Imagine yourself as a high school girl in America in 1972 with a desire to play basketball. You practice your skills every day and spend hours in the gym. When the time comes to try out for the team, unfortunately the closest you can come to the court is cheering on the side with some pom-poms and a skirt. This is all because of your gender. However, 1972 is a big year for women and athletics. Title IX is introduced by Congress which prevents gender discrimination in any programs or activities receiving federal education funding. This law has opened up doors for women in athletics allowing them the same opportunities that are given to men. Many would argue that Title IX has done its job and is an outdated law, but has it? Has true equality been reached between men and women in athletics and is Title IX fair to both genders?

In the early 1970s and even throughout the rest of the decade, girls were severely denied from athletic participation. In 1992, two million girls participated in high school athletics while in 1971 there were only 294,000 female athletes (Morse). The low numbers in 1971 are not surprising because these numbers were collected a year before Title IX had been passed. Before Title IX was passed in 1972, “the budget for women's sports was zero, and would-be athletes raised funds by selling apples at football games” (Morse). Susan Morse, author of the article “Women and Sports,” tells us that many girls were banned from joining Little League and a girl competing with boys
was severely frowned upon. Girls were denied almost every opportunity to participate in athletics with the exception of cheerleading (Tigay).

The importance in the passing of Title IX is found not only in its assistance of the feminist movement, but in its ability to open doors that were previously closed. Title IX took girls out of the boxes they had been put in and allowed them to try new things and grow as people. Being told you cannot participate in an activity solely due to your gender is something that no athlete, boy or girl, should have to hear. Athletics provides many benefits for participants and denying girls the chance to reap those benefits is unfair. Already the benefits of Title IX can be seen. Between the passing of Title IX in 1972 and 2010, female athletic participation has risen 904% in high schools and 456% in colleges (Kennedy). Author of "A New Frontier For Women’s Sports (Beyond Title IX)," Charles Kennedy, asserts that in that same time frame:

The number of women enrolled in advanced degree programs had dramatically increased. As an example the number of women in medical schools had increased from 9 to 41%. The increases were similar in dental, law, business, and engineering schools. Today, the average undergraduate enrollment for women in colleges throughout the country is nearly 57%. This enormous increase has also been very evident regarding the number of girls and women on the playing fields.

This shows a possible correlation between athletic participation and success in post-secondary education. Denying girls the opportunity to participate in athletics at the high school or college level denies them an opportunity to meet their full potential.

Title IX was not a law that was adopted with overall compliance. As with any big shock to a culture, many people were reluctant to let girls participate in activities traditionally reserved for
boys. A prime example of this is found in the story of the first girl to play college baseball, Julie Croteau. Morse tells us that “Croteau won the acceptance of her teammates at St. Mary's College in Maryland. She played hard, traded quips with fellow players and let occasional jibes from the stands roll off her thick skin.” It sounds as though everything was working out for Croteau until she decided to stop playing after her third season. She admits that she had “spent more time fighting and being emotionally destroyed by baseball than enjoying the game” (Morse). Even though Title IX allowed her to participate in a traditionally male sport, Croteau felt as though she couldn’t continue playing due to the reaction from society as a whole. The game she loved was ruined for her by the negative opinions of others.

One way of considering Title IX’s success is looking at how compliant schools are with the law. Title IX has a three pronged approached to compliance. Known as the *proportionality prong*, the first element to Title IX looks at the ratio of male to female students compared with the number of male to female athletes (Hicks). According to Melissa J. Hicks, author of the Title IX entry in the *Encyclopedia of Gender and Society*, for a school to be considered acting in accordance with Title IX its ratio of male and female population to students needs to be within 1% or lower. Hicks presents a possible scenario by suggesting that “if male students compose 50 percent of the students, they should receive 50 percent of the athletic opportunities and the remaining 50 percent should be allocated to female students.” The second prong of Title IX compliance “challenges institutions to show a history and continuing practice of program expansion for girls and women” (Hicks). The third prong is similar to the second and entails that the “interests and abilities of the underrepresented sex are accommodated” (Hicks). Although there is an outline for following Title IX, there are many institutions that do not follow it. Since being signed into law in 1972, institutions not in compliance with Title IX have not lost federal funding (Copelton). Title IX
stipulates that for an institution to continue receiving federal funding it must provide equal opportunities for both males and females. How can the law be effective if those organizations not in compliance are not cut off from federal aid? Those affected by incompliance with Title IX have little to no options available to them to rectify the situation. One of the more successful options is to file a lawsuit against said organizations. An effective lawsuit can “have the potential both to admonish institutions to remedy discriminatory practices and inflict financial punishment for such discrimination” (Copelton). Institutions are more likely to try and avoid law suits and financial penalties by abiding by Title IX (Copelton).

Forty-one years have gone by since the passing of Title IX and many changes have come because of it. For instance, when females first began trying to enter the male dominated athletic scene, they were often met with barriers. This is mainly due to the fact that women were thought of as “frail, motherly and decidedly un-athletic” (Tigay). Women were first allowed to compete in the Olympics in 1900 and had to do “so only in golf and tennis, and they had to wear long garments that shielded the shape of their bodies from male onlookers” (Tigay). Over 100 years later and females are participating in almost every Olympic sport wearing uniforms that function for each sport, not to cover up their bodies. Women have also seen other advancements: Justine Siegal became the first woman to pitch during Major League spring practice, Sarah Fisher and Lyn St. James became the first women to qualify for the Indianapolis 500, and the US Olympic committee selected Sandra Baldwin as its first female president (Tigay). However, as far as women’s sports have come, there are still obstacles to be overcome. When the time for cutting budgets comes, female sports and low-earning male sports are the first to go while high revenue sports like men’s basketball and football remain untouched.
Many of Title IX’s detractors claim that institutions trying to comply with Title IX actually reduce athletic opportunities for men. When attempting to comply with Title IX, organizations have three options. They can choose to attempt to create equal proportions between male and female students and athletes, continue to expand and grow women’s programs, or support women’s athletic programs so they can prosper. Most organizations feel that attempting to comply through the second and third option is not practical and cannot hold up in court (Langton). Instead they feel that the only reliable way to comply with Title IX is to play a number’s game and try to balance the number of female athletes with the number of female students. This presents a problem for many universities when they already have a rich history of male athletics and few opportunities for women. The fair option for both sexes would be to add more female sports to balance the numbers. However, according to Victoria Langton, author of “Stop The Bleeding: Title IX And The Disappearance Of Men's Collegiate Athletic Teams,” “adding women's programs often requires a lot of money, which may leave eliminating or capping the rosters of men's teams as the only viable means for compliance under this provision.” Universities are not going to cut programs that are profitable, so they resort to cutting men’s sports that are less popular but still have an interest from participants and supporters.

For example, according to Jane Tanner, author of “Women in Sports,” from 1972 to 2001 171 men’s wrestling teams have been cut and 2,600 participants were lost. Men’s tennis was next and it lost 84 teams in 29 years. Additionally, men’s gymnastics was cut by 56 teams (Tanner). Supporters of Title IX claim a waning interest in the sport while those against it claim that the proportionality prong is forcing a quota system upon schools. In an attempt to fulfill the proportionality prong universities are quickly adding women’s crew teams (Tanner). A crew team fields about 90 athletes and is the closest female sport to rival men’s football in numbers. A “typical
college football team has upwards of 103 players on its roster” (Tanner). By adding women’s rowing, schools come close to equal numbers between female and male athletes without having to pay for multiple women’s teams or cut a high-earning men’s sport like football. In 1981 there were only 43 college crew teams and in 2001 there were 122. The influx in teams however is not due to interest from females. Coaches “[scout] for castaways from women's basketball, track and volleyball” and a star rower from Michigan State was “recruited…in a campus building stairwell” (Tanner). University of Minnesota’s crew coach, Wendy Davis says that “at Stanford, we went dorm room to dorm room looking for athletic-looking females” (Tanner). Many think that this system is unfair because women’s rowing is often promoted to a varsity sport while men’s rowing is left as a club. In one instance

The University of Michigan added varsity women's rowing but left its men's team at club status, even though the men's team had raised the money to build the boathouse that both teams share. “It is something that hurts men's rowing,” [Brett] Johnson [a spokesman for the United States Rowing Association] says. “They are caught on the other side of Title IX. University of Michigan has the money to make men's rowing a varsity sport, but in order to stay in line with the numbers, they can't” (Tanner).

It is for this precise reason that many feel that Title IX forces a quota system upon schools and presents unfair cuts to men’s sports.

In fact, many disgruntled athletes, coaches, and supporters have tried to sue schools when men’s programs have been cut. They cite the “university's decision as a violation of Title IX and the Equal Protection Clause of the Fourteenth Amendment” (Langton). There hasn’t been a
successful case in the courts on these grounds because courts have found that “plaintiffs lacked standing to challenge Title IX enforcement mechanisms because the elimination of programs by individual universities is not an injury addressable by the [Department of Education]” (Langton). This issue has yet to be looked at by the Supreme Court but those affected remain hopeful.

While it is true that Title IX opened up opportunities previously denied to girls, it is not perfect. Title IX is not often enforced by the government but instead by institutions seeking to protect themselves. Those that ignore Title IX are not cut from federal funding and thus have no reason to follow it. The law cannot be effective if it has no teeth when implemented. Enforcing Title IX should become a priority for the Department of Education and not something that is simply over looked. The real question here remains: Is Title IX helping or hurting? There are those that would argue that athletic opportunities for girls have been created, Title IX has done its job and therefore can be repealed. One thing to consider when discussing this argument is to look at a similar law. The Civil Rights Act of 1964 is a similar law that fought against discrimination and ensured equal opportunities for everyone. One could argue that the time for this law has passed and it could easily be repealed. A proposal like this would not go over well with most Americans. In fact, it would cause a lot of debate. However the Civil Rights Act is extremely similar to Title IX. Repealing Title IX now would only open up chances for institutions to take the easy way out and possibly revert back to pre-Title IX practices.

Therefore, Title IX is not an outdated law. It protects the interests of the athletic minority every day and is essential to the preservation of female athletics. It must be admitted, however; that Title IX is not without fault. Due to the inability of the second and third prong of compliancy to hold up in a court, most schools feel as though Title IX holds them to a quota system. It is unrealistic for schools to add multiple female sports to their programs due to budget concerns and
that leaves eliminating other male sports as the only alternative. This is an unintentional byproduct of Title IX and one that is not fair to the previously existing male sports. Because of this, Title IX should be looked at by a committee to see if there is another way to judge compliance without enforcing an inadvertent quota system. Our society is not one to remain static; it is constantly changing through the eras. What once worked in 1972 is not applicable to 2013. For Title IX to be fair to both genders, a good, hard look needs to be taken on how it can be upheld in today’s society. Overall, female athletics has come a long way. There are championships for most female college sports that didn’t exist 41 years ago and girls are given more opportunities to participate equally than ever before. Title IX has accomplished its goal but needs to be reformed if it is to be fair and effective in the years to come.
Works Cited


