

US House of Representatives
Sub Committee on Higher Education, Lifelong Learning, and Competitiveness
“Building on the Success of 35 Years of Title IX”
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Comments submitted by Eric Pearson, Chairman, College Sports Council

Chairman Hinojosa, Ranking member Keller, and all members of the Committee, I would like to thank you for giving me this opportunity to speak today, and share with you the College Sports Council’s (CSC) concerns about Title IX.

The CSC is a national coalition of coaches, athletes, parents, and former athletes founded in 2002. The majority of our members are involved with the traditional Olympic sports of track and field, swimming, wrestling, and gymnastics. We are devoted to the preservation and promotion of the student athlete experience. We place the highest value on the opportunity to participate in organized athletics, and we measure the overall state of health of America’s sports system by the total number of participants involved. In our view, the more students that get to play, the better.

I have been invited here today to discuss Title IX, and its impact on collegiate sports. However, any discussion of Title IX must first acknowledge the fact that there is a widening disparity between the overall enrollment rates of male and female students in our nation’s colleges and universities. This gender disparity is most severe among our African American and Hispanic communities. For example, our nation’s Historically Black Colleges and Universities (HBCU) have enrollment ratios averaging in the range of

65% female to 35% male. This gender disparity creates very real problems for schools trying to dutifully comply with the current regulations governing Title IX.

The CSC fully supports the spirit of Title IX. We don't want anyone to be discriminated against on the basis of their gender. The CSC takes issue only with how the law has been regulated, or more precisely, we are critical of the proportionality prong of the three-part test. A school is deemed to be in compliance with proportionality if the gender ratio of its intercollegiate athletes mirrors its undergraduate student enrollment.

In most athletic departments male athletes are the majority, yet most schools have a student body that is majority female, hence the dilemma. Pressure to achieve proportionality places incentives on college administrators to decrease the numbers of their male athletes. As a result, we are witnessing an unrelenting decimation of men's sports programs.

Just in the last year, James Madison University announced that it would eliminate 10 teams in order to bring its athletic department in line with proportionality. Other schools like Rutgers University, Slippery Rock, and Ohio University have also recently instituted cuts of multiple teams.

Since 1996, proportionality has been recognized as the 'safe harbor' for complying with Title IX. Every time someone mentions that a school is out of compliance, whether right or wrong, proportionality is almost always referenced as the measure of non-compliance.

A case in point is the report card recently created by the Women's Sports Foundation. It rates schools, assigning letter grades based on proportionality alone. Unfortunately, HBCU member schools rate poorly. For example, Howard University, located here in the District of Columbia, received an 'F' grade. Howard University is typical of most of the HBCU members. Its undergraduate ratio is 67.1% female. In 2002, it eliminated its baseball and wrestling programs, despite offers from its alumni to help with funding.

Athletic administrators are often praised for pursuing a 'gender equity' plan even if it merely consists of the elimination of teams and the limitation of men's squad sizes. The current environment of Title IX compliance creates incentives to drive male students away from athletic programs, shrink squad sizes, and drop teams entirely.

As a result of proportionality, opportunities for young male students to play sports are being severely limited. For example, there is only one NCAA Division I soccer team in the entire state of Texas despite its growing popularity at the scholastic and club level. Funding is frequently cited as the reason for these limitations, but from the CSC's experience this simply is not the case. The CSC is regularly contacted by athletes and former athletes who would like to start and fully fund teams for male students, but are told by school administrators that proportionality prevents them from adding any men's teams.

The sport of football is sometimes cited as the root of all problems, but fully 41% of the member schools in the NCAA don't even sponsor football teams. In addition, among the

NCAA Division IA schools, that are considered the 'big time' programs, there are only 118 football teams, which represents only 11% of the total of NCAA schools. Therefore, it is unfair and untrue to say that all the problems with Title IX compliance are due to football.

In addition to the outright elimination of men's teams, and the refusal to add new teams, administrators have developed other strategies designed to reduce the number of male participants in their athletic departments. One notorious practice is commonly referred to as 'roster management.' It is a strict limit placed on male teams only. It is important to understand that these squad caps are created by administrators, not by the coaches of these teams. In most sports, men's coaches prefer to be inclusive, allowing participation to all who want to try out as long as they respect the rules of the program.

Administrators like to justify the practice of 'roster management' by saying that they are managing their resources by managing the squad sizes. But this practice is not, by any means, gender neutral. It is not uncommon to see a men's swimming or track team given strict limits, while their female counterparts are asked to inflate their rosters. Women's coaches don't like this practice either, because it interferes with the control that they have over their teams, especially with the problem athletes who they'd prefer to cut. There is no more clear cut example of discrimination on the basis of gender than the practice of 'roster management.'

Title IX was never intended to limit participation. When you speak with coaches of women's teams they will tell you that they want to have equal access to facilities, equivalent funding for their teams, good locker rooms, uniforms, and sufficient travel budgets. They are not interested in how many players are on the men's rosters, and they certainly don't want to see teams eliminated.

We believe that reform of Title IX can go hand in hand with efforts to increase enrollment of male students on campus. If schools, like those included among the HBCUs, didn't have to worry about proportionality, they could use athletics to attract more male students to their campuses, rather than narrowing down opportunities for male athletes.

With slight modification, a solution may be found in the third prong of Title IX's three-part test, which already has an interest and abilities component. Currently, the regulations only protect the interest of the underrepresented gender, in other words, the female athletes. The CSC recommends that male students also be included in any and all measurements of interest. Through regular student surveys, the athletes would be given a voice of record, and a degree of influence in the process that determines a school's sports sponsorship. Reforming prong three of Title IX will create incentives to not only retain programs, but also to add new teams.

In the present system, the athletes have no real power over the decisions that impact the very existence of their programs. Just look at the protests on campuses across the country

where sports teams have been dropped. Fresno State, Rutgers, and James Madison University have all recently dropped programs despite the outcries of students, both male and female, who don't want to see athletic teams terminated.

The current system of Title IX enforcement is unsustainable. If left unchanged, we will continue to see the widespread limitation of athletic opportunity for male athletes. In the end, the harm done to male students will continue to disproportionately affect those athletes from our minority communities.

In closing, I'd like to say that it's been 35 years since Title IX was passed into law, and the environment of today's college campus is very different from the era of the 1970's. Female undergraduate enrollment now surpasses male enrollment, and today NCAA schools sponsor over 1,000 more teams for women than they do for men. We cannot overlook this significant change if we want to create a more fair and reasonable system to comply with Title IX, one that continues to protect young women from discrimination, but doesn't harm young men.

Again, I thank you for including the CSC in this very important dialogue.

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