

PARTICIPATION OPPORTUNITIES

(Schools Must Pass One of Three Tests)

1. Full and Effective Accommodations of Athletic Interests and Abilities

- The survey/assessment should determine whether sport interests of female students have been fully and effectively satisfied.

Explanation: The results of the survey/assessment should identify, by gender, who was being surveyed. In addition to the results of the survey, it is up to the district to show the action taken by the district, based on the results of the survey. Results could be adding new sports, or adding an additional level of competition for existing sports.

Explanation: The most time-consuming part of any investigation is the gathering of information. Like any other investigation, Title IX investigations take time, ranging from two weeks to two years. Most of the prolonged time element is related to insufficient or nonexistent documentation, including the absence of interest surveys. Every district should have a Title IX coordinator.

2. History and Continuing Practice of Athletic Program Expansion

- Demonstrate a pattern of ongoing program expansion.
- Investigations consider all history, but focus on recent history, usually within the past three to five years.

Recommendation: One OCR Office has recommended that a school district survey/assess its student population at least every two years. A chronological history of school sport interest surveys should be on file, along with the district's response to the results of the survey.

Recommendation: Preserve pertinent information demonstrating a sincere effort to engage and promote boys and girls activities continuously through program development. This may include the policy and procedure for adding new sports.

3. Presumed Compliance

- The OCR has determined proportionality by examining the ratio of female students to male students and comparing that percentage to the ratio of female athletes to male athletes. The ratio needed for compliance is determined on a case-by-case basis by OCR.

RESOURCES

Information for Title IX is disseminated differently in every state. To find out how information is disseminated in your state, contact the Office for Civil Rights. OCR will provide a local or state agency to assist with Title IX questions.

What or who is the **Office for Civil Rights (OCR)**? The OCR is staffed by a group of attorneys, investigators and support personnel working as case resolution teams from one of 12 enforcement offices. These offices are charged with investigating and resolving cases of alleged illegal discrimination.

Eastern Division

Serving: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
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Serving: New Jersey, New York, Puerto Rico, Virgin Islands)

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Southern Division

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Midwestern Division

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National Federation of State High School Associations

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DEFINITION OF A SPORT

The Office for Civil Rights (OCR) can review, on a case-by-case basis, any information pertinent to the determination of whether an activity should be considered interscholastic sport.

Among the issues considered by the OCR are the following:

Is the Activity:

- Recognized and governed by the state association?
- Sponsored for the primary purpose of preparing for and engaging in the athletic competition against other similar teams?
- Scheduled during a regular season with definite starting and ending dates as set by the state association?
- Governed by a specific set of rules published by a state or national organization?

Does the Activity:

- Prepare for and engage its participants in competition the same way other teams in the interscholastic athletic program prepare and engage participants?
- Require that participants receive coaching?
- Require team tryouts, regular practice sessions and regularly scheduled athletic competitions?
- Base selection for the team on factors related primarily to athletic ability?
- Assign trained and certified officials/judges who have met a certification standard?
- Follow a competition structure like other sports to the state championship level?
- Stand alone as the primary event without being scheduled simultaneously with another event.



Keeping One Step ahead of OCR Investigations

(Documentation – What to Count, What Really Counts)

The best documentation for a Title IX investigation can be during a routine project evaluation. Schools scrambling to gather information after the fact have a more difficult time producing accurate documentation.

Documentation for the following questions could prove valuable when conducting a self-evaluation, or during an OCR investigation.

Has your district participated in a sports-based interest survey within the past two years?

Was the survey gender-specific specifying who was being measured and where an interest lies? What action has your district taken to respond to the results of the survey?

Are athletic opportunities, program allocation, staffing, coaches' compensation and number of years' experience the same in comparable programs?

Is the opportunity to receive additional stipends for open gym, camps or off-season supervision, the same for comparable positions?

Is the amount of money budgeted and spent on students in comparable programs equal?

Are monies spent on supplies, equipment and uniforms based on the number of athletes being served? Is the allocation of funds in comparable programs equally based on money received by donors, corporate sponsors, fundraisers, boosters, gate receipts, or any other source of

income? Funds, supplies and equipment must be distributed so that all students in the school program benefit equally.

Does the policy and practice of school-utilized facilities provide comparable access for practice and competition?

Is there access for both genders to the field house, training room, weight room, locker room, and laundry service.

Are enforced and written policies gender-neutral, which include travel, per diem and transportation needs?

Is release time based on distance, game time and road conditions? Is overnight stay, or return-home policy following the elimination of teams, the same for boys or girls? Are pre-season and post-season differences in travel policy for teams or coaching staffs the same?

Does the policy and practice of your school provide equal compensation of coaches for both girls and boys sports for equal work?

Is the procedure for hiring, educating and evaluating coaches of both boys and girls sport the same? Is money allocated and distributed equally for professional growth and development for like comparable positions?

Is support demonstrated consistently for teams?

Support can be demonstrated by providing secretarial help either paid or volunteer, providing comparable information to the media, providing publication or promotional media for both genders, scheduling recognition events or pep rallies on or off campus equally, scheduling the same number of appearances by spirit groups, music groups or other ancillary groups.

