

## SECTION 7 - ATHLETICS

The Title IX Regulation paragraph 86.41, states that an institution or district must develop and operate athletic programs according to the following specification:

### "(a) General.

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.

### (b) Separate Teams.

Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have been previously limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport. For the purpose of this part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

### (c) Equal Opportunity.

A recipient which operates or sponsors interscholastic, intercollegiate club or intramural activities, shall provide equal athletic opportunities for members of both sexes. In determining whether equal opportunities are

available, the Director will consider, among other factors:

- (i) Whether the selection of sports and levels of competition effectively accommodate the interest and abilities of members of both sexes;
- (ii) The provision of equipment and supplies;
- (iii) Scheduling of games and practice times;
- (iv) Travel and per diem allowance;
- (v) Opportunity to receive coaching and academic tutoring;
- (vi) Assignment and compensation of coaches and tutors;
- (vii) Provision of locker rooms, practice and competitive facilities;
- (viii) Provision of medical and training facilities and services;
- (ix) Provision of housing and dining facilities and services;
- (x) Publicity.

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Director may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.

(d) Adjustment Period.

A recipient which operates or sponsors interscholastic, intercollegiate club or intramural activities at the secondary or post-secondary

level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this Regulation."

The Issue: One of the most visible areas of sex discrimination and inequality is the organization, operation and recognition of women's participation in athletics in competitive sports. Studies of the athletic programs of secondary schools and colleges document discrepancies in the nature and extent of programs, the availability of coaching services, and the equipment and facilities provided for men's and women's sports.

The basic goals of athletic programs include: the provision of opportunities for the development of specialized physical skills; the provision of opportunities for the development of teamwork, fair play, leadership and leadership skills in competitive situations; the provision of competitive opportunities to promote outstanding athletic performance.

These goals are equally valid and important for male and female students, yet many athletic programs are based on the presumption that sports in competition are not as important for women as for men. This presumption clearly functions to deny equality of opportunity to females as it becomes institutionalized in the structure and operation of athletic programs.

The overall objective of the Title IX Regulation provisions on athletics is not to insure that males and females receive identical treatment but to insure that both are provided opportunities to compete in athletics in a meaningful way. The Regulation addresses equality and the totality of the

institution's athletic program, rather than in each individual sport.

Financial Support. It is the impact of the College's athletic expenditures which must be assessed in evaluating equality of opportunity in compliance with Title IX. Although equal aggregate expenditures are not required, the pattern of expenditures should not result in disparate effect on athletic opportunities for either females or males. Financial resources must be allocated as necessary to provide equipment, supplies, facilities and opportunities for participation in competition which equally accommodate the athletic interests and abilities of both males and females. Equality of opportunity for both sexes must be provided without regard to possible differences in expenditures which might occur because of differences in equipment required on spectator interest.

Sex Separated Or Unitary Team. Although the regulation generally requires that intramural, club or interscholastic athletics may not be provided separately on the basis of sex, two exemptions are specified. Teams may be provided separately from females and males when the activity involved is a contact sport or when team membership is based upon selection for competitive skill. In such cases, teams may be provided either separately for males and females or on a unitary basis. Determination of whether a specific sport should be offered on a separate team or unitary team basis must be made according to the criterion of effective accommodation of the interest and abilities of members of both sexes.

Assignment/Availability Of Coaches and Related Services. The regulation prohibits differentiation on the basis of sex in the assignment and compensation of coaches and tutors. Accordingly, students may not be denied coaching, training or other supervision (except in locker rooms) by a person of the opposite sex. Similarly a person may not be prohibited from coaching, instructing, training or otherwise supervising (except in locker rooms) students of the opposite sex.

Adjustment Periods. The Regulation requires that by July 21, 1976, all agencies evaluate current policies and practices to determine the compliance with the requirements of the regulation, and where these policies or practices are inconsistent with these requirements, undertake modifications to achieve compliance. With respect to the attainment of total compliance in athletic programs, the Regulation establishes specific time limits. In this regard The College of William and Mary must be in full compliance no later than July 21, 1978. More functionally stated, the College must be in compliance at the beginning of the 1978-79 school year. These time specifications establish adjustment periods, not waiting periods. Compliance must take place as expeditiously as possible; all possible modifications must be completed immediately. Adjustment periods may be utilized only when specific barriers to immediate compliance have been identified and steps and time lines for their elimination have been developed.

In order to assess and evaluate present compliance with the requirements of Title IX Regulation for nondiscrimination athletics, the following materials were reviewed:

All listings and descriptive materials regarding athletic programs and offerings;

Policy materials relating to the operation or administration of athletic programs and teams;

Policies relating to eligibility for participation in any component of the athletic program;

Rules and by-laws of interscholastic athletic associations and leagues in which the College participates;

Descriptive materials relating to College athletic programs, schedules of athletic events operated or sponsored during the academic year;

Records regarding student participation in athletics;

Descriptive materials concerning athletic facilities and equipment including schedules, for use, inventories, and policies regarding student access;

Publicity issued during the past year concerning sports events and team members;

Description of coaching, tutoring, training, medical and related services provided to athletes and criteria for student eligibility;

Budget pertinent to athletic programs, organizational descriptions and job descriptions of all positions related to the provision of the athletic programs, contracts with athletic personnel, program plans concerning current and future provision and operation of athletic programs.

As a result of reviewing the above listed materials the Athletic Policy Committee has compiled a complete and comprehensive report which is included as an integral part of this section. Basically, it was the feeling of the Committee that William and Mary is not far from complete compliance with Title IX. It was considered by the Committee that we are certainly far ahead of many other institutions, a feeling which is attested to by Mr. Ben Carnevale and Mr. Larry Beckhouse who, in their efforts to compile the committee report had numerous conversations with others. Probably the most serious areas of noncompliance at the present time are those of the Grant-In-Aid program, available facilities, access to medical services (athletic trainer) and sports publicity. These are all areas that the Athletic Policy Committee will examine more closely in the coming months and attempt to develop more comprehensive recommendations and provide follow-up on those recommendations already made.

Although the complete report is included, it would be appropriate to summarize certain sections of the Athletic Policy Committee report.

During the 1975-76 academic year, the total number of participants in men's and women's athletics was 746; 326 were women and 420 men, of whom 114 represented the revenue producing sports of football, (90) and basketball (14).

Analysis of budgetary information for previous years indicated that monies were allocated for Grants-In-Aid for both men's revenue as well as non-revenue

sports. For 1973-74, 1974-75, and 1975-76, the figures for non-revenue sports were approximately \$32, \$40 and \$38 thousand respectively. Grants-In-Aid for revenue producing sports over the same time-period were \$240,000, \$266,000 and \$344,000. For women's athletics there were no expenditures in the form of Grants-In-Aid in 1973-74, 1974-75 and 1975-76.

The Committee recognizes that philosophical differences exist between men's and women's athletics, particularly in regard to past attitudes concerning the solicitation and awards of Grants-In-Aid, is felt that the two programs are not equitably receiving funds for distribution to qualified athletes.

The Committee further recognizes that July 1978 has been set as the date for full compliance with Title IX guidelines. Consequently, the Committee's recommendations that the Women's Athletic Association formally request the approximately \$20,000 for Grants-In-Aid for the 1976-77 academic year. This figure represents approximately 50% of the men's non-revenue producing sports, Grants-In-Aid figure awarded for 1974-75.

The Committee designed a questionnaire to be distributed to all students in January 1976, during the registration/validation period. In examining the data from the interest survey, one conclusion that the Committee came to was that the students of William and Mary are very interested in participating in athletic activities, at all levels. At the present time, the athletic program at the College provides opportunities to men to participate in all sports except



boxing and field hockey. All sports except squash, wrestling, racket ball, handball, cross country, indoor track, football, boxing and baseball are available to women at some level of organized participation.

Expenditures (budget for '75-'76) for women as a percentage of that for men were 13.4% (73-74) 15.6% (74-75) and 23.2% (75-76). Participation for women as a percentage of that for men for those three years was 57.6%, 61% and 64.3%. Events for women as a percentage of that for men were 57.7%, 60% and 68% respectively. The bulk of the expenditures for men's sports were for football and basketball. If they were eliminated expenditures for the two groups would have been roughly equal.

Men's and women's physical education and intercollegiate programs are comparable in size. Men's intramurals are more extensive than the women's program.

In the opinion of the Committee, the following are needed to equalize distribution of facilities:

- (1) One large indoor space which would be available on a first priority basis to women for P. E. classes, intramurals and varsity practices;

- (2) A field on which women's intramurals can be scheduled during the fall and spring, currently the only space available is in front of Yates Dormitory and it is not large enough for most of the women's intramural programs.

The Housing Office treats men and women athletes according to the policies which govern its treatment of all students.

The treatment by the food service people seems reasonable. The fact that a training table is provided for football players is acceptable in light of the fact that such a table could be provided for any group which could afford it. The fact that only the football team can afford this service, is a part of a different, much larger problem and reflects in no way the policies of the food service itself.

The Men's Intercollegiate Athletic Office retains the full time services of a trainer and provides equipment and supplies for this person. The women's athletic program has no such and benefits only incidentally from the presence of the men's trainer.

The Men's Intercollegiate Athletic Office retains the full time services of a Sports Information Director. The women's program lacks a publicity person and does not benefit in any way from the presence of the men's publicity office.

The Committee recommends that some arrangement to place the trainer in the Student Health Services Office and distribute the services according to policies which govern that office be made. The Committee further recommends the placement of the Sports Information Director in the William and Mary Information Services Office and distribute those services according to policies which govern the Information Office.

The nature of the opportunity for students to be coached is reflected in the number of coaches per participant. Including all men's sports the average is one coach per 22 participants. Though revenue producing sports have a

ratio of 1 to 9, while the non-revenue sports have one coach to 25 players. In the non-revenue producing sports the same man coaches soccer, and lacrosse, making 12 the total number of coaches in that program. In the women's intercollegiate activities, the ratio is 1 to 17. There are 14 coaches, 3 of whom coach 2 sports, and 1 who coaches 3.

Of the 746 students participating in men's and women's athletics, 5 receive academic tutoring. These 5 are men who participate in the revenue producing sports.

Viewed as whole programs, the men's and women's intercollegiate sports provide comparable opportunities to applicants to be coached and comparable amounts of time to receive coaching. The fact that men's sports seasons are slightly longer and game schedules often heavier, are factors that they amount for the higher average number of hours per day and greater number of days per week utilized in coaching.

Women's salaries are divided between athletic and instructional budgets, with 65% being allocated from instructional, and 35% from athletic budgets. For 1976-77 a total of \$59,076 will be paid to staff members in the women's athletic program. All of this money will come from student fees. With 14 coaches in the program, the average for the women's overall staff (for athletics only) will be \$4,220.

In the men's athletic program, a total of \$165,757 will be allocated from the athletic budget for 1976-77. Of this total, \$36,000 will come from student fees. 21 coaches, the average compensation for men (for athletics only) will be \$7,893.

In both the men's and women's programs, the amount spent for athletics includes fringe benefits to all coaches.

From the difference of \$3,673 in average compensation between the men's and women's programs, is explained largely by the salaries of coaches in the revenue producing sports. Should be noted that the College pays no money for salaries of revenue sports coaches (football and basketball).

It is the feeling of the Committee that the salary figures for men and women are in line with present market considerations.

Some sex related bias may result from the allocation of existing facilities; thus an evaluation of the scheduling of games and practices should be done.

The men's athletic program as currently organized requires participation to be conferenced-specific as opposed to region-specific events for the women's program. These differences could result in observed inequities of games or practice by sex, yet without any deliberate discrimination. In addition, the scheduling of games is a function of money budget in general for the two programs. The games scheduled are directly related to the expenditures allocated for such purposes; games are a function of funds available and not, in and of themselves, the cause, but rather the result, of other inequities.

The availability of facilities has forced a reduction in the scope and magnitude of programs but this constraint has been felt in both men's and women's programs and is not observably sex related.

In 1973-74, approximately \$29,000 was spent on game expenses (travel, lodging, and meals) for the men's program in non-revenue sports compared with \$5,800 for women's programs. The figures for 1974-75 are \$33,000 and \$8,600 respectively. The 1975-76 budget will narrow these differences substantially, however, even the observed disparities for the last two fiscal years cannot be directly interpreted as non-compliance with Title IX requirements. Travel and per diem allowances are a function of (a) the number of games scheduled, (b) the distance involved, and (c) the feasibility of combination trips. The men's program is constrained in the number, location, and scheduling of games by the necessity to conform with conference scheduling.

TITLE IX AND ATHLETIC PROGRAM AT WILLIAM AND MARY

A Report By The Athletic Policy Committee

During the academic year 1975-76, the Athletic Policy Committee conducted a thorough examination of the total athletic program at William and Mary in light of final Title IX regulations prohibiting sex discrimination in education. As a guide for conducting this study, the Committee relied heavily upon a memorandum from the Director of Office of Civil Rights (Peter Holmes) to chief state school officers, superintendents of local educational agencies, and college and university presidents. The memorandum, dated September, 1975, was entitled, "Elimination of Sex Discrimination in Athletic Programs".

The Holmes memorandum provides guidance with respect to the major first year responsibilities of the College to ensure equal opportunity in the operation of both its athletic activities and its athletic scholarship programs. Two major substantive provisions of the Title IX regulation define the basic responsibility of providing equal opportunity to both sexes interested in participating in athletic programs at a particular college. Section 86.41 prohibits discrimination on the basis of sex in the operation of any level of athletics (club, intramural, intercollegiate, etc.). Section 86.37(c) outlines requirements for ensuring equal opportunity in the provision of athletic scholarships.

First year action requires that the total athletic program be evaluated; all sports are to be included in this overall assessment, whether they are contact or non-contact sports. To comply with the numerous requirements of the regulation addressed to nondiscrimination in athletic programs, all educational institutions were asked to complete the following by July 21, 1976:

(1) Compare the requirements of the regulation addressed to nondiscrimination in athletic programs and equal opportunity in the provision of athletic scholarships with current policies and practices.

(2) Determine the interests of both sexes in the sports to be offered by the institution and, where the sport is a contact sport or where participants are selected on the basis of competition, also determine the relative abilities of members of each sex for each sport offered, in order to decide whether to have single sex teams or teams composed of both sexes.

(3) Develop a plan to accommodate effectively the interests and abilities of both sexes, which plan must be fully implemented no later than July 21, 1978.

In determining student interests as described in (2) above, the Committee conducted an "Interest Survey" in January, 1976. The results of this survey will be discussed below. In considering the development of the total athletic program referred to in (3) above, and in determining whether equal opportunity exists in the total athletic program, the Committee considered the following specific factors:

- (1) The nature and extent of the sports programs to be offered (including the levels of competition, such as varsity, club, etc.).
- (2) The provision of equipment and supplies.
- (3) The scheduling of games and practice time.
- (4) The provision of travel and per diem allowances.
- (5) The nature and extent of the opportunity to receive coaching and academic tutoring.



(6) The assignment and compensation of coaches and tutors.

(7) The provision of locker rooms, practice and competitive facilities.

(8) The provision of medical and training facilities and services.

(9) The provision of housing and dining facilities and services.

(10) The nature and extent of publicity.

The Committee was divided into subcommittees to examine the above factors. The remainder of this report will consist of a summary of the various subcommittee reports and recommendations.

#### Athletic Scholarships

During the 1975-76 academic year, the total number of participants in men's and women's athletics was 746; 326 were women and 420 men, of whom 114 represented the revenue producing sports of football (90) and basketball (14).

The Athletic Scholarship Subcommittee of the Athletic Policy Committee has reviewed pertinent documents concerning Title IX in an attempt to determine the degree to which the College is in compliance with the guidelines. It appears that there are three significant areas to be addressed:

(1) "To the extent that a recipient awards athletic scholarships or grant-in-aid, it must provide reasonable opportunity for such awards for members of each sex in proportion to the number of students of each sex participating in interscholastic or inter-collegiate athletics."

(2) "Where colleges administer domestic or foreign scholarships designated by a will, trust or similar legal instrument, exclusively for one sex or the other, the scholarship recipients should initially be chosen without regard to sex. Then, when the time comes to award the money, sex may be taken into consideration in matching available money with students to be awarded the money. Scholarships, awards or prizes which are not created by will, trust or similar legal instrument, may be sex-restricted."

(3) "Once students have been thus identified, a school's financial aid office would award the aid from both sex-restrictive and non sex-restrictive sources. If not enough aid is then available through non-restrictive sources for members of one sex, the school would then be required either to obtain funds from other sources or award less funds from sex-restricted sources."

Analysis of budgetary information for previous years indicated that monies were allocated for Grants-In-Aid for both men's revenue as well as non-revenue sports. For 1973-74, 1974-75, and 1975-76, the figures for non-revenue sports were approximately \$32,000, \$40,000, and \$38,000 respectively. Grants-In-Aid for revenue producing sports over the same time period were \$240,000, \$266,000 and \$344,000. For women's athletics there were no expenditures in the form of Grants-In-Aid in 1973-74, 1974-75, and 1975-76.

While the Committee recognizes that philosophical difference exist between men's and women's athletics, particularly in regard to past attitudes concerning the solicitation and award of Grants-In-Aid, it is felt that the two programs are not equitably receiving funds for distribution to qualified athletes.

The Committee further recognizes that June 1978 has been set as the date for full-compliance with the Title IX guidelines. Consequently, the Committee recommends that the Women's Athletic Association formally request approximately \$20,000 for Grants-In-Aid during the 1976-77 academic year. This figure represents approximately 50% of the men's non-revenue producing sports Grants-In-Aid figure awarded for 1974-75. While \$20,000 is arbitrary and does not represent the appropriate amount on a proportion of participation basis, it was felt to be a "reasonable" budgetary move as the College examines its responsibilities in funding women's athletics when both men's revenues as well as non-revenue producing sports are considered.

#### Survey Of Student Interest

The Holmes memorandum states that:

"In determining student interests and abilities... educational institutions as part of the self-evaluation process should draw the broadest possible base of information. An effort should be made to obtain the participation of all segments of the educational community affected by the athletics program, and any reasonable method adopted by an institution to obtain such participation will be acceptable."

The Committee designed a questionnaire to be distributed to all students in January, 1976, during the registration-validation period. A copy of the questionnaire is attached to the end of this report. The Committee was attempting to gather information about student interest in participating in various athletic activities ranging from basketball to canoeing. Students