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Do what's right: Abide by the law

By **Betty F. Jaynes, Executive Director**
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I feel obliged to address Florida A&M University football coach Billy Joe's guest editorial in the May 24 issue of *The NCAA News*. It is with a spirited passion for justice (which some would view as militant) that I present the truthful intentions of Title IX in order to represent the class of citizens that supports Title IX and equal opportunity.

Coach Joe and others who are pressing for further review of Title IX insist that the Office for Civil Rights' interpretation of the 1972 law is "illogical, unfair and contrary to congressional intent." The truth of the matter is that Title IX is law because it calls upon America to provide all of its citizens with fair and equal opportunity.

Yet, it is unfortunate that we as leaders and spokespersons for athletics, from all walks of life and many diverse sports backgrounds, are resorting to accusations that not only attack one another, but also go against sports(wo)manship, a fundamental component of healthy, productive athletics participation and competition. Instead, we should all be aware of the history behind today's debate and should then focus on doing what is right for all of our athletes.

Primarily, Title IX is a 23-year-old law that never has reached full compliance in all sports settings in Federally aided educational systems and institutions. Back in the 1970s, athletics directors and football coaches were many of those who supported Title IX legislation. If we all would have joined forces and committed ourselves to bringing our specific areas of responsibility under compliance two decades ago, we could have progressed beyond this stale point of bickering and very likely could have achieved, or at least been well on our way to achieving, equality.

However, we chose a different path, which has shaped a challenging present and future for us all. The first challenge that today's supporters of Title IX have is to convey what the real "rhetoric and misinformation" are. Rhetoric and misinformation include, but are not limited to, the following: that OCR's interpretations of Title IX have (1) had a reverse effect on the original intent of the law, (2) done away with thousands of male participation opportunities, and (3) failed to create very many new participation opportunities for females.



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The reality and truth of the matter are as follows:

(1) OCR's interpretations have not had any reverse effect on Title IX's original intent. Rather, they have reflected OCR's commitment to enforcing the law.

(2) OCR's interpretations have not done away with thousands of male sports opportunities. Rather, when opportunities were lost, the institutions did that themselves, in several instances making such decisions based on available financial resources and what was fair to both genders. However, the fact is that overall opportunities for males have continued to grow, even as opportunities have increased for women. Had many of the institutions made efforts to achieve Title IX compliance and gender equity before this point, they already would have developed and provided balanced programs for women and men on a fairer and more equal basis.

(3) Title IX rulings are not falling to create many new participation opportunities for females. Female participation in intercollegiate athletics has increased tenfold since Title IX was drawn up. However, this still does not achieve equal opportunity, as \$179 million more dollars are spent on men's sports per year than on women's sports. And again, institutions are the culprit in many cases. If these schools are ordered by the courts to comply with the law, many do so by cutting men's sports to achieve proportionality instead of adding women's sports to accomplish the same goal. Oftentimes these measures are taken due to monetary constraints, which brings me to my next point.

Just as football coaches and other men's sports coaches claim that they are not anti-Title IX or anti-women's athletics, I claim that women's

sports coaches and pro-Title IX advocates are not anti-football. Yet, we do recognize the need for all sports to operate under financially prudent budgets so that athletics departments can adequately fund as many women's and men's sports as possible. Even under circumstances where some high-contact sports may incur higher equipment expenses for the safety and protection of their participants, there are plenty of other areas of operation that could be altered to cut costs.

A more equal distribution of resources, which will lead to a more equal amount of women's sporting opportunities, will be a byproduct of all this fiscal revamping, but may come about only if the NCAA passes such legislation. And in the long run, windows of opportunity will open for women in sports to the point at which Title IX compliance and gender equity are achieved.

I do agree with coach Joe in his assertion that current application of the law is not gender-equal. I would like to expand on that thought by reminding today's leaders and those who will follow in our footsteps that application of the law has never been gender-equal because there has never been full compliance with the law. Once we are in compliance, then application of the law will be gender-equal, opportunities will be gender-equal, and we will have overcome those challenges.

Now is the time for action and responsibility. Let's do what is right and encourage each other to abide by the law. Its intentions were realized in writing 23 years ago in order to provide an equal and level playing field for women and men, girls and boys. I salute all who have taken a stand for Title IX and encourage those who see it in another light to reconsider your views, for we are a powerful society that can achieve anything we put our minds to, including equality, opportunity and justice for all.

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