

Title IX protections of NCAA Athletics

Since its passage, Title IX has dramatically increased athletic opportunities for women and girls. The Title IX regulation contains specific provisions governing athletic programs and the awarding of athletic scholarships. Specifically, if an institution operates or sponsors an athletic program, it must provide equal athletic opportunities for members of both sexes. In determining whether equal athletic opportunities are available, OCR considers whether an institution is effectively accommodating the athletic interests and abilities of students of both sexes.

OCR also considers the following 11 prongs when determining whether male and female athletes are provided with equivalent benefits, opportunities, and treatment:

1. Equipment and Supplies
2. Game and practice times
3. Travel and per diem allowances
4. Coaching
5. Access to tutoring
6. Locker rooms, practice and competitive facilities
7. Medical and training facilities and services
8. Housing and dining facilities and services
9. Publicity and promotions
10. Support Services
11. Recruitment of Student Athletes

NCAA Policy on Campus Sexual Violence

As of the 2022-2023 Academic Year, NCAA member institutions are required to annually gather information regarding the prior misconduct of any current, prospective, or transfer student, including a graduate student, who seeks to participate in intercollegiate athletics. Specifically, any current, prospective, or transfer student-athlete, including a graduate student, must annually disclose whether they have been disciplined through a campus proceeding or had a criminal conviction for sexual, interpersonal, or other acts of violence. This misconduct is defined as:

- **Interpersonal Violence:** Violence that is predominantly caused due to the relationship between the victim and the perpetrator, including the four crimes recognized by the Violence Against Women Act (VAWA): dating violence, domestic violence, sexual assault, and stalking.
 - **Relationship Abuse:** Relationship abuse can be physical, sexual, verbal, emotional, financial, or digital. It is unwanted and causes physical or emotional harm. At Bentley, relationship abuse encompasses dating violence and domestic violence and can involve current or former intimate partners, spouses, or dating relationships. Relationship violence occurs in both same-sex and opposite-sex relationships. (Bentley University Student Handbook, 2022-2023)
- **Sexual Violence:** A term used to include both forcible and nonforcible sex offenses, ranging from sexual battery to rape.
- **Other Acts of Violence:** Crimes including murder, manslaughter, aggravated assault or any assault that employs the use of a deadly weapon or causes serious bodily injury.

All attestation forms that are completed annually by all student athletes will be stored and maintained within ARMS, a secure database used for overall Athletics compliance. In the event that a student athlete does indicate a response of "yes" to any of the attestation prompts, additional follow-up will be conducted by the Title IX Coordinator and the Senior Women's Administrator (SWA) within Athletics.

Frequently Asked Questions

How is Title IX applied to athletics?

Athletics programs are considered educational programs and activities. There are three basic parts of Title IX as it applies to athletics:

1. Participation: Title IX requires that women and men be provided equitable opportunities to participate in sports. Title IX does not require institutions to offer identical sports but an equal opportunity to play;
2. Scholarships: Title IX requires that female and male student-athletes receive athletics scholarship dollars proportional to their participation; and
3. Other benefits: Title IX requires the equal treatment of female and male student-athletes in the provisions of: (a) equipment and supplies; (b) scheduling of games and practice times; (c) travel and daily allowance/per diem; (d) access to tutoring; (e) coaching, (f) locker rooms, practice and competitive facilities; (g) medical and training facilities and services; (h) housing and dining facilities and services; (i) publicity and promotions; (j) support services and (k) recruitment of student-athletes.

Does Title IX apply only to athletics?

Although it is the application of Title IX to athletics that has gained the greatest public visibility, the law applies to every single aspect of education, including course offerings, counseling and counseling materials, financial assistance, student health and insurance benefits and/or other services, housing, marital and parental status of students, physical education and athletics, education programs and activities, and employment.

How does an institution comply with Title IX?

An institution must meet all of the following requirements in order to be in compliance with Title IX:

1. For participation requirements, institutions officials must meet one of the following three tests.
An institution may:
 - Provide participation opportunities for women and men that are substantially proportionate to their respective rates of enrollment of full-time undergraduate students;
 - Demonstrate a history and continuing practice of program expansion for the underrepresented sex;
 - Fully and effectively accommodate the interests and abilities of the underrepresented sex; and,
2. Female and male student-athletes must receive athletics scholarship dollars proportional to their participation; and,
3. Equal treatment of female and male student-athletes in the eleven provisions as mentioned above.

Does Title IX benefit only girls and women?

Title IX benefits everyone -- girls and boys, women and men. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone on the basis of gender. Elimination of discrimination against women and girls has received more attention because females historically have faced greater gender restrictions and barriers in education. However, Title IX also has benefited men and boys. A continued effort to achieve educational equity has benefited all students by moving toward creation of school environments where all students may learn and achieve the highest standards.

How is Title IX compliance assessed?

Title IX compliance is assessed through a total program comparison. In other words, the entire men's program is compared to the entire women's program, not just one men's team to the women's team in the same sport. The broad comparative provision was intended to emphasize that Title IX does not require the creation of mirror image programs. Males and females can participate in different sports according to their respective interests and abilities. Thus, broad variations in the type and number of sports opportunities offered to each gender are permitted.

Does Title IX require that equal dollars be spent on men and women's sports?

No. The only provision that requires that the same dollars be spent proportional to participation is scholarships. Otherwise, male and female student-athletes must receive equitable "treatment" and "benefits."

Why does Title IX not require the same amount be spent on men and women's sports?

The Javits Amendment stated that legitimate and justifiable discrepancies for nongender related differences in sports could be taken into account (i.e., the differing costs of equipment or event management expenditures). A male football player needs protective equipment such as pads and a helmet, and a female soccer player needs shin guards. Title IX does allow for a discrepancy in the cost of the equipment as long as both the football and soccer player received the same quality of equipment. However, a female ice hockey player must receive the same protective equipment that a male ice hockey player would receive, since the protective equipment is the same.

Does Title IX require identical athletics programs for males and females?

Title IX does not require identical athletics programs for males and females. Rather, Title IX requires that the athletics programs meet the interests and abilities of each gender. Under Title IX, one team is not compared to the same team in each sport. OCR examines the total program afforded to male student-athletes and the total program afforded to female student-athletes and whether each program meets the standards of equal treatment. Title IX does not require that each team receive exactly the same services and supplies. Rather, Title IX requires that the men and women's program receive the same level of service, facilities, supplies and etc. Variations within the men and women's program are allowed, as long as the variations are justified.

Is any sport excluded from Title IX?

Under Title IX there are no sport exclusions or exceptions. Individual participation opportunities (number of student-athletes participating rather than number of sports) in all men's and women's sports are counted in determining whether an institution meets Title IX participation standards. The basic

philosophical underpinning of Title IX is that there cannot be an economic justification for discrimination. The institution cannot maintain that there are revenue productions or other considerations that mandate that certain sports receive better treatment or participation opportunities than other sports.

Does Title IX mandate that a decrease in opportunities for male athletes be made in order to provide an increase in opportunities for female athletes?

Title IX does not require reductions in opportunities for male student-athletes. One of the purposes is to create the same opportunity and quality of treatment for both female and male student-athletes.

Eliminating men sports programs is not the intent of Title IX. The intent of Title IX is to bring treatment of the disadvantaged gender up to the level of the advantaged group.