

Introduction to the Special Issue: Title IX and Its Future in Shaping Inclusive Excellence in College Sport

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When Title IX of the Education Amendments Act was passed in 1972, uncertainty abounded as to the effect that it would have on schools receiving federal funding. Those espousing liberal feminist notions of fairness and equity celebrated the creation of pathways for women to access professional careers once blocked by gender discriminatory policies and practices. Expansive in its scope and reach, Title IX has been credited with dramatically impacting the shape of educational institutions in the United States, opening more doors to occupations for women in aerospace, business, engineering, law, media, medicine, the military, politics, sport, and technology.

In the five decades that have come and are nearly gone since its passage, Title IX's application to intercollegiate athletics has led to robust and ongoing conversations about the allocation of resources on the basis of gender within athletic departments impacting participation opportunities, athletic scholarship allocations, and investments in women's sports programs in an array of operational areas. Much work has also been done in terms of the application of Title IX as it applies in areas of college athlete and coach compensation, pregnancy, retaliation, and sexual abuse/harassment.

The question of whether Title IX has been a transformative piece of legislation in addressing entrenched sexist attitudes and sexism in college sport remains very much up for question. While majorities of U.S. citizens typically support the general idea of gender equity as it is associated with Title IX, few constituencies within athletic departments have a sound knowledge of the law or what it requires (Druckman et al., 2014; 2020; Staurowsky & Weight, 2011, 2013). Five decades after the law went into effect, few NCAA Division I Title IX athletics coordinators (or those who are tasked with doing the job) report conducting face to face or online sessions to educate athletes and coaches about Title IX as it applies to athletics (Staurowsky & Rhoads, 2020).

Research done by Nancy Hogshead-Makar (Champion Women Communications, 2022), Staurowsky et al. (2022), and others point to large patterns of systemic



discrimination within the college sport system that favor men athletes and men's programs. Using rationales that were no different from those in the 1970s, athletics administrators at a number of schools attempted to and/or were successful in cutting women's programs in the midst of the COVID-19 pandemic (Hensley-Clancy, 2021). Women remain significantly underrepresented in the head coaching ranks of college and university athletic programs (LaVoi & Wasend, 2018). In keeping with long-standing tradition, Title IX has been used politically to resist change, as evidenced in claims by opponents of efforts to compensate college athletes for their labor that such efforts would undermine the fair treatment of women athletes (Staurowsky, 2018). Speaking to limitations of Title IX in addressing systems of oppression that have historically left women of color behind or rendered them invisible (Evans, 1998), *New York Times* reporter William Rhoden (2012) concluded, "The most glaring outcome of the legislation is that white women – as athletes and administrators – have been the overwhelming beneficiaries" (para. 4).

In this special issue we explore the national dialogue about Title IX and its impact on sport through a diverse set of perspectives. In our lead article entitled *The Struggle is Real: Examining the Impact and Ability of Title IX to Provide Equitable Opportunities in College Sports for Black Women*, Drs. Courtney L. Flowers, Jasmine Hamilton, and Joyce Olushola Ogunrinde examine Title IX through the lens of Critical Race Theory (CRT) and the impact it has had on Black women in the college sport system. They point out that while there is a general lack of compliance in terms of colleges and universities providing women athletes with fair access and treatment, the burden of navigating this space has been much heavier for Black women. Benefits accrued under Title IX in the college sport space have been distributed primarily to White women athletes, coaches, and administrators while barriers to Black women athletes, coaches, and administrators remain largely unaddressed. They conclude that "Title IX cannot provide a simultaneous remedy for race and gender and hence this law provides protection for white women while not protecting Black women student-athletes" and that Title IX contributes to rendering Black women invisible in college sport.

The relationship between human capital, race, and gender forms the basis of the analysis author Tarlan Chahardovali and colleagues undertook in their work entitled *Title IX and Career Pathways of Women Across NCAA Women's Basketball Programs: An Intersectional Approach to Human Capital in Hiring*. The substance of this study involved an examination of job-related qualifications of incoming and outgoing coaching hires between 1984 and 2020 within National Collegiate Athletic Association (NCAA) Division I athletic departments affiliated with the Power Five Conferences and Historically Black Colleges and Universities. While opportunities for women coaches remained consistent over that span of time, ". . . they do not seem equitable at the Power Five level when considering a coach's race as Black women were hired at a much smaller rate compared to their White counterparts." Further, ". . . women need more human capital than men to obtain head coaching positions which marks the presence of gender discrimination in the NCAA coaching labor market."

This special issue provides perspectives from authors who elaborate on four very different ways in which schools have resisted Title IX compliance. It also explores the effects of limited to no effort to educate athletes and coaches about their rights under Title IX and to hold administrators accountable for lack of Title IX compliance. In the article by Erika Guenther, Elizabeth Sorensen, and Lance Champagne entitled *Pregnancy Rights Information Increases Female Intercollegiate Student Athletes' Intent to Seek Help*, a study of women college athletes (n=146) examined the perceptions of women athletes in the event they got pregnant while competing and decided to remain pregnant. In the absence of information about their rights under Title IX, the women college athletes in this study thought that they would be cut from the team, lose financial aid, and would be prevented from returning to the team. Following an intervention where the women athletes' rights under Title IX were explained, they were less likely to expect negative consequences in the event they get pregnant.

Legal scholar Erin Buzuvis examined enforcement practices and compliance trends related to Title IX's requirement for gender equity in the distribution of athletic financial aid in the article entitled *Athletic Scholarships and Title IX: Compliance Trends and Context*. An analysis of Equity in Athletics Disclosure Act (EADA) data for the academic year 2020-2021 confirms that athletic scholarship allocations for women athletes in the most competitive athletic programs remain disproportionately underfunded and that the magnitude of the negative financial impact on women college athletes is underestimated because women athletes are not afforded proportional athletic participation opportunities. The article concludes with a call for "regulators, scholars, and advocates to monitor disparities in athletic financial aid and to ensure that these existing disparities are not replicated as universities expand the scope of economic benefits that students receive as a result of their participation in college athletics."

In an article entitled *The Financial Impact of Eliminating a NCAA Division I Men's Sport on the Athletic Budget: Is Title IX to Blame for Cutting Men's Sports?* author Anne Marx and her colleagues "examine changes to the budgets of women's athletics, men's basketball, and football when an NCAA Division I intercollegiate men's team was eliminated" using 15 years of data submitted by 85 institutions in accordance with the Equity in Athletics Disclosure Act (EADA). Debunking the myth that cuts to athletic programs harm men's sports, the authors conclude that "when a men's sport program had been eliminated, the budget resources of the eliminated program were reallocated primarily to the budgets of men's basketball and football rather than to the women's athletics budget". They further found that arguments made by athletic administrators that program cuts were due to the need to comply with Title IX were not supported.

In the final article in this collection, Ellen J. Staurowsky explores the important role that public disclosure plays in the Title IX accountability mechanism. In the article entitled *Strengthening the Equity in Athletics Disclosure Act to Improve Gender Equity Transparency & Institutional Accountability in the Future*, she examines the "current state of Title IX compliance and gender equity in college sport, revisits the

history of the EADA, provides an overview of what the EADA covers and who uses it, explores the criticisms and limitations of the EADA, and concludes with recommendations for making the EADA a more effective tool.”

Taken as a collection, this special issue affirms the continuing need for greater governmental and institutional accountability for systemic Title IX non-compliance that perpetuates the second-class status of women within the college sport system. At this 50th anniversary juncture, there needs to be greater awareness among lawmakers, college sport executives, higher education officials, and researchers that Title IX does not address myriad barriers to participation and access for Black women. Moving into the future, more informed equity strategies that recognize intersectionality between race and gender will be critical to creating more inclusive environments in college and university athletic programs.

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