



# OSAA Equity and Diversity Newsletter

VOLUME 2, ISSUE 7

MARCH 1, 2022

## The Title IX Self-Audit: An Athletic Director's Best Practice

By Peg Pennepacker, CAA on April 28, 2021

<https://www.nfhs.org/articles/the-title-ix-self-audit-an-athletic-director-s-best-practice/>

Title IX of the Education Amendments of 1972 was the first comprehensive federal law to prohibit sex discrimination against students and employees in educational institutions that receive any stream of federal funding. Title IX benefits both males and females and is at the heart of efforts to create gender-equitable schools.

The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone based on sex. It is important for school leaders and decision-makers to understand and embrace the law and not to fear or ignore the law. Title IX and the application to school athletics programs has been in place for nearly 50 years. The school's athletics program is considered to be an integral part of the educational process for students. Equal access and treatment for those students who decide to participate in athletics is an important tenet of the mission of education-based athletics programs.

Title IX continues to receive a lot of attention. On May 6, 2020, the U.S. Department of Education issued its new Title IX regulations concerning sexual harassment and sexual assault in K-12 schools, including several significant changes in the requirements for dealing with complaints. The new regulations make no changes to the manner in which schools comply with Title IX in athletics. However, this recent focus on K-12 schools raises awareness in all areas of Title IX. It is a school's best practice to review all policies, practices and procedures including auditing the school's athletics program for Title IX compliance.

Title IX compliance is enforced at the federal level by the Office for Civil Rights (OCR) through investigation of complaints. The OCR's investigation process is time consuming and all-encompassing. The self-audit will help identify and review issues within a school's athletics program that need to be addressed in order to meet the requirements of Title IX.

A self-audit will, at a minimum, answer the institutional question, "How are we doing under Title IX and our own goal of gender equity in the athletics program?" At its best, a self-audit helps schools resolve complaints, meet the requirements of the law and initiate improvements that must be made to achieve and maintain compliance.

The athletic director and school district's Title IX coordinator must work together on a regular basis and collaborate to ensure that the expectations for the self-audit process are clearly defined. They must make completing, reviewing and updating the self-audit a matter of regular routine.

School districts in states that have reporting laws for athletics are already collecting data and information relative to Title IX athletics compliance. A Gender Equity Committee is an important part of the compliance picture and self-audit process. School districts will find that compliance with Title IX requires long-range focus and is best accomplished with the participation of a group of stakeholders who understand the big picture and can make the case for all the necessary choices, decisions and plans over many years.

It is important to select an in-depth resource to guide and document the self-audit process. The National Interscholastic Athletic Administrators Association (NIAAA, [www.niaaa.org](http://www.niaaa.org)) Leadership Training Course 506 and manual is a detailed and comprehensive resource. Athletic directors and Title IX coordinators should be strongly encouraged to take the NIAAA's course in order to gain an understanding of the technical and legal requirements of Title IX as well as the ideological principles of the law and the application to the school's athletics program. The course manual includes a detailed and comprehensive guide for schools to follow in order to conduct a self-audit. In addition, "*Title IX and Interscholastic Athletics How It Works – In Plain English*" by Valarie Bonnette, co-author of the 1990 OCR's Investigator's Manual, is a comprehensive self-evaluation manual available at [www.titleixspecialists.com](http://www.titleixspecialists.com).

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## Increasing Participation Opportunities for Girls: Thinking Outside the Box

By Peg Pennepacker, CAA on February 08, 2022

<https://www.nfhs.org/articles/increasing-participation-opportunities-for-girls-thinking-outside-the-box/>

June 23, 2022, marks the 50th anniversary of Title IX of the Education Amendments of 1972. Arguably, Title IX is one of the most impactful laws that has paved the way for girls and women to play sports in school, and great gains have been made in this area over the past 50 years.

And over the past 50 years it has been realized that interscholastic athletics participation can lead to better outcomes in education, positive health benefits and even improved opportunities in later employment. For some high school athletes, access to participation opportunities opens a door to playing sports in college and beyond. For all high school students, participating in athletics can be a source of fun and empowerment, lasting friendships, confidence in one's physical skills, development of leadership potential, growth in the resilience necessary to commit to a vision, learn from mistakes and persist in meeting goals. These benefits are well worth encouraging participation for boys and for girls.

However, there are still 1.3 million fewer participation opportunities for girls than boys in our nation's elementary and secondary schools. One of the most important responsibilities of high school athletic administrators is to ensure that the school's athletic program meets Title IX compliance in both the areas of 1) Effective Accommodation of Athletic Interests and Abilities and 2) Equivalence in Other Athletic Benefits and Opportunities.

This article focuses on ways to increase athletic participation opportunities for female students. Athletic administrators and school personnel can develop strategies to recruit and retain girls in the athletic program by making the experiences meaningful and positive.

For a school's athletic administrator to begin the process of assessing and increasing the participation opportunities for females at their school, the administrator must first gain a general understanding of what motivates young females to play sports, what barriers prevent them from participating and why some girls decide not to participate in sports. Understanding the historical evolution of girls participation in sports and the barriers they have faced may lead athletic administrators to develop more effective athletic participation opportunities for females at their school.

It is essential for schools is to understand the idea of gender equity in athletics. Recognize the historical barriers to female participation and honestly assess the current participation opportunities as well as the atmosphere and culture that exists within the school's athletic program. Female participants in sports will benefit from and respond positively to all athletic personnel making clear and explicit efforts to create physically, emotionally, socially and mentally healthy programs.

- Are all sports regarded as equally deserving of respect, publicity, announcements, etc.? If the achievements of teams are recognized, for example, in morning announcements, is this true for all sports? Has the school performed a Title IX self-audit, created a gender equity committee, and determined whether all athletic participants are receiving the same support? Is it expected that all coaches will express open support for all the school's teams and create the expectation that their student-athletes will do the same?
  - Are coaches and other school personnel receiving training on how to create a culture that empowers young females of all body types? Has the school implemented a zero-tolerance standard for homophobic comments and behavior directed toward females who participate in sports? Are adults sensitive to and actively monitoring areas like weight rooms for sexual harassment?
  - Is the athletic director leading the way, with buy-in from all coaches, in making connections between sports and prevention of disease, lifelong fitness and eating for health, energy and strength?
  - Recruit, hire and train coaches that have a background and interest in working with female student-athletes. Athletic administrators must be committed to provide training and workshop experiences for the existing coaching staff that focuses on different strategies girls and boys.
  - Emphasize positive self-talk. Coaches should not pressure female student-athletes to conform to a certain body image or physique. Female student-athletes are at greater risk than male student-athletes for eating disorders. Coaches should avoid any reference to body weight or appearance and any comments that might suggest a student-athlete is overweight. Coaches should discuss the connection between sport and women's health and fitness and foster discussion about the correlation between athletic participation, women's health risks and prevention of disease.
- Because boys have had a longer history of sports participation, school athletic personnel need to be aware and sensitive to the dynamics and characteristics of young female student-athletes who may not have had the same experiences. For example, coaches may need to provide precise feedback and encouragement to female student-athletes to help them develop self-confidence as opposed to screaming at, denigrating or punishing them when they make a mistake.
- Coaches need to understand the fear and anxiety that many young females may experience when participating in sports and support and build confidence in female student-athletes by helping them prepare mentally and physically for their sport. Coaches should teach student-athletes to manage mistakes and anxiety in a positive manner. Utilizing tools such as self-talk or affirmations, relaxation techniques and positive mental imagery can increase self-confidence.

- Explain and demonstrate appropriate strength training, flexibility techniques and programs to improve cardiovascular performance. Schools should create and support healthy and safe programs for female student-athletes by providing appropriate opportunities for them to train and properly prepare for the specific cardiovascular, strength and flexibility demands of each sport. School personnel should not assume that females are not interested in utilizing the school's weight rooms, fitness rooms and conditioning facilities. If properly educated and given time in a safe space, female student-athletes will reap the benefits of using these facilities. Additionally, coaches need to properly teach female student-athletes the tactics and skills of their sport that will increase their chances for success and minimize the likelihood of injury due to overuse and poor technique.
- Examine the community athletic programs that currently exist. Cultivate relationships with community-based athletic leagues or clubs, private gyms and any other community athletic groups that exist. Reach out to younger athletes in the community and invite them to participate in the school's athletic programs in the future. Simply reaching out to younger athletes can have enormous positive impact and can be a difference-maker when a young female is uncertain as to whether she wants to commit to participating in a school's athletic program. In addition, athletic administrators should take the opportunity to promote the school's athletic program – both boys and girls – when interfacing with the various community groups.
- Conduct a survey of middle school and high school students to assess their interests, abilities and attitudes of interscholastic athletics. Include in the survey interest levels of club and intramural sports. It will also be important to take this a step further and use focus groups to assess girls' intentions and goals for participating in interscholastic athletics. It may be beneficial to incorporate focus groups to uncover the barriers and challenges that girls encounter when deciding whether to participate in the school's athletic program. Additionally, incorporate the school's guidance counseling staff into the process by asking them to speak with students about athletic participation, etc.
- Provide a wide range of opportunities for girls that can attract greater numbers of students. Consider offering sports that may not necessarily be currently sanctioned by the state's athletic/activity association. Creating coed sport opportunities may be an attraction for some students and gives boys the opportunity to see girls in a competitive environment as student-athletes. Athletic administrators should not assume that girls are only interested in certain sports or that girls may not be interested in sports at all.
- Implement a policy or procedure for requesting the addition of sports and effectively communicate that policy or procedure to students and parents.
- Athletic administrators need to understand the diverse cultural backgrounds and any cultural expectations within the community. Students are influenced by culture when it comes to the sports in which they may be interested in participating.
- Avoid making cuts on teams whenever it is safely and logically possible.
- Goals related to improvement and personal bests need to be celebrated as well as goals related to winning.
- Know what athletic girls want and understand that young females often want to explore a variety of sports participation experiences. For many adolescents, both boys and girls, participating in athletics is about having fun at sport, cultivating friendships, developing physical skills, meeting personal challenges, and focusing their competitive growth. While some girls, just as some boys, dream of aspirations of competing at the high school level, the college level, the Olympic level and in some instances, play professionally.

A school's athletic program is an integral part of the school's overall educational program. Schools must commit to creating a program focused on students growing in mental and physical health, athletic prowess and interpersonal skills. The excitement of winning can motivate some. The joy of feeling successful, stronger and connected to friends will motivate many.

When school district athletic administrators and school administrators understand the idea of gender equity in athletics and commit to providing girls and boys with similar opportunities, treatment and respect, then both genders stand to win and school athletic programs stand to grow. Athletic administrators, coaches and school administrators need more than vision to implement programs and deal with equity issues including creating more participation opportunities for girls. School personnel need to create and implement a strategic plan to take actions that will create a more gender equitable athletic program. In doing so, schools must have sensitivity and awareness of the issues that are unique to young females who participate or may potentially participate in an education-based athletics program. Boys and girls essentially gain the same positive benefits from participating in their school's athletics program. However, the journey to obtain those benefits for each is different.

#### **Resources:**

Good Sports, Inc.: [www.titleixspecialists.com](http://www.titleixspecialists.com)

National Federation of State High School Associations: [www.nfhs.org](http://www.nfhs.org)

Association of Title IX Administrators: [www.atixa.org](http://www.atixa.org)

U.S. Center for Safe Sports: <https://maapp.uscenterforsafesport.org>

Institutional Compliance Solutions: [www.icslawyer.com](http://www.icslawyer.com) Legal Aid at Work: [www.legalaidatwork.org](http://www.legalaidatwork.org)

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An active Gender Equity Committee can provide energy and focus to develop and implement a Title IX Action Plan. Individuals with decision-making authority or the ability to influence decision-makers should be included on the committee whenever possible. Representatives should include all stakeholders in the school district, including student-athletes.

The Gender Equity Committee can participate in evaluating the existing program, invite OCR representatives or other Title IX consultants to visit the school district, and assist with evaluation and development of strategies and identify community resources that may be of assistance. Committee members can attend workshops and take courses to develop a better understanding of the law and its implementation and establish training sessions to educate and sensitize staff.

A true Title IX self-audit is a dynamic not a static process. It should be ongoing throughout the school year and continuous from year-to-year. The focus of the self-audit for high school and middle school athletics programs encompasses two areas of the Title IX athletics compliance framework: 1) Accommodations of Interests and Abilities (participation opportunities), and 2) Other Athletic Benefits and Opportunities (treatment). The ultimate goal should be initiating and implementing an action plan – short term and long term. This document can become the district's blueprint for decision-making.

The self-audit process will demonstrate the school district's compliance through data or evidence related to participation numbers, practice and game schedules, uniform rotation, coaching, equipment purchasing, etc. The athletic director must incorporate this data collection as a routine process of the work of the athletics department. Updated and monitored consistently, the data collection and program evidence become a touchstone to evaluate progress and compliance.

There should be a permanent Title IX file that is kept in the office of the school's Title IX coordinator. The permanent Title IX file consisting of all documented materials applicable to the self-audit, which should be arranged in a systematic and logical manner, will be readily available to assess progress in regard to Title IX compliance.

Everyone involved in the athletics program needs to understand and become knowledgeable about Title IX as it applies to athletics and the meaning of the self-audit data. Educating all stakeholders elevates the buy-in potential to enable schools to celebrate and maintain the quality of the program. Having everyone on the same page facilitates making appropriate decisions in order to move toward compliance.

The athletic director and Title IX coordinator must provide training opportunities for all involved in the school's athletics program including Gender Equity Committee members, coaches, student-athletes, parents and staff. The school district should post Title IX self-audit findings and information on the school district's website and district newsletters and other school district communications.

Since the self-audit process is fluid, findings will change from year-to-year. Transparency will be important to the process in order to establish trust and understanding with all members of the school-community and to allow for progress and improvement throughout the school's athletic program.

While it may seem like a large project initially, performing a self-audit of the athletics program and reviewing and updating it regularly can make the athletic director's life easier in the long run. With clarity about the district's compliance status and a plan for moving forward, athletic directors will have firm ground to stand on when making day-to-day decisions. The collected data will go a long way to helping address concerns before they become officially filed complaints. If there should be an OCR investigation triggered in the district, being prepared with the necessary data and plans may create a more constructive working relationship with the Office for Civil Rights. Title IX athletics compliance is in large part about doing the right thing for all students who participate in a school's athletics program.

# OSAA Title IX Resources Available

## Title IX Webinars

- » [Discriminatory Harassment in Athletics 3 - June 5, 2020](#)  
[Trainings from ODE on New Title IX Regulations](#)
  
- » [Discriminatory Harassment in Athletics 2 - December 12, 2019](#)  
[Example from Portland Public Schools: Anti Harassment Policy](#)  
[Portland Public Schools Title IX Resources](#)  
[ODE: Creating a Safe and Supportive School Environment for Transgender Students 2016](#)
  
- » [Discriminatory Harassment in Athletics - September 24, 2019](#)
- » [Fundraising & Booster Clubs - Follow-Up - April 3, 2019](#)
- » [Fundraising & Booster Clubs - October 10, 2018](#)
- » [Laundry List & Athletic Funding - February 10, 2016](#)
- » [Three-Part Test for Participation - September 24, 2015](#)

## Additional Title IX Resources

- » [NFHS: Athletic Directors, Female Coaches Working for Equity in High School Sports](#)
- » [OSAA Title IX Memo](#)
- » [NFHS Title IX Self-Audit: An Athletic Director's Best Practice](#)
- » [Softball and Baseball Facilities](#)
- » [Nine Ways Title IX Protects High School Students](#)
- » [Suggestions for Improving Equal Opportunity](#)
- » [NFHS Gender Equity Resources](#)

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