proportionate opportunities to women, which might be avoided if football were excluded from the comparison. Treating football separately affords administrators a more realistic chance to offer proportionate opportunities, and thus achieve compliance. One common argument against Title IX is that many colleges and universities have dropped men's programs simply to meet artificial quotas imposed by proportionality. For example, advocates of endangered sports such as wrestling and gymnastics claim their sports face extinction due to Title IX (Erber, 1997, p.14). To support their claim, they argue that men's college gymnastics has shrunk from 1,367 participants in 1982—to 413 today, a 70 percent decline. Similarly, they point to men's

wrestling, which has witnessed a 21.4 percent decrease—from 7,914 participants in 1982—to 6,219 in 1997

(NCAA Participation Statistics Report, 1982-97, pgs.88-127). Nevertheless, decreased participation is nothing new to either sport.

For example, research reveals that both high school and college women's gymnastics participation declined between 1982-97 (NCAA Participation Statistics Report, 1982-97, pp. 97, 127). While the number of high school wrestling participants has remained constant, boy's gym-

nastics participation also dropped on the high school level during this time. This suggests that factors other than gender—such as liability and insurance costs, as well as club competition might underlie the sports decline. Additionally, the decline in participation within these high school sports may be due to a perceived lack of support by colleges and universities. High school athletes in these sports may understand that they will have limited opportunities to continue performing at the collegiate level, and therefore decide not to participate in high school. Unfortunately, insufficient research has been conducted to determine the root cause for the decline in participation for these high school sports. Future research is necessary to clarify these issues.

Unfortunately, many Title IX detractors place blame on women for gains made under the statute, despite their status as the wronged class, for whom the law seeks to redress past wrong. Staurowsky (1996) refers to this phenomena as a blaming-the-victim scenario, where female victims become viewed as victimizers, and thus blamed for gaining lost ground. In this scenario, the dominant class (male) reverses the doom, while predicting male athletic extinction and destruction in future years (pp. 200-202). This allows Title IX critics to argue that gains made by women have been at the expense of men's programs, and feeds on long standing suspicions harbored about women's involvement in sports (id.). This criticism reflects existence of overwhelming sexism and provides a chilling example of the bias faced by women in our education system (Sadker & Sadker, 1994). Since the data disproves the claim that men have been hurt by Title IX, critics often resort to other grounds of resistance.

One such claim is that women are less interested in sports and should not be afforded the same opportunity as men (Greller, 1995, p. 55). This is based on the premise that women are (or should be) as interested [as men] in athletic participation, to justify the same opportunities to participate (Shaw, 1995, p.10). Under Brown, participant interest is not necessary for compli-

ance. Brown directs administrators to measure participation numbers, rather than interest, in assessing compliance. Despite Brown's proportionality mandate, interest measures nevertheless provide value to athletic administrators planning compliance strategies. In fact, Greller (1995) describes a campus survey used at the University of Wyoming to gauge student sports interest (p. 57). He suggests use of the survey to determine the interests and abilities of students when deciding which sports to add or drop, thus providing a mechanism for compliance.

### **Research Findings**

Greller (1995) illustrates the self-assessment study undertaken by the University of Wyoming, which responded to an OCR mandate to measure the sport interests and needs of female students. In the study, information was collected measuring interest in programs currently offered as well as those not offered at Wyoming. The research revealed a significant difference in the interest women expressed in both competitive and recreational sport, but, consistent with other literature, found that sex plays a relatively minor role in determining women's sport interest (p.55). Despite demonstrating marginal differences in interest levels between sexes, information generated by the Wyoming study provides administrators practical means to identify student interest and develop compliance strategy.

The scholarly literature holds that factors other than gender determine whether women will participate in sport (Greller, 1995, p. 48; cf. Blinde, Taub, & Han, 1993; Coakley & White, 1992; Kunesh, Hasbrook, & Lewthwaite, 1992). Given these findings, it is important to consider a variety of factors in determining sport interest. In the Wyoming survey, an attempt was made to use several interest-adjusted measures to gather information. One such measure involved assessment of participation interest for students in all sports both currently offered and supported, as well as those not currently supported. The reason for using such a measure was to identify student interests and develop potential sponsorship sports. The possibility exists, however, that an

interest survey will unveil several sports not offered for women evidencing higher levels of interest than the [interest] expressed by men for sports currently offered (Greller, 1995, p. 56). This potential creates resistance to these surveys and might limit their use.

Nevertheless, the interest survey provides value by allowing expenditures and opportunities to be evaluated in light of current students interests (Greller, 1995, p. 56). The implication for these surveys is that universities will use their findings to respond to students needs, and facilitate greater gender balance in offering comparable athletic opportunities to men and women. However, the motivation for administrators to employ these instruments is severely limited by the Brown decision, which directs institutions to provide opportunities in equal proportion to enrollment. The fear then becomes that administrators will view Brown as a mandate to create opportunities, regardless of student interest. This presents a picture in which potential gains are forfeited because of imprudent planning.

Regardless of these concerns, athletic administrators should employ interest surveys as part of strategic planning efforts to comply with Title IX. The interest survey provides a useful starting point for institutional compliance, even though its value may be limited to identifying potential sponsorship sports. At the same time, however, these instruments pose threats to the patriarchal system governing college athletics especially if results run contrary to practice and belief. For example, what will administrators do when faced with a campus environment where surveys indicate that women's club sports demonstrate greater interest than some varsity men's sports? The answer depends on their willingness to face reality and embrace change.

Shaw (1995) proposes a survey of coaches and current and former athletes to determine the extent to which the athletic program met their expectations, and how the program could be improved to attract and satisfy more women athletes (p. 17). His instrument measures numerous factors other than participation, including recruitment, scholarships, operating expenses,

training facilities and conditions, coaching and academic support, and publicity and marketing expenses and calls for evaluation of gender status on coaching staffs and in athletic administration (Shaw, 1995, p. 17). Shaw concedes difficulty in requiring an institution to show strict proportionality, and suggests using the survey as a starting point toward gender equity.

One of the assumptions made under strict proportionality is that women are as interested as men in athletics and should be entitled to the same opportunities to participate (Shaw, 1995, p. 12). The challenge facing administrators is to provide these opportunities and achieve compliance. Most commentators suggest compliance is attained by simply adding women's programs; but fiscal constraints require consideration of a variety of factors when planning strategy including student interest in current and emerging sports, and the impact of an institution's football program on participation numbers.

Faced with budget cuts, student interest surveys offer a cost-effective means for identifying student interests and planning program strategy. Since the law requires ensuring participation opportunities in proportion to enrollment, administrators should first determine which sports generate the most interest, and hence, the greatest number of participants. They should then plan compliance strategies accordingly, placing greater emphasis on the sports with identified interest, and less emphasis on those with little or no interest.

### **Conclusion**

Title IX detractors will continue to fault women for recognizing gains entitled by law. Inherent in their criticism is fear that advances made by women will result in widespread losses for men. Despite evidence disproving their concern, critics raise claim that women are less interested in sport, and therefore undeserving of opportunities. Their argument fails to recognize significant gains made by women on all levels of sport. For instance, in high school athletics, the number of female participants increased from 294,000 in 1972 to 2.65 million in 1999. Girls now represent 41 percent of all high school athletes

(Howard and Gillis, 1999). At the same time female participation on the collegiate level has risen dramatically, from 31,000 athletes in 1972 to more than 135,000 athletes today (NCAA Participation Statistics Report, 1982-98). These gains evidence tremendous progress in female participation since the law's inception, but demonstrate need for further improvement. At the very least, these figures dispel the notion that women are not as interested in sport as men and therefore undeserving of participation opportunities.

Viewing Title IX within the context of college athletics illustrates another example of an educational system that perpetuates inequities existing between the educational experiences of male and female students (Bennett de Marrais & LeCompte, 1995). Although the playing fields and gymnasiums on our college campuses are found to build character and empower the development of college men, sports participation derives unfavorable connotations when related to women. Some have suggested these largely relate to women's attempts to succeed in activity that traditionally has been viewed as male dominated (Blinde, Taub & Han, 1994, p. 57). Regardless, the evidence demonstrates that females are at least as interested in extracurricular activities as males, demonstrated by high school participation levels in which girls outnumber boys in every area except athletics (Sommers, 1994, p. 160).

In conclusion, the time has arrived for college administrators to take action by addressing the inequities of a system reflective of greater social injustice. Athletics provides a forum for change, demonstrated by the OCR's emphasis on providing proportionate participation opportunities to males and females in college athletics. Rather than dismiss the mandate of the law as another challenge to the male dominance characteristic of intercollegiate sport, administrators should seize the opportunity to provide equal opportunities to all students, regardless of gender. The employment of a campus-wide interest survey provides a useful instrument to determine student interest levels, while focusing efforts to

comply with Title IX. While not an answer to the inequities produced by the larger educational system, it suggests a systematic initiative toward the gender equity problem in college athletics. Future research is therefore required to determine how the interest levels among female athletes impacts the effectiveness of Title IX. However, there is little question about the impact that proportionality has had in recent years based upon the continuing struggles of schools to achieve compliance with Title IX.

**Appendix A**

Table 1

Net Outcomes of Women's Sports Added and Eliminating During 1978-1996, by NCAA Division

Type

NCAA Division	#Of Sports Added	# of Sports Eliminated	Net Outcome
I-A	235	81	154
I-AA	283	90	193
I-AAA	161	37	124
I	653	201	452
III	907	172	735
Total	2,239	581	1,658

Table 2

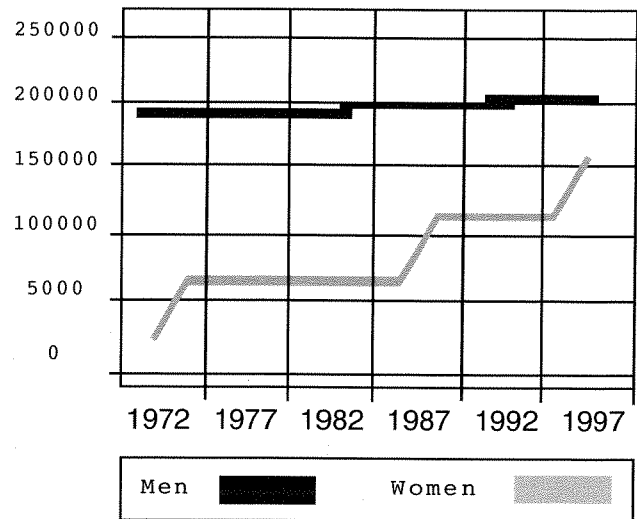
Net Outcomes of Men's Sports Added and Eliminated During 1978-1996, by NCAA Division Type

NCAA Division	#Of Sports Added	# of Sports Eliminated	Net Outcome
I-A	22	113	-91
I-AA	68	129	-61
I-AAA	93	56	37
I	344	286	58
III	400	269	131
Total	927	853	74

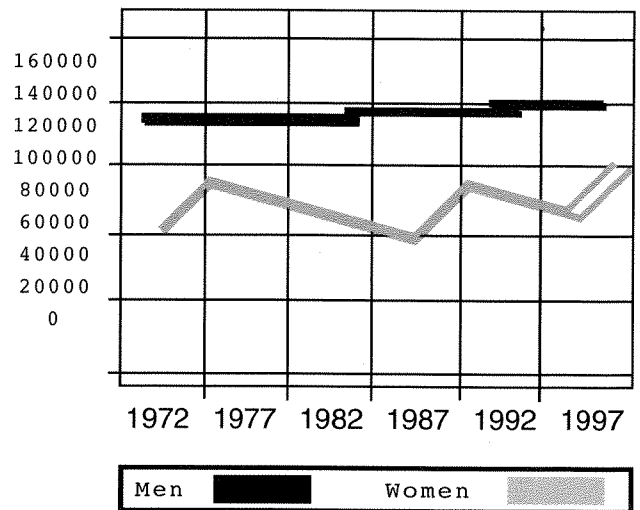
(Sabo, 1998)

**Appendix B**

Gender Participation Rates Since the Introduction of Title IX in 1972:



Gender Participation Rates Since the Introduction of Title IX in 1972:

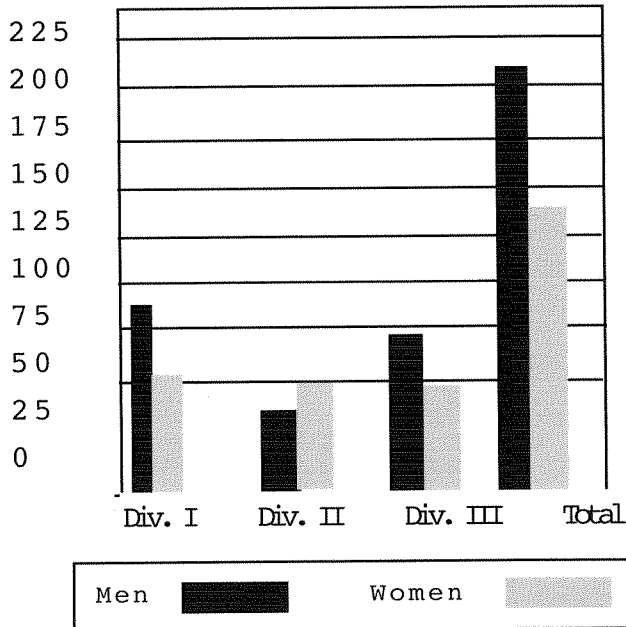


(NCAA Participation Report, 1977)



## Appendix C

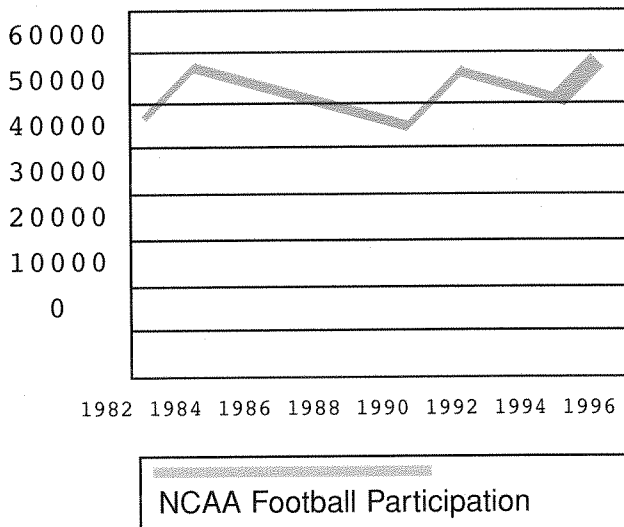
Gender Participation Among All NCAA Divisions 1997-98:



(Scale: 1=1000)

## Appendix D

Participation Opportunities for NCAA Member Institutions in Football (1982-83 --1996-97):



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