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Tragedy and Triumph in Title IX

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Tragedy and Triumph in Title IX*

[By Welch Suggs**]

The Tragedy

Participating in sports is a tremendously valuable experience for anybody. The physical and social benefits are obvious. The educational benefits are a little harder to spot, but they are there. Sport can teach normative lessons on teamwork, respect for the rules of the game, and respect for one's opponents.

IAAW knew that. So do Pat Summitt, Leo Kocher, Julie Foudy, and all the other athletes, coaches, and professionals mentioned in these pages.

Americans cherish high school and college sports for the lessons taught on the field and court. Sport's value, in an educational setting, is as a means to an end, not as an end in itself.

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Competition teaches courage, practice teaches perseverance, and playing for a championship requires an athlete to reach inside to summon abilities she may not have known she had. The heat of the game is a beautiful, passionate, captivating moment.

Dudley Allen Sargent knew that. Senda Berenson knew that. Teddy Roosevelt knew that. The coaches and athletes of the

But college sports for men, particularly at the country's largest colleges, has always been about other ends. Winning on the football field and basketball court, and occasionally in the hockey rink or baseball diamond, have always been a way for colleges to build goodwill among fans, alumni, state legislators, donors, and present and future

students. Colleges have always tolerated recruiting students because of their athletic prowess and, even at the country's most prestigious institutions, have been willing to bend academic standards to bring in the best players. College sport has become a nakedly commercial enterprise, whether it is to bring in millions of dollars at Miami or Michigan or to attract new students to MacMurray College or Mount Union College.

The tragedy of Title IX's passage is that female athletes have been sucked into this mess.

Even beyond elite programs like Lady Vols basketball and Tar Heels soccer, the volume has been turned up on women's sports. Recruiting and winning are becoming all-encompassing goals, as they have been in men's programs for generations. More female athletes than ever have the chance to play and

Athletes' exploits are supposed to reflect well upon their colleges and schools. College presidents speak freely about the publicity their teams generate, and the fact that colleges are expected to compete in big-time sports if they are to be judged big-time institutions by fans and donors.

Coaches at all levels are expected to train and prepare teams to compete for regional and national titles. In Division I of the NCAA, coaches' contracts typically include bonuses for conference and national titles. Division III colleges have rapidly expanded fields for championship tournaments in recent years, and colleges compete avidly for the National Directors' Cup, awarded to the institution with the best record in national championships in all sports.

“Female athletes’ graduation rates are still far higher than those of male athletes and even of women who do not play sports, but researchers are finding evidence that female athletes are not performing up to their capabilities in the classroom.”

learn valuable lessons from sports, but they are becoming subject to the same pressures.

Recall the creed of the National Amateur Athletic Federation's Women's Division from chapter 1, and consider the state of women's sports in the early twenty-first century:

College athletes, even those at small colleges, train and compete for years at schools and private clubs to earn the opportunity to compete in college. They are recruited extensively by coaches, compete in tryouts merely to earn a spot on the practice squad, and train for their sports year-round. This is true not just of football players, but of male and female athletes in all sports.

All-American awards are cherished for individual athletes, and while prevented from earning monetary prizes, athletes are given valuable souvenirs and favors for qualifying for postseason contests. Colleges employ entire departments to market and publicize their athletes and teams.

Women now constitute a minority of the coaches of women's teams, and are a tiny minority of athletic administrators.

Gate receipts, as well as television contracts and other moneymaking opportunities, dictate game times and schedules for both men's and women's sports.

Teams compete in widely spread conferences, as well as in national competitions that send them across the country.

Individual accomplishment and winning are the purpose of sport, while sportsmanship is widely perceived to be in decline.

In short, the lessons of the women's sports establishment have been subsumed by the male model of college sports. This is playing out in troubling ways: female athletes suffer from particular physiological and emotional programs that rarely trouble male athletes, such as eating disorders and damage to knee ligaments. Female athletes' graduation rates are still far higher than those of male athletes and even of women who do not play sports, but researchers are finding evidence that female athletes are not performing up to their capabilities in the classroom. While white women have experienced a boom in participation opportunities, those from other ethnic backgrounds have not joined teams at the same rate. And the intensity of sport at all levels, from peewee to professional, has ratcheted up to troublesome levels.

Nowhere is this more prevalent than in college recruiting. The NCAA has rigid rules defining periods when and how often its coaches can contact prospective athletes. However, those athletes often attend high-level summer camps at colleges they are considering, getting personal coaching and interaction from the college's staff. Coaches are pressuring athletes to make a decision earlier and earlier in order to nail down their rosters.

In most girls' sports, athletes play on travel teams, private clubs in which parents hire well-qualified coaches to work with their children year-round. As the name implies, the teams travel across the country throughout the spring, summer, and fall, competing in a variety of showcase events and national tournaments that bill themselves as championships.

Parents spend two hundred dollars a month or more on coaches, uniforms, travel, and other expenses for children who are highly involved in club sports. A handful of these kids on the very best teams will have a chance to win scholarships to the top colleges in Division

I in the NCAA. The rest play to fill out their brag sheets, to try to earn a spot on lower-level teams in any of the NCAA's three divisions, or because they cannot get enough of the game or their friends on the team.

They all play high school sports, too, but with just a touch of contempt, at least on their parents' part. High school coaching is a hit-or-miss prospect for elite players – many coaches are teachers who volunteer because they enjoy or have a little background in the sport, not the licensed, experienced coaches who take club jobs.

The competition for athletic scholarships is worrisome in itself. The joke on the field is that if a parent saved all the money she spent on soccer for her daughter, she'd be able to pay the daughter's way to college. But the intensity of that competition leads players to specialize in one sport at earlier ages, increasing the chances that players will burn out and stop enjoying sports and ruining the experience for all but the best athletes.

This is even an issue for young children, according to Bob Sterken, a soccer dad in Tyler, Texas. His daughter plays for the Ladybugs, an under-eight team coached by his wife, Alison. He describes a game played against their big rivals:

The coaches on the other team had asked my wife and her assistant to lunch the day of the game. They wanted to talk about the North Texas Soccer Association playing rules. In particular, they wanted to discuss required playing time. They understood the rules on playing time to be that they were required to play a player for only one quarter of the game. At lunch these two coaches said that their U8 players have to "earn their playing time."

Alison told him that the rules at U8 require each player to play for at least half of the game. That night at the game, the Ladybugs started strong and dominated play for the first quarter. And then Alison started playing her bench. They only play seven on the field including the keeper. She has four girls who do not yet have the speed, skills, nor the understanding to really

play with the girls who are stronger and faster.

After Alison started playing her weaker players the [other team] started scoring. I watched [their] bench closely. He did not play his weaker girls at all until well into the fourth quarter. With the game in hand and his weaker players still sitting on the bench in the cold night air, I walked over to him and politely suggested that it was time to let his bench have a little time on the field. He did not take this well.

This coach asked me if I expected him "to just quit trying to win." I quietly told him that this game is about player fun and development not winning. He laughed and asked me what planet I was from. I fully expect those girls who sit the bench for his team to quit the game...soon...probably for good and they are only eight.¹

This kind of specialization is not confined to girls' teams. Little boys have been concentrating on year-round sports for many years, but the trend for both sexes has become far more pronounced in recent years. Teenaged players in most sports attend college camps during the summer, hoping to catch the eye of coaches who will begin recruiting them in their junior and senior years. Many take private lessons with coaches who played in college or professional leagues. Football players compete in seven-on-seven leagues in the summers with their high school teammates, and both male and female basketball players participate in a complex schedule of camps and tournaments sponsored by the Amateur Athletic Union throughout the spring and summer.

Coaches and outside critics of college sports see two dangerous trends in the rush to specialization: the prioritization of skill development at the expense of academic and social development, and the steady whitening of the sports population. Because their parents can afford to live in areas with athletic fields and to ship them hither and yon for club teams and private lessons, middle-class children and especially white ones have been the direct

beneficiaries of the professionalization of amateur sports.

One of the more prominent outside critics has been William G. Bowen, president of the Andrew W. Mellon Foundation and co-author of *The Game of Life* and *Reclaiming the Game*. In essence, Bowen and co-authors James L. Shulman (*The Game of Life*) and Sarah A. Levin (*Reclaiming the Game*) argue that the country's most elite colleges, including the Ivy Leagues and the small New England liberal arts colleges, are placing too much emphasis on athletics as they assemble their freshman classes every year. As a result they admit a large number of athletes whose academic credentials lag behind those of other students. The middle-class students who make up the majority of the applicants to these schools and their parents are not stupid, so they work hard on becoming elite, recruitable athletes in order to attend these institutions.

The Game of Life traces what the authors called a divide between athletes and other students that manifests itself in a variety of areas: high school academic credentials, grades in college, choice of major, and so forth. The divide is visible at all kinds of institutions, from big state universities like Michigan to small private women's colleges like Bryn Mawr.

"The first book [*The Game of Life*] suggested a lot of things, including the idea that the divide was widening," Bowen points out.²

Presidents of institutions in the New England Small College Athletic Conference (NESCAC) asked for a look at more recent groups of students, he adds, "and what we found was that there is indeed evidence of widening. We got a better fix on the trends [in *Reclaiming the Game*]."

By analyzing the credentials and experiences of students who started college in 1995 and 1999, and by tracking blue-chip athletes who were highly sought by coaches, Bowen and Levin reached the conclusion that recruited athletes, who often constitute as much as 25 percent of the incoming classes at these institutions, receive a substantial advantage in admissions.

Harvard, Swarthmore, and other elite institutions admit only a tiny portion of their applicants, but athletes on coaches' lists have a much better chance of getting in than other

students with comparable SAT scores and high school grades.

Athletes do not have the worst academic profiles of all admitted students, Bowen and Levin hasten to point out. However, there are more athletes toward the lower end of the class. Male non-athletes who applied to Ivy League universities in 1999 with SAT scores between 1100 and 1199 had almost no chance of getting in, while the odds for male athletes with those scores were fifty-fifty.

Once in college, the majority of recruited athletes end up toward the bottom of their classes. One might expect as much, given their lower credentials coming out of high school, but Bowen and Levin found that both male and female recruits under-perform in college course work even relative to their test scores and high school grades.

Men who were recruited to play the high-profile sports of football, basketball, and ice hockey at NESCAC colleges in 1995 ranked, on average, in the nineteenth percentile of their graduating class, for example. Football players underperformed by nearly twenty percentile points – meaning that athletes whose high school credentials suggested that they would be around the fiftieth percentile of their college classes, instead were around the thirtieth percentile.

Of the class that entered Ivy League colleges in 1995, 45 percent of female recruited

fair, critics point out that both the Ivies and the NESCAC colleges have gotten so competitive in recent years that there is very little difference in class rank, suggesting that rank-in-class may be more a matter of coincidence or a single bad grade.)

A 2004 study of Rice University athletics documented similar trends. Female athletes admitted to the prestigious Houston university in 2003 had SAT scores 16 percent below other female students, and on average, female athletes graduated with lower grade-point averages (2.91) than female students as a whole (3.35).³

The second consequence of specialization, the economic stratification of women's sports, is especially clear when looking at minority students. Asian-American and Hispanic students participate in college sports in tiny numbers. Black men represent more than half of all scholarship basketball, football and track athletes, according to NCAA track statistics. But women do not play football, and a much smaller proportion of black women participate in college sports.

Nearly a third of the women shooting hoops in Division I of the National Collegiate Athletic Association are black, as are nearly a quarter of female track athletes. But only 2.7 percent of the women receiving scholarships to play all other sports at predominantly white colleges in Division I are black. Yet those are precisely the sports—golf, lacrosse, and soccer,

“The joke on the field is that if a parent saved all the money she spent on soccer for her daughter, she’d be able to pay the daughter’s way to college.”

athletes finished college in the bottom third, as ranked by grade-point average. At NESCAC colleges in the New England, 34 percent of female recruits finished college in the bottom third of their classes, compared to only 21 percent of female students as a whole. (To be

as well as rowing—that colleges have been adding to comply with Title IX.

Some experts blame the NCAA and the (white) women's sports establishment for promoting sports in which minority athletes are unlikely to participate. But the problem

lies deeper than that: Coaches cannot be blamed for failing to recruit women of color, when so few of them show up in the clubs and tournaments that help top athletes develop. Colleges cannot really be lambasted for their choices of sports, when those sports simply do not draw minority women the way track and basketball do.

However, the number of women's basketball and track teams has risen only about 26 percent, despite the scores of colleges that have migrated into the NCAA from the National Association of Intercollegiate Athletics over that time. (Of course, black women in basketball and track have benefited from Title IX in other ways, as colleges have spent money on those programs to improve their facilities,

“Once in college, the majority of recruited athletes end up toward the bottom of their classes.”

Brannon Johnson is one of the exceptions. A native of Philadelphia, she said in a 2001 interview that “we had family basketball games growing up,” and in the neighborhood, “the height of competition was to see who could beat each other down to the corner store.”⁴ Now, however, Johnson is a rower on the varsity crew at the University of Texas at Austin. In 2001 she was adjusting to college life and college rowing. She is the first in her family to attend college. “People may look at you twice” at regattas, she says, because a black woman in a boat is still a rarity. But her teammates have made her welcome.

She got into rowing through a program for inner-city kids run by Vespers, one of the oldest rowing clubs on Philadelphia's Schuylkill River. By the time she finished high school, she was among the area's top rowers, and people along the banks of the river would yell, “Go, black girl!” as she raced by, much to her embarrassment.

Since 1987, when Congress passed the Civil Rights Restoration Act, the fastest-growing sports in the NCAA have been women's soccer, rowing, golf, and lacrosse. The numbers of teams and of athletes have doubled and in some cases tripled in all four sports.

their coaching, and their visibility.) College fields, courts, and rivers are now teeming with equestriennes, female soccer players, rowers, and other athletes, but almost all of them, close to 70 percent, are white. Women from other minority groups are similarly underrepresented in college sports: Only 1.8 percent of all female athletes are Asian, and only three percent are Hispanic. Coaches are happy to look further afield, though: more than seven percent of female athletes are from other countries.

And members of all minority groups except black women have been going out for Division I sports in increased numbers since 1990 – 91, according to NCAA statistics. The proportions of American Indian, Asian, Hispanic, and foreign athletes on women's teams have skyrocketed, while the proportion of black women has remained steady between 13.9 and 15.6 percent over the past decade. Even so, black women continue to outnumber women of all other races except white.

Researchers, coaches, and athletes themselves offer a number of reasons for the dearth of black women in sports, including economics, culture, and psychology. For Tina Sloan Green, though, they all revolve around access.

Green, the director of the Black Women in Sport Foundation and a professor of physical education at Temple University, points out that most urban high schools do not have the "green space," or open fields, needed for sports such as soccer, lacrosse, and especially golf. They do not have coaches for those sports. There is nothing to suggest to a girl that she might be successful at them.

"When you have access to a sport, either you have success, or someone else sees that they might be successful," said Green. "But the cities are so jammed up."

Green, who is African-American, has some experience in this area. As a student at Philadelphia's Girls' High School, for gifted students, she found herself with a variety of sports to play, and excelled at field hockey. At West Chester University of Pennsylvania, the lacrosse coach persuaded her to add that sport to her repertoire.

Green then coached both those sports at Temple, winning three national lacrosse titles in the 1980s with the Owls before leaving coaching in 1991 to concentrate on teaching and foundation work. Her daughter, Traci, played tennis at the University of Florida.

The Greens had access to good coaching and the junior tennis circuit, the costs of which are far out of reach for many families. Having a topranked junior tennis player can cost up to thirty thousand dollars a year, Green estimates.

Because virtually all of the good players go through the club system in most sports, all the coaches offering college scholarships do, too. Access to the rich talent on the playing fields of Dallas and Houston was part of what prompted Chris Petrucelli to leave a job as coach of the University of Notre Dame's women's soccer team for the same job at Texas in 1999.

"Soccer in the U.S. is a suburban sport with a lot of little white girls running around," said Petrucelli. "There are [African-American] kids out there, but the pool we look at is very selective and relatively small. There are usually one or two minorities in it. We recruit them, but we haven't gotten them yet."

Beyond the economic hurdles, black women who do find their way into sports such as soccer or crew often face problems because the vast majority of their teammates are white, according to Teresa P. Stratta, a sociologist at

the University of Tennessee at Knoxville. "There's a high correlation between the number of African-Americans on a team and their cultural expression," says Stratta, who is white. She recently conducted a two-year ethnographic study of women's teams at Temple. "A low representation of black athletes leads to more cultural inhibitions, having to put up with listening to country [music] and things like that." If two or fewer players on a squad are black or from another minority group, they find that coaches stereotype them into certain positions, and teammates will not bond with them. It is an isolating experience, Stratta says. "Even if you get just three or four black athletes on a team, there's a dramatic difference," she argues. "And if it gets to 30 percent to 40 percent, you have the really dynamic environment where there's an interchange, a very healthy model."

Many historically black colleges and universities offer the sports that women of color shun at predominantly white institutions. But those colleges do not necessarily give students the best chances to compete.

Colleges in the Mid-Eastern and in the Southwestern Athletic Conferences – which together include all of the historically black colleges in Division I – tend to allocate less money for women's sports than other comparably sized predominantly white institutions in their regions. They also offer fewer playing opportunities for women, especially given the far greater proportion of women at those colleges.

Most colleges in the Mid-Eastern Conference (MEAC), for example, average about 60 percent female, while only 40.5 percent of the athletes at those institutions are women, for a difference of nearly twenty percentage points. In the Southern Conference, which consists of colleges in roughly the same region as the MEAC, the difference in proportions is only 12.7 points.

Colleges in the Southwestern Conference (SWAC) each spent an average of \$607,452 on women's sports in 2000 – 2001, or 29 percent of their total operating budgets for sports. Colleges in the Southland Conference, by comparison, spent just over \$1 million apiece on women's sports, or 40 percent of their overall operating budgets.

Part of the reason has to do with economics: Most historically black institutions sponsor football teams, which require many male athletes and a lot of money, but do not make profits that athletics departments could use for women's sports.

However, the same is true of many predominantly white colleges at the lower levels of Division I, yet more of them do a better job of accommodating female athletes than do most historically black colleges.

In the MEAC and the SWAC, the main concession athletics directors have made to women is adding bowling teams, which are cheap to support and do not require much training or any new facilities. The NCAA has named bowling an "emerging sport" for women, and by 1999 – 2000 there were twenty-one teams in Division I, more than any other added sport except water polo.

"Part of what we have found is that the sports at major institutions don't necessarily have strong support from our constituents at the high school level, so there is no natural feeder system," said Charles S. Harris, former commissioner of the MEAC and chairman of the NCAA's Division I Management Council.

Harris adds that the population of elementary and high school students is growing increasingly diverse, and that the association might face a problem if non-white children continue to avoid the sports that are popular right now.

In the past, college coaches often would introduce themselves to women on campus who might make good athletes. Anita L. DeFrantz remembers walking to class at Connecticut College and seeing a long, skinny boat in front of a classroom building. "I went

over to inquire, and there was a man standing there," recalls DeFrantz, who is African-American. "I didn't know he was the coach, but he said, 'This is rowing, and you'd be perfect for it.' Since I'd never been perfect at anything, I thought I'd give it a go."

That encounter led her to an outstanding career in rowing. She was named to the U.S. Olympic teams in 1976 and 1980, winning a bronze medal in the former (and earning a certain measure of notoriety for trying to sue President Carter for boycotting the latter). She is now president of the Amateur Athletic Foundation of Los Angeles and a member of the International Olympic Committee.

But her story is a little outdated, for most sports, thanks to the specialization trend. The chances of someone walking on to a Division I soccer team today, without being recruited or having years of experience, the way DeFrantz picked up rowing in the early 1970s, are somewhere between slim and none.

Is the largely white sports establishment to blame for the lack of black women in those sports? No and yes, according to administrators and advocates.

Coaches can't be blamed for recruiting only the most skilled athletes they can find, or at least that they can get into their institutions. They are paid to win, not to provide growth opportunities for athletes who cannot contribute.

Some advocates for female athletes blame the women's movement. According to Green of Temple, feminists, and particularly advocates for women's sports, have overlooked the needs of minority women. "When you increase scholarships in these sports, you're not

"Nearly a third of the women shooting hoops in Division I of the National Collegiate Athletic Association are black, as are nearly a quarter of female track athletes. But only 2.7 percent of the women receiving scholarships to play all other sports at predominantly white colleges in Division I are black."

going to help people of color," she said. "But that's not in their line of interest. Title IX was for white women. I'm not going to say black women haven't benefited, but they have been left out."

Donna Lopiano of the Women's Sports Foundation said Green has a point. "The women's movement is so focused on so many gender issues that the plight of women of color, who are in double jeopardy, is oftentimes on the back burner," Lopiano said.

Moreover, the NCAA's rules requiring athletes to meet minimum standards for scores on standardized tests to be eligible to play college sports have further restricted opportunities for black women, Green said.

Programs to encourage kids in urban areas to play nontraditional sports have been started by most of the national governing bodies of various sports, including the U.S. Tennis Association, the U.S. Soccer Federation, and others. They have not borne much fruit, but college coaches are hoping for a parallel to the "Tiger Woods effect," whereby kids from unusual backgrounds get interested in their sports, much as they did in golf when Woods emerged as a star in the late 1990s.

The NCAA and its member colleges also have encouraged these kinds of efforts through the National Youth Sports Program, a college-based effort that involves coaches and athletes in putting on clinics and organizing games for children throughout the country.

The final, and in some cases most troubling, trend arising from the rapid increase in women's sports participation is the set of health consequences that affect female athletes at much higher rates than male athletes. One of these starts at the knee: Women suffer from debilitating tears of the anterior cruciate ligament, or ACL, in outsized numbers. The *Chronicle of Higher Education's* Jennifer Jacobson recounts the story of two soccer players suffering the exact same injury within minutes of each other:

Heather Terry, a junior on the University of Virginia's women's soccer team, was playing defense against two teammates when she planted her right foot and turned to the left. Her right shoe got stuck in the damp grass, and

her right knee twisted. She heard it pop. She fell, then screamed. And immediately, she knew what she had done.

She knew in part because she had seen her teammate, Brooke Stastny, a sophomore, limp off the field 10 minutes earlier. Both players had torn their anterior cruciate ligaments, and entered ACL hell.⁵

The ACL is one of four ligaments stabilizing the knee and the upper tibia, or shinbone. It tears, as Terry discovered, when an athlete twists his or her knee or lands on the ground at an angle that puts an enormous amount of stress on it. It can take surgery and up to six months of difficult and painful rehabilitation to get the knee back to normal after an ACL tear.

Women are between four and six times more likely to tear their ACLs during athletic activity than male athletes, according to most studies. Professionals disagree about reasons for the disparity. Some blame women's hormonal cycles, arguing that estrogen levels can weaken ligaments like the ACL. Others suggest that women's wider hips and lower centers of gravity place more stress on ACLs. Still others argue that ACL injuries should not be regarded as an anatomical flaw, but rather as a result of persistent inequities in girls' sports opportunities: Boys grow up running and jumping around more than girls, training their knees to stiffen and strengthening them so that when they begin playing organized sports, rupturing an ACL is less likely.

As women's sports programs have grown, however, so have the number of sports-medicine and strength-and-conditioning specialists with an expertise in women's sports. Many colleges have developed specific strength programs for female athletes to cut down on ACL tears.

An even more profound health problem is what has become known as the "female athlete triad": amenorrhea, eating disorders, and early-onset osteoporosis. Thanks to social mores, women are often more worried about their weight than men are, and in athletes, weight concerns are exacerbated by the obvious fact that women who weigh less

may be able to run faster, jump higher, or throw themselves into more somersaults. This leads female athletes to eat less. This can disrupt menstrual cycles and lead to inadequate dietary intake of essential nutrients like iron and calcium. Because women athletes burn so many calories, they are at a much higher risk of becoming anorexic.

Coaches are often a part of the problem rather than part of the solution. Many coaches hold weigh-ins, monitoring their athletes' weight very closely. One woman who had run track at an Ivy League university told me her coach had required athletes to weigh themselves before and after every practice as a way of making sure they did not get too dehydrated. An appropriate goal, but as she put it, she and her teammates were already obsessed about their weight, and the weigh-ins only made things worse.

Another runner at a respected college told me that during her freshman year, she and her roommate were amazed to see their older teammates hold unspoken contests to see who could eat the least. By the end of the year, she found herself restricting herself to salads, just like the upperclassmen on the team.

The growing intensity of girls' sports also may be contributing to another trend: teenage obesity. First, girls who have been identified as "talented" at an early age compete year-round in clubs, camps, and private sessions. By dint of repetition, they develop skills that other children, who may be "late bloomers" or may possess less obvious physical talents, do not. Thus, club players come to dominate middle-school teams and varsity clubs, leaving the late bloomers with no place to play. At the same time, "unstructured" time to run around and play with kids in the neighborhood is losing out to the constant round of practices and games.

Experts on youth sports also fear that increased expectations and year-round competition ruin sports for children. Due to injuries, stress, or simple boredom, participating in sports loses its charm for a great many. A study in *U.S. News & World Report* found that the most popular team sports for kids—basketball, soccer, softball, and baseball—all lost participants between 1998 and 2002.⁶

At the same time, school funding crises have pushed physical education classes far down on the priority list for most middle and high schools. In Boston, requirements for physical-education classes dropped from ninety minutes per week to thirty-five minutes per week between 1998 and 2004.⁷ In Florida, more than half of high school students did not participate in any form of PE in 2003.⁸

The danger is that sports for both sexes could be confined to those identified as "athletes" very early in life. With fewer educational and recreational opportunities, the vast majority of children are losing chances to receive the benefits of participation in sports—not just the health benefits, but also the chances to learn self-discipline, teamwork, perseverance, and the other values that sport can teach. This would be the ultimate repudiation of the ideals of Senda Berenson, Mabel Lee, Constance Appleby, and the other figures who developed a philosophy and practice of women's sports.

Chronicling these problems is not supposed to be an indictment of women's sports, or a suggestion that women should not be participating in athletics. Instead, in adapting to the highly competitive, often ethically questionable world of men's scholastic sports, women face certain challenges that they did not during the era when women's sports were controlled by physical-education departments. Does that mean something is wrong with women, or with the men's system?

Triumph?

Title IX and its application to sports have certainly evolved since 1972, thanks to the many challenges, lawsuits, and controversies that have confronted it. In the main, it has been extraordinarily but not completely successful: it has created opportunities for thousands of female athletes, and it has forced the American public to recognize the value of women's sports, but women's teams still lack the deep cultural significance that athletics departments ascribe to men's sports. As a result, women still lag behind men in participation and funding in both high school and college sports.

These lags are more noticeable because Title IX has been so successful outside of sports.

Tragedy and Triumph in Title IX

Nearly 60 percent of college undergraduates are women nationwide, and at many colleges and universities that percentage is pushing 70 percent. More than half of law students in 2003 were women, and female students have made significant inroads in medical schools and even engineering schools. As a result, women are rapidly becoming a majority population in many professional settings. It is not unreasonable to think that women could dominate law, politics, government, and much of the rest of society within the next ten to twenty-five years.

On campus, sports have become men's last bastion. In 2002-03, men were 59.1 percent

of particular sports" in determining how colleges fund and populate their sports teams, so spending larger sums of money on the sport and having many more male participants than female does not necessarily violate Title IX. But it places a tremendous amount of stress on athletics departments, particularly when university lawyers decide to comply with the first part of the three-part test and athletics directors see rivals building new facilities primarily for football and paying coaches more and more money. Many Division I-A coaches make more than a million dollars a year now, and several make more than \$2 million.

"More than half of law students in 2003 were women, and female students have made significant inroads in medical schools and even engineering schools. As a result, women are rapidly becoming a majority population in many professional settings."

of the roughly 500,000 athletes on varsity teams.⁹

While a record 2.8 million girls played high school sports that year, they represented only 41.7 percent of all athletes.¹⁰

These numbers may not change much in the future for a simple reason: football. A quarter of all male athletes play the sport in college, nearly 75,000 in all in 2002-03. On average, teams had 90 players apiece, and eighty-seven had 120 or more. These huge numbers are necessary, coaches say, because since the 1940s colleges have played platoon football, with separate groups of players taking the field for offensive, defensive, kickoff, receiving, and field-goal plays. Players usually graduate high school already specializing in a particular area of the field, such as the defensive backfield or the offensive line, and even in particular positions, like running back or free safety.

The Javits amendment allows for reasonable "provisions considering the nature

So the number of male athletes continues to fall. Division I-A institutions outside the six most lucrative athletics conferences cut an average of twenty-seven men apiece between 2002 and 2003.¹¹ The population of female athletes may continue to drop as well, as several colleges have threatened to drop women's teams as a cost-saving measure in the early part of the twenty-first century, and at least one (University of Massachusetts at Amherst) has already done this.

Football at all levels gathers a community like no other sport. Part of the attraction is the short and well-defined length of the season: teams play between eight and sixteen games through the fall, mostly on Fridays (high school), Saturdays (college), and Sundays (professional). Another reason for this country's obsession with the sport is the brutality. And a third is the spectacle – the bands, the cheerleaders, the thousands of fans in the stands for the most popular contests.

In addition, smaller colleges in Divisions II and III of the NCAA as well as two-year colleges and other institutions are using football to boost their male enrollments. The general consensus is that having a team will attract not only the men on the team but also their friends and other male students who want to go to a "football school." Many colleges started the sport in the late 1990s and 2000s, even those with relatively small numbers of female athletes. The Education Department has never rendered an opinion on whether creating a gender imbalance in athletics to ameliorate one elsewhere in an institution is appropriate.

For all of these reasons, football is not going away any time soon, nor are the huge numbers of male athletes on squads.

Neither, though, is Title IX. Nine appeals courts have now ruled on the validity of the law and its rules applying to athletics, and all of them have upheld both. In 2004, the federal Court of Appeals for the District of Columbia denied an appeal from the National Wrestling Coaches' Association in its lawsuit against the Education Department, ruling that the coaches

But it is likely that Congress would have to pass or at least review any revision. A Republican-controlled Congress might be willing to take up the issue, led by J. Dennis Hastert, the Illinois Republican who has been Speaker of the House since 1994. Congress could pass any law it chose, although voting to preserve men's sports or rolling back protection for women's sports would give women's groups a chance to demonize individual congressmen who voted for it. Observers thought Congress might put Title IX revisions into the reauthorization of the Higher Education Act following the 2004 election, but nothing happened during initial deliberations over the bill in May 2004.

A simpler process would be to issue a new policy interpretation, essentially overriding the 1979 interpretation. If the department erased the three-part test and issued a simpler guideline – for example, a statement that colleges ought to offer sports to men and women in response to demonstrated interest and ability – colleges would have an easier time complying. However, women's groups would undoubtedly take the department to court over the reversal, given Congress's explicit support

{ "The essence of the debate over Title IX comes down to the fact that Americans have not decided what "fair" means when it comes to opening up opportunities to people previously excluded." }

could not prove that changing the regulations would bring their teams back. (A senior judge on the circuit, Stephen Williams, thought otherwise, arguing in a dissent that the coaches' claim would have merit if they could prove that the Title IX policies were a substantial factor in coaches losing their jobs. He joined Torruella and Coyle as the only judges to rule against Title IX regulations or to dissent from a ruling upholding them.)¹²

It is possible that the second Bush administration might revisit the regulations.

of the law in the 1987 Civil Rights Restoration Act and the wealth of case law supporting the current interpretation of the rules.

The essence of the debate over Title IX comes down to the fact that Americans have not decided what "fair" means when it comes to opening up opportunities to people previously excluded. Conservatives hold that fairness has nothing to do with the numbers of people involved in a certain activity, and that if colleges (or any other organization) try to fix the proportion of female participants to match

the proportion of the overall female population, they are imposing a quota system.

But satisfying a demonstrated interest is not necessarily "fair," either. If girls were given the coaching, encouragement, and exposure to sports that boys are, differences in participation levels might well disappear, according to proponents of women's sports. They clearly are not disappearing, so shouldn't the law encourage the institutions it covers to create the conditions to bring about better circumstances for women? That, after all, seems to be its mandate.

The larger point, though, is that Title IX does not require schools and colleges to make everything fair for everybody. Instead, it requires schools and colleges not to discriminate on the basis of sex. Because these schools and colleges have chosen to offer sports opportunities, and to do so in a way that male and female students are separated, then they need to find a way to prove that they are offering equitable opportunities. And nobody has come up with a better means of allowing colleges to define "equitable" for themselves than the three-part test.

But the controversy over participation standards and the three-part test has overshadowed the still-dramatic inequities in how male and female athletes are treated. Sometimes it is as simple as men's teams getting new uniforms every season. Sometimes it is as much as a university like Oregon treating its football team to a brand-new, \$3.2 million locker room with plasma-screen televisions and Internet access at every locker, when female athletes get no such amenities.¹³

The reason, of course, is that big-time college sports are a business, and men's basketball and football teams are treated like precious commodities. Even though they added roughly sixty women athletes apiece over the previous eight years, Division I institutions spent twice as much on men's sports (\$6.1 million, on average) in 2002–03 as they did on women's sports (\$3.1 million). The head coaches of women's teams made \$55,000 apiece, on average, while head men's coaches made \$101,000. Colleges spent \$200,000 on recruiting budgets for male athletes, but only \$97,000 on recruiting women.¹⁴

Also putting pressure on this equation is the diversity of Division I. Its members range from small liberal-arts colleges like Davidson and Lafayette to flagship state universities like Michigan and Texas. From both a numerical and budgetary standpoint, the gap between the biggest athletics programs and their smaller rivals appears to be growing. Along with lucrative television contracts and bowl-game arrangements, colleges in the elite Bowl Championship Series leagues (the Atlantic Coast, Big East, Big Ten, Big 12, Pacific-10, and Southeastern Conferences) reported average annual revenues of \$41 million in 2002–3, while Division I-A teams outside the BCS had revenues of \$15 million.

Exacerbating the disparities are state budget cutbacks, which are forcing colleges to cut sports budgets as well. State universities in Tennessee have dropped numerous sports – East Tennessee State even got rid of football in 2003 – and many more may be on the chopping block.

Yet smaller Division I institutions are desperate for the imprimatur of membership in "the big time," however that is defined, and so they keep paying the fixed costs of football and men's basketball so that they may continue rubbing shoulders with the Michigans and Texas in the rankings.

As a result, the small fry are getting pummeled—even in women's sports. In 2001–02, the only non-BCS institutions to win national women's championships in Division I were those with a particular specialty: Brigham Young University (cross-country), the University of Minnesota at Duluth (ice hockey), Princeton University (lacrosse), Harvard University (rowing), and the University of Portland (soccer). The rest were dominated by teams from the major conferences, like the University of Florida and the University of California at Los Angeles.¹⁵

Meanwhile, ignoring the disparities in spending, college officials complain that they cannot find enough women to fill the spots they have available. Teams may "bloat up the number of women on their roster the first day knowing that in the end, those student-athletes don't have access to coaching, [and] might not have access to facilities," said Ted Leland, Stanford's athletics director, during the

Education Department's hearings on Title IX and sports.¹⁶

Many colleges try to boost their numbers of female athletes to look closer to Title IX compliance than they may be, Leland said. At Indiana State University, every women's team except basketball had rosters much larger than the averages in 2001-02. The Sycamores' soccer team had thirty athletes, while NCAA colleges average twenty, and only eleven play at a time. The softball team carried twenty-three athletes, compared to a national average of seventeen, and the tennis team had fourteen. Only six tennis players compete in a match.

"We expect coaches of our women's sports to actively recruit, and to recruit walk-ons," said Andrea Myers, Indiana State's athletics director at the time. But her roster numbers were taken from the first day of practice, as is the case for most colleges reporting gender-equity statistics. Women's teams suffer more attrition than men's over the course of the season because, Myers said, female athletes generally will not stay on a team unless they are getting playing time and having a good experience. Many athletics officials across the country report similar experiences.

"I always say women have more to their lives than sports," Myers said. "Guys want to be part of a team—the smell of the locker room, I don't know. Women like sports, and if they're given the opportunity to play and

their teams competitive and treating male and female athletes equitably without access to the revenue that flows from stadiums and arenas at places like Indiana University and Notre Dame. Colleges can solve the equity part—the vast majority of Division I institutions without football teams have essentially the same number of female athletes as males—but being competitive is harder.

So the question is whether men's non-revenue sports and, farther down the line, women's sports will be able to thrive in the hypercompetitive environment of college sports, regardless of the fate of the 1979 policy interpretation and the 1996 clarification. At the moment, many athletics directors seem to treat women's sports as a kind of regulatory burden, something they have to maintain in order to preserve their status. Hence the growth of sports that are at the very least unusual, such as rowing in the Midwest, equestrian (a noun, not an adjective, in the NCAA) in the South, bowling among historically black colleges, and any other sport where coaches can carry a large number of women on the roster. The University of Maryland, for example, redefined women's cheerleading as a competitive sport in 2003, in part to avoid having to cut men's teams.¹⁸ Maryland has one of the few wrestling teams left in the Atlantic Coast Conference.

It is quite possible that more colleges will begin cutting women's teams as well, as costs continue to rise. The University of

"At the moment, many athletics directors seem to treat women's sports as a kind of regulatory burden, something they have to maintain in order to preserve their status."

compete, they're going to stay. But if they're not out there playing on a pretty regular basis, they find other things to do with their time."¹⁷

Athletics directors at universities like Indiana State have an unenviable task: keeping

Washington tried to drop men's and women's swimming in 2001, and the University of Northern Iowa tried to drop men's tennis in 2002, but public pressure and the threat of lawsuits forced officials to change their minds.

No major changes in the way college sports work are on the horizon. Officials have been talking about ways to reform athletics for a hundred years, and no move has yet succeeded. The only radical solution that appears possible is if colleges were required to professionalize the revenue sports, paying players a salary and not forcing them to attend college. This could happen if a player won a lawsuit that forced a college to declare him an employee of the university, entitling him to market-driven pay, workmen's-compensation benefits, and other legal rights not afforded to "amateur" athletes.

Were this to happen, colleges might operate a two-tier system – professional sports teams and truly amateur teams as recreational pursuits for students. A small fraction of universities might choose to professionalize women's sports, but the main point is that there would be no incentive to treat male and female athletes in amateur sports differently. The professional teams would no longer function as educational programs, so they would be exempt from Title IX considerations.

Regardless of whether that happens down the road, women's sports do have a future as business enterprises. Although professional women's teams have not succeeded in capturing America's imagination, collegiate women's teams will continue to attract local and regional audiences as more generations grow up with women's sports surrounding them. It may take another twenty years, but in some sections of the country, women's soccer and volleyball could come to occupy as prominent a place in local culture as Lady Vols basketball or Tar Heels soccer does now. After all, that is how men's college and professional sports evolved, beginning as local attractions before becoming national phenomena.

But what does the marketability of women's sports have to do with the ethos of athletics as education, of "a girl for every sport, and a sport for every girl"? Senda Berenson and Mabel Lee would be horrified by the way women's sports are governed today, and would probably argue that the problems detailed in the previous chapter are a direct result of the evolution toward high-stakes, hypercompetitive sport. Should women's

sports be even more commercialized, the academic problems that have plagued men's sports since the beginning may well find their way into women's sports, completing the demolition of the ideals of the AIAW and previous generations of physical educators.

The officials trying to keep men's sports in line with university ideals have had a hard time, stretching back to the early days of the NCAA. The association has steadily raised academic standards for athletes in stages since 1986, but coaches and athletes have just as steadily found ways around them. Professors have suggested disclosing athletes' grades to show whether they are getting by with the least amount of work. College presidents and conference commissioners have suggested making freshmen ineligible, thereby creating an incentive for athletes with professional ambitions to skip college entirely and go directly into professional sports. None of these solutions has mustered enough support to be attempted.

In Division III, Bowen has suggested a series of steps to reduce the intensity and value placed on sports by top liberal-arts colleges. Among them: making sure that athletes are recruiting athletes with the same credentials and academic outcomes as other students; creating more opportunities for students who are not highly recruited out of high school; and reducing the emphasis on national championships. Some Division III institutions are also pushing the NCAA to reduce the length of seasons and to find other ways of de-emphasizing sports.

All of these are controversial at all kinds of colleges. College presidents and athletics directors argue that athletes and events contribute immeasurably to the life of a college, in ways that do not translate directly to academic outcomes. Football and basketball games rally an entire community, creating something for fans, students, and alumni to take joy and pride in. Even if athletes are not doing as well as other students in the classroom, by having some exposure to college life, they benefit from an experience they might not have had otherwise.

The NCAA is trying to send a stronger message about the importance of the educational goals of college sports, as evidenced

by the elevation of academic standards. However, colleges send a powerful message to parents by rewarding them for allowing their children to play a single sport year-round, to the exclusion of other activities. If sport offers a stronger guarantee of college admission than study – and Bowen's work indicates that is true not just at big-time sports powerhouses, but also at the country's most prestigious colleges – who can blame a student or parent from diving into sports?

The future of women's athletics is bound up in how colleges grapple with these issues. However, American society has embraced Title IX. Female athletes are part of the mainstream now at all levels, from tiny-tot soccer to professional basketball and even college football. Women's wrestling is an Olympic sport, starting with the 2004 Olympics.

Women now have a wealth of opportunities to find sports that best suit them and offer all the benefits of an athletic lifestyle. With only a modicum of talent, a female athlete can play soccer in recreational leagues as a child, compete on varsity teams in high school and college, and find adult leagues in most cities for the rest of her life. The same holds true for many other sports.

This is the triumph of Title IX. Parents now have the same expectations of their daughters as they do of their sons. In most cases, little girls have the chance to learn the same lessons, dream the same dreams, and shoot for the same goals as little boys.

And any girl who expresses a desire to play college sports, and shows the willingness to work hard to be an athlete, will find herself a place on a team.

ENDNOTES

* Excerpted and adapted from Welch Suggs, *A PLACE ON THE TEAM* (2004),

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¹⁵ Welch Suggs, *Colleges Make Slight Progress Toward Gender Equity in Sports*, CHRON. HIGHER EDUC., July 25, 2003, at A30.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Emily Badger, *U-M Makes Cheerleading a Sport*, WASH. POST, Sept. 27, 2003, at D1.

