



Title IX Athletics Coordinators in NCAA Division I Institutions: Roles, Responsibilities, & Potential Conflicts of Interests

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Title IX of the Education Amendments Act of 1972, the landmark law barring sex discrimination in the nation's schools receiving federal funding, was passed in 1972. Three years later, the regulation implementing Title IX was published. Among its many provisions was a requirement for schools to appoint at least one employee who would be responsible for managing compliance efforts, ensuring that responsibilities under Title IX were met, creating grievance procedures, and overseeing investigations and resolutions of complaints when they arose. The purpose of this study is to examine the roles and responsibilities Title IX athletics compliance officers in NCAA Division I programs have; how their responsibilities as Title IX coordinators fit within their overall workloads and job demands; the level of support and access to training they receive to fulfill their responsibilities; potential conflicts of interest they identify; and other challenges they face.

Keywords: Title IX athletics coordinator, gender equity committee, Title IX athletics education, conflicts of interest

Title IX of the Education Amendments Act of 1972, the landmark law barring sex discrimination in the nation's schools receiving federal funding, was signed into law on June 23, 1972. Three years later, the regulation implementing Title IX was published. Among its many provisions was a requirement for colleges and universities to appoint at least one employee who was responsible for managing compliance efforts, ensuring that obligations under Title IX were met, creating grievance procedures, and overseeing investigations and resolutions of complaints when they arose (Lhamon, 2015; Marcus, 2004; Meyer & Somoza-Norton, 2018a; Meyer et al., 2018b; Title IX Regulations - 34 C.F.R. Part 106).

Out of inattention, failure to take the law seriously, and complaints about the law being viewed as an unfunded mandate, schools were slow to appoint individuals in roles as Title IX coordinators, compliance officers, or equity officers (Carpenter & Acosta, 2005; Klein & Humphreys, 2016; Martin & Beese, 2016; National Coalition of Girls and Women in Education, 2017; Wiersma-Mosley & DiLoreto, 2018). That lethargic response to Title IX and other state and federal laws shaped the regulatory environment within higher education into what Peter Lake (2013) described as "Compliance U", driven by a greater need for public accountability. He pinpoints a "Dear Colleague" letter issued by the U.S. Department of Education in April of 2011 as prompting a "...sea change in regulatory enforcement of Title IX..." because it called for immediate enforcement of regulations pertaining to sexual assault (Lake, 2013, para. 4).

The "Dear Colleague" letter further called for every campus to "...have a clearly defined Title IX coordinator with sufficient rank and job protection from improper interference" (Lake, 2013, para. 4). Indicative of that trend was the publication in 2011 of an educational pamphlet distributed by the National Collegiate Athletic Association (NCAA) entitled *The Title IX Coordinator and Athletics Compliance* which emphasized the need for colleges and universities to appoint an institutional Title IX coordinator and recommending that deputy Title IX coordinators be designated within athletics (NCAA, 2011b).

Little is known about the background and training of institutional Title IX coordinators and the challenges they face. Wiersma-Mosley and DiLoreto (2018) reported that the job of a chief Title IX coordinator was typically "...tacked onto other job duties, with no extra time or pay allotted" (p. 41). They also reported that Title IX coordinators operated in stressful environments due to changing rules and regulations issued by the U.S. Department of Education Office for Civil Rights (OCR) and expectations that allow little room for error. As a case in point, the newly issued Title IX regulations governing grievance procedures for sexual assault is more than 2,000 pages long (U.S. Department of Education, 2020). And while there has been some research attention in recent years directed at learning more about institutional Title IX coordinators, there has been no examination of secondary Title IX coordinators serving in athletic departments.

The purpose of this study was to examine the roles and responsibilities Title IX athletics compliance officers in NCAA Division I athletic departments have; their backgrounds and experience; how their responsibilities as Title IX coordinators fit within their overall workloads and job demands; the level of support and access to training they receive to fulfill their responsibilities; potential conflicts of interest that arise that they identify; and other challenges they face. These findings will be put in context in terms of the critical role Title IX coordinators

play in fulfilling the mandate of achieving gender equality under Title IX and implications if that role is not sufficiently executed (O'Brien, 2015, Paul, 2016).¹

Overview of Title IX's Impact on Education & Athletics

As Title IX approaches its 50th anniversary, there can be no doubt that it has lived up to its reputation as arguably one of the most consequential federal laws passed in the United States. Described by one scholar as “the little statute that could” (Buzuvis, 2012), its 37 words changed the way in which students have been educated. By way of example, challenges to sex stereotyping in schools helped to open up access for women to attend medical schools. Once held back by quotas limiting women’s enrollment within five to ten percent of a class, in 2019-2020 women made up more than half of medical school enrollees for the first time in history (Marcelin, 2019; Staurowsky, 2016).

In the athletic realm, Title IX has been credited with contributing to the growth of women’s sports in the United States and the success U.S. women’s teams have had at the international level (Staurowsky et al., 2020). In NCAA member institutions, women’s sport participation opportunities increased by more than 1565 percent, from 29,977 in 1971-1972 to 499,217 in 2018-2019 (NCAA Staff, 2020; Staurowsky et al., 2020).

Participation of female athletes in programs sponsored by NCAA institutions has risen over time, with the percent of female athletes increasing from 15 percent at the time of Title IX’s passage to 43.7 percent in 2018-2019 (NCAA Staff, 2020). In 1998, the number of women’s teams offered by NCAA institutions slowly started to surpass the number of teams offered for men. In 2018-2019, female athletes within the NCAA were competing on 1,434 more teams than male athletes (NCAA Staff, 2020). However, recent analyses of aggregate data for the academic year 2017-2018 provided by college and universities in response to the Equity in Athletics Disclosure Act (EADA) in areas of athletic participation rates, spending on athletic teams, allocation of athletic scholarships, allocation of recruiting dollars, and coach compensation between men’s and women’s athletic teams revealed patterns of large-scale gender gaps favoring male athletes (Staurowsky et al., 2020).²

While EADA data alone is not determinative of Title IX compliance, and compliance is established on a case by case basis, aggregate data across all three NCAA divisions reveals 87% of institutions did not offer athletic opportunities to women proportional to their enrollment in the undergraduate population in 2017-2018. When considered in light of the fact that there are more women enrolled in college than men and female athletes competing at the high school level were estimated to be 3.4 million, this evidence is strongly suggestive of a failure to provide athletic participation opportunities to female athletes commensurate with Title IX expectations (Staurowsky et al., 2020).

In the area of athletic scholarship assistance, male athletes in NCAA Divisions I and II received a combined \$240,435,504 more in athletic scholarship assistance in 2017-2018. Only

¹ The focus of this research is on Title IX’s application to athletic departments. While Title IX covers sexual harassment and sexual assault, and there are issues relative to protocols for handling cases that involve athletes and athletic department personnel, that is a topic that warrants a separate paper.

² The Equity in Athletics Disclosure Act (EADA) requires colleges and universities that receive federal funding to publicly disclose how they allocate resources between men and women in their athletic departments.

35% of Division I programs met the Title IX standard that athletically related financial aid (a.k.a. athletic scholarships) be allocated within one percent of the representation of males and females who compete on varsity teams. According to a study conducted under the auspices of the Women's Sports Foundation in 2019 where women sport leaders of women's teams were surveyed about their views on the status of girls and women in sport in the U.S. (n=1,155), 33 percent reported that schools had a weak or very weak record of Title IX compliance with another 24 percent rating their schools record of compliance as neither strong nor weak. Only 44 percent believed that institutions had a strong or very strong record of Title IX compliance (Staurowsky et al., 2020).

When coupled with the outcome of recent Title IX lawsuits brought by female athletes and coaches of women's teams where school administrators were found to be engaging in sex discriminatory decision making that reflected what was happening in the 1970s, some college sport experts argue there continues to be widespread Title IX non-compliance in college and university athletic departments (Hogshead-Makar, 2020). In an investigative report by Jenkins (2019), Title IX experts noted that hundreds of colleges might be out of compliance with Title IX in the area of athletics.

The Roles & Responsibilities of Title IX Coordinators in 1977

Three years after the passage of Title IX, the Office for Civil Rights (OCR) issued a regulation to assist schools in implementing the requirements of Title IX. To aid in developing an internal mechanism within schools for handling Title IX complaints, the *Title IX Grievance Procedures: An Introductory Manual* provided extensive support to administrators about the roles and responsibilities of Title IX designees and the dimensions of what a grievance procedure should include. The manual noted that compliance efforts were hampered if the grievance procedure was not administered effectively (Matthews & McCune, 1977).

An announcement of the appointment of a Title IX coordinator was to be shared with students and other employees along with information on ways to contact that person. Both the grievance procedure and the naming of an employee responsible for Title IX compliance was to have been done by July of 1976. As conceived by OCR officials, Title IX compliance is improved by having workable mechanisms in place at the local level to systematically monitor compliance on a regular basis and in a timely and appropriate manner so as to relieve the burden on those suffering from sex discrimination (Matthews & McCune, 1977).

So critical was the Title IX coordinator to ensuring the effectiveness of a school's Title IX compliance efforts, the manual included an entire section on the role of the Title IX coordinator in the grievance procedure (Matthews & McCune, 1977). As stated in the manual, while everyone within a school including administrators, faculty, coaches, staff, and students were responsible for abiding by this federal law, "...the Title IX coordinator will be the person with major responsibility for Title IX compliance efforts" (Matthews & McCune, p. 43). Institutional administrators were encouraged to consider three things when delineating the functions of a Title IX coordinator and thinking through the resources and authority to support them in effectively fulfilling their role including:

- the tasks and responsibilities associated with implementing a Title IX grievance procedure;
- the competencies and skills for the effective administration in handling grievances and other compliance related activities; and

- basic principles regarding effective functioning within their own institutions (Matthews & McCune, 1977, p. 43).

Title IX coordinators were expected to possess an in-depth knowledge of Title IX, the regulation, the interpretation, and evolving clarifications as issued by the OCR and emerging from court decisions; the ability to apply that knowledge advised by an understanding of other civil rights laws; the administrative skills to manage the decision making structures and operations of Title IX oversight; and the interpersonal skills needed to engage and communicate with constituencies about compliance efforts. One of the key elements of a Title IX compliance effort is the preventive activity of educating employees and students about Title IX's requirements and conducting periodic assessments of their awareness (Matthews & McCune, 1977).

To effectively fulfill their role, Title IX coordinators need the authority to undertake the demands of their job and access to information relevant to assessing and monitoring compliance. Consistent with that expectation, a direct reporting line to the chief administrative officer (CAO) or someone with direct and immediate access to the CAO was recommended (Matthews & McCune, 1977).

Slow Institutional Response to Appointing Title IX Coordinators & Consequences

In a report published by the National Coalition of Girls and Women in Education on the 45th anniversary of Title IX in 2017, Title IX coordinators were described as “essential champions of educational equity”, performing roles that were critical to helping students receive the best possible education. After four and a half decades, however, schools were still not complying with the requirement of designating a Title IX coordinator and many were also “...failing to give coordinators adequate training or authority” (p. 2).

Describing the overall seriousness with which school administrators dealt with the necessity of creating a functioning infrastructure to systemically handle Title IX oversight, Title IX coordinators in the 1970s were often appointed in name only with few efforts to inform school communities about what they did or who they were. As Carpenter and Acosta (2005) wrote, “Other than posting a name and title on the back-corridor bulletin board, many schools did little to disseminate to the campus community information about the requirements of Title IX” (p. 8). A review of Title IX compliance at selected institutions conducted under the purview of acting Assistant Secretary for Civil Rights Kenneth Marcus in 2004, the most frequently identified problem found was “...the failure to effectively disseminate notice of the Title IX coordinator's identity and contact information as required by the Title IX regulations” (Marcus, 2004, para. 2).

Since Title IX's passage, school administrators have been reminded by federal officials working at the Office for Civil Rights about their obligations to provide Title IX oversight and create internal avenues to educate stakeholders, monitor and assess Title IX compliance, document efforts to remedy sex discrimination and discourage its perpetuation, and provide the resources needed to conduct investigations when necessary (Marcus, 2004; Matthews & McCune, 1977, 1987; Lhamon, 2015). One of the consequences of the lack of a unified approach to Title IX compliance within schools is the persistent lack of knowledge among educators about what Title IX is and how it should advise their work (Nash et al., 2007). In 2011, the Association of Title IX Administrators (ATIXA) was formed to

...create a venue for professional exchange between coordinators and other administrators with Title IX responsibilities, to finally and meaningfully wrap our heads around the Coordinator role, other Title IX-based administrative responsibilities, and best practices for institutional Title IX compliance (ATIXA, 2020, para. 5).

Title IX Oversight in College Athletic Departments & A General Lack of Knowledge About Title IX

Institutionally, models of Title IX administrative oversight vary widely. Mirroring that, approaches to Title IX oversight in athletic departments have been equally variable. ‘Some deal with Title IX issues at the senior management level, others have gender equity committees that may be departmental or institutional, some receive oversight through faculty athletics committees, and still others rely on the designation of one person within the department, often a senior woman administrator’ (Staurowsky & Weight, 2013, p. 5). In 2011, the NCAA recommended as a best practice that a secondary Title IX coordinator be assigned in the athletic department with a dotted line reporting relationship with the chief Title IX coordinator (NCAA, 2011b).

The accumulated effects of institutions being slow to build a Title IX oversight infrastructure on campus is the lack of identity of Title IX coordinators and the connection institutional Title IX coordinators have with athletic department personnel. Ultimately a picture of the Title IX compliance landscape emerges to reveal that from institutional Title IX coordinators themselves to athletics administrators to athletic department staffers to coaches to athletes there is a general lack of consistent Title IX education as it pertains to athletics occurring. Subsequently, there is a general lack of knowledge among constituencies who are expected to comply with the law and to raise concerns about accountability (Staurowsky, 2011; Staurowsky & Weight, 2011).

In interviews with people who conduct Title IX trainings for school administrators, it was their belief that Title IX coordinators working in the high school sector had very little knowledge about how Title IX applied to athletic departments, leaving an informational vacuum for athletic directors, coaches, staff, and athletes (Nowicki, 2018). In a study conducted by the U.S. Government Accountability Office (GAO) in 2017, an estimated 51% of high school athletic administrators did not know who their Title IX coordinator was or felt that they were unsupported by their Title IX coordinator (Nowicki, 2018). In a study of 1,100 college and university coaches, just over a third knew who their Title IX coordinator was while nearly 43% did not (Staurowsky & Weight, 2013). In a study of athletics administrators, coaches, and staff within NCAA Division II schools (Rodkey, Kelly, Sonderfeld, & Staurowsky, 2019), nearly a quarter (24%; n=157) were unaware that athletes should know who the Title IX coordinator is.

Further, research across constituencies that have a stake in Title IX compliance in athletic departments lack basic knowledge as to how it applies in athletics. According to Staurowsky and Weight (2011), 83% of college coaches (n=1,093) reported that they never received any formal training about Title IX as part of preparation for their jobs. In studies involving college athletes, Druckman, Gilli, Klor, and Robinson (2014) reported that the “starkest finding is the evident lack of knowledge among athletes about the content and target of Title IX...” (n=1,303) while 40% of college athletes in NCAA Divisions I and III (n=210) did not know what Title IX was (Staurowsky, Zonder, and Riemer, 2017).

Unique Aspects of the College Sport Environment Affecting Title IX Compliance & Potential Conflicts of Interest

Who is responsible for what happens in college sport programs is the subject of much debate, regular controversy, and ongoing concern (Bechta, 2011.; Associated Press, 2014; Straka, 2020). In 1997, the NCAA sought to address a general perception that there was a lack of accountability in college sport by shifting authority within its management structure away from athletic directors and conference commissioners and vesting full authority for the governance of intercollegiate athletics at the national level with college presidents (Turner, 2015). That step, however, did not resolve the problem. In 2012, only 25% of presidents serving NCAA Division I institutions believed college presidents of big-time sports programs had control over them (Green, 2012).

The intersection between a multibillion-dollar sport entertainment industry and college athletic programs presents external financial and political pressures that simply do not arise in other areas of colleges and universities. Because the college sport industry itself is built off of relationships with corporate sport media entities, uses media platforms to advance its business interests, and relies on advertising from Fortune 500 companies, there is heightened potential for those with greatest access to money and power to influence decisions or to create barriers to resist or slow decision making that undermines those in power (Staurowsky, 2013). Managing celebrity coaches in the sports of football and men's basketball whose teams are viewed by millions on multiple traditional and social media channels and who are often the highest paid employees in their states create conditions where compliance might be sacrificed in favor of compromises designed to slow walk or eliminate initiatives that threaten the status quo (Staurowsky, 2011).

In a hypercompetitive culture that places a high priority on finding and exploiting market advantage and leveraging opponent weakness, compliance is conceived of as technical in nature (Harris, 2018). In an environment where external pressure or threat of loss often moves decision making, an awareness on the part of athletic administrators that the federal government has never exercised its purview to punish schools for non-compliance by removing federal funding may disincentive meaningful commitment to Title IX compliance in athletic departments (Libet & Syphers, 2020).

Helen Grant, who runs a consulting firm that schools hire to address Title IX issues, described athletic administrators who were unruffled by receipt of a letter from the OCR alleging non-compliance, stating that "If you get a letter from the OCR that they are going to do an investigation, you won't even think about having to have a solution within 12 months" (as quoted in Libet & Syphers, 2020, para. 102). In a regulatory environment where those being asked to comply see little downside in not complying, the approach is more about managing perceptions than actual compliance, or as Grant characterized compliance, "it becomes a little game you have to play for a while" (as quoted in Libet & Syphers, para. 113). Grant went on to note that when an institution hires her consulting firm to look into Title IX compliance, knowing that she is there to represent the interest of the institution and not the interests of the beneficiaries of the law (primarily athletes and coaches), it helps in conveying a message to the public that universities care about female athletes. That message should not necessarily be construed as meaning that the institution is actually complying with the law (Libet & Syphers, 2020).

The Conflicted Role of Senior Woman Administrators in Relationship to Title IX Oversight

Prior to 1981, the NCAA was an all-male institution. Female college athletes were served through the Association for Intercollegiate Athletics for Women (AIAW). The NCAA's decision to host women's championships had broad repercussions for the way athletic programs were run nation-wide. On campuses, many institutions had been operating with separate men's and women's athletic programs. With the takeover of women's athletics by the NCAA, athletic departments were structurally reorganized, with women's programs being subsumed by men's programs and former women athletic directors who led separate departments being demoted (Staurowsky, 2016). In the aftermath of that reorganization, the NCAA created the designation of a senior woman administrator (NCAA Bylaw 4.02.5), which recognizes "...the highest ranking female involved in the management of an institution's athletics program" (NCAA Academic and Membership Staff, 2020, p. 16). "The position is intended to ensure representation of women's interests, experience and perspective at the institutional, conference and national levels" (NCAA Staff, 2011, p. 2).

While the SWA role seems fairly straightforward, numerous scholars have written about the potential complications that arise when SWA's advocate for gender equity and Title compliance (Hatfield, Hatfield, & Drummond, 2009; Hoffman, 2010; Pent, Grappendorf, & Henderson, 2007; Tiell & Dixon, 2008). As initially conceived, the SWA was expected to be a member of the senior management team who had influence over decision making and budget prioritization; strategized about how to support and manage gender equity and Title IX issues in athletic departments; reviewed Equity in Athletics Disclosure Act reports and gender equity plans; and advocated for the interests of both female and male athletes (NCAA Staff, 2011a). Some SWAs found that the role assigned to them put them in untenable situations, caught between advocating for female athletes but paying a penalty for being seen as troublemakers or people who were not team players (Buckholtz, 2016; Hatfield et al., 2009; Hoffman, 2010; Pent et al., 2007; Tiell & Dixon, 2008). Over time, SWAs found that serving in the role was a detriment to their ability to advance up the ranks, being viewed as either having expertise only in terms of women's sports or being barred from expanding their portfolio of assignments to gain experience in areas that led to promotion (Tiell & Dixon, 2008).

While the NCAA best practices document for the role SWAs are to serve in an athletic department includes oversight of gender equity and Title IX compliance and reviewing the EADA report and gender equity plans, a recent study conducted by the NCAA of SWAs revealed that there was equivocal support for them to do so. Only 66% of senior woman administrators, 59% of athletic directors, 40% of conference commissioners, and 32% of conference SWAs agreed that that SWAs should be expressly responsible for gender equity and Title IX compliance (Wilson, 2017).

Ambiguity about the role of SWAs within athletic department leadership teams has been problematic at two levels, one being implications for the professional success of women serving with that designation and the second being the impact on Title IX compliance if there is confusion as to who is fulfilling that responsibility within an athletic department. If it is not an SWA then who is it? And if it is an SWA, are they afforded the independence and authority to fulfill that responsibility? And should Title IX compliance be managed solely by women?

NCAA's Calls for Appointment of a Title IX Athletics Coordinator & Title IX Oversight Best Practices

In 2011, the NCAA published a best practices document addressing the relationship between the chief or institutional Title IX coordinator and athletics and the need for a secondary Title IX coordinator to be appointed in the athletic department. Among the best practices to be implemented along with this reporting structure were the following: both the chief Title IX coordinator and Title IX athletics coordinator should annually attend the NCAA gender equity forum and develop a Title IX athletics policy specific to the institution. Further, institutions should form a gender equity committee chaired by the chief Title IX coordinator with an annual report to the president of the institution that is tasked with

- developing a proactive, comprehensive gender equity plan that includes assessment of 13 Title IX review areas, measurable goals, projected costs for remedies, and timelines;
- arranging bi-annual presentations from a Title IX expert;
- including gender equity questions in annual athlete surveys with a question asking students to identify their Title IX coordinator;
- surveying head coaches of men's and women's sports annually regarding all aspects of Title IX; and,
- reviewing and discussing the EADA report, athletic participation opportunities available to female and male athletes; and the NCAA financial report (NCAA Staff, 2011).

Rationale and Research Purpose

Given the critical role Title IX coordinators play in compliance oversight at the local level, the scant research that exists about institutional Title IX coordinators and nearly non-existent research on secondary Title IX coordinators working in athletic departments, we undertook this work to gain insight into who Title IX athletics coordinators are and what they do. The purpose of this study was to examine the roles and responsibilities Title IX athletics compliance officers in NCAA Division I athletic departments have; their backgrounds and experience; how their responsibilities as Title IX coordinators fit within their overall workloads and job demands; the level of support and access to training they receive to fulfill their responsibilities; potential conflicts of interest that arise that they identify; and other challenges they face.³

Method

This study focused on administrators and staff working in NCAA Division I athletic departments who identified Title IX compliance oversight and/or gender equity as part of their job responsibilities. A 30-question anonymous survey was created and distributed to those individuals.

³As will become evident later in the manuscript, people who are assigned responsibility in Title IX compliance in athletic departments may not be given a title such as Title IX athletics coordinator. For brevity, we do use that term to refer at times to people who hold such a title and those who have Title IX compliance responsibilities but do not have a title.

Instrument

The Title IX Athletics Compliance Officers: Who Are They and What Are Their Challenges Survey was designed for this study using the NCAA's published best practices for Title IX coordinators and athletics compliance as a framework. Its 30-questions covered demographic information (job titles, status as senior woman administrator, academic credentials, NCAA divisional affiliation, conference affiliation); professional development (pathway to role in dealing with Title IX and gender equity issues; training; level of knowledge of chief Title IX compliance officer); Title IX compliance infrastructure (workload, reporting line, personnel evaluation), conflicts of interest and climate; and Title IX educational efforts and outreach (to athletes and to coaches). A panel of experts including a chief Title IX officer of an NCAA Division I institution, legal expert, and Title IX athletics compliance officer were given a copy of the survey and asked for their feedback. The survey was adjusted based on that feedback.

Subjects

Because of the wide variability in approaches to Title IX compliance oversight within athletic departments, the criteria for identifying subjects was intentionally broad. Potential subjects were identified by searching NCAA Division I athletic department staff directories and reading staff professional biographies posted on athletic department Websites. Three categories were used in identifying potential subjects to whom the survey was emailed: individuals who held the title of Title IX athletics coordinator, deputy Title IX athletics coordinator, senior woman administrator, or similar title; individuals who had Title IX and/or gender equity responsibilities listed in their biographies; and/or individuals who had general compliance responsibilities.⁴

An issue arose in the data collection process after sending out email solicitations to potential participants, with some writing back to inform us that while Title IX and/or gender equity was included in their professional biographies, they did not do any work in that area (n=5). Others wrote back indicating that they had been contacted in error, referring us to individuals in their department they believed dealt with Title IX and gender equity only to reach a dead end with the follow up referral (n=8).

Data Collection and Analysis

After review and approval by the Ithaca College Institutional Review Board (IRB) (Approval number IRB #204), the survey was distributed using the Qualtrics survey platform. Our initial contact list was comprised of 570 potential subjects (83% female; 17% male) who met the criteria for inclusion. Our yield was 90 responses, for a response rate of 16 percent. From the responses submitted, there was a 100% completion rate.

⁴ By including individuals who had compliance responsibilities, the overall pool of potential subjects was inflated. We wanted to test to see what we might learn about whether NCAA compliance directors worked in the area of Title IX compliance. While our hunch was supported with some respondents who were NCAA compliance directors, their inclusion inflated the pool. We believe the pool was closer to 352, the number of schools in NCAA Division I and the yield was closer to 25%.

Emails were sent to potential subjects on July 31, August 14, and again on August 21, 2020. The survey closed on September 1, 2020. In our solicitation letter we requested 10-15 minutes of time from potential subjects to complete an anonymous survey. If the targeted email went to a person in error, we requested that they forward the invitation to participate to the most appropriate individual or individuals within their department. Using one of the Qualtrics features, we explained that the survey had been set up to anonymize their responses by preventing the collection of IP addresses and other contact information. Potential subjects were informed that they were giving consent if they started the survey and that they had the option of skipping questions if they felt the need. They were also assured that there was no obligation to complete the survey if they did not wish to do so.

Quantitative data collected from the surveys were analyzed using descriptive techniques. The data is summarized below using frequency tables.

Results

Demographic Profile of Title IX Athletics Coordinators

Respondents to the survey were primarily women athletic administrators who served as members of athletic department senior management teams (96%) with job titles that ranged from executive senior associate athletic director (9%); senior associate athletic director (38%); deputy director of athletics (14%); and associate athletic director (25%). The remaining survey respondents were either directors of compliance (4%) or held an array of other positions. Nearly 70 percent indicated that they worked in jobs that allowed them to directly impact budget decisions in their departments.

There was a balanced representation of respondents across the three subdivisions that constitute NCAA Division I membership. While 37 percent of survey respondents identified with schools from the Football Bowl Subdivision (FBS), 33 percent were from the Football Championship Subdivision (FCS), and 30 percent were from NCAA Division I-non-football playing institutions. Further, survey respondents from all but three of the 36 NCAA Division I conferences participated in the survey ($M = 1.93$; $SD = .82$).

In terms of their educational backgrounds, the majority indicated that the highest academic degree they had earned was a master's degree (72%). Just over eight percent of those responding possessed a doctoral degree and another 11 percent held a juris doctorate (J.D.). Only eight individuals reported holding a bachelor's degree (9%) ($M = 2.21$; $SD = .76$).

Over 75 percent served in the role of senior woman administrator. In keeping with what is known about Title IX oversight within athletic departments, more than half of the respondents (54%) indicated that they did not have a specific title recognizing work done in Title IX athletics compliance such as Title IX athletics coordinator, deputy Title IX athletics coordinator, or something similar. And 64 percent did not think that the SWA role was synonymous with the Title IX coordinator role while 36 percent did (see Table 1).

Table 1

A Demographic Profile of Title IX Athletics Coordinators (n = 90)

Demographic Characteristic	Yes (%)	No (%)	<i>M</i>	<i>SD</i>
Member of athletic department senior management team?	96%	4%	1.02	.15
Direct impact on budget decisions?	68%	22%		
Senior Woman Administrator (SWA) role?	76%	24%	1.24	.43
Specific title recognizing work in Title IX compliance?	46%	54%	1.54	.50
Is the Title IX athletics compliance officer role synonymous with SWA?	36%	64%	1.64	.48

Professional & Educational Pathways to Working in Title IX Athletics Compliance

In response to a question regarding how they got involved working in Title IX athletics compliance, the strongest response was to the option “Default Assignment (I’m a woman administrator so it came to me)” (60%). From the responses, few people serving in these roles had specific training about Title IX (32%) or intermittent training (22%). A third had little to no training prior to accepting the assignment. Of those who responded to the survey, just over 16 percent were coaches who had observed inequities first-hand (see Table 2).

Table 2

Professional & Educational Pathways to Working in Title IX Athletics Oversight (n = 90)

Type of Professional/Educational Background	Percent	<i>n</i>
Default assignment (I’m a woman administrator so it came to me)	60%	54
General area of professional interest (specific training)	32%	29
General area of professional interest (intermittent training)	22%	20
General area of professional interest that I had little to no training in prior to accepting the appointment	30%	27
Former coach who observed inequities	16%	14

Title IX Athletics Compliance, Workload, & Level of Support to Be Successful

Those who provide oversight of Title IX compliance and gender equity in college and university athletic departments are typically tasked with an average of three to five areas of responsibility which include some mix of sport administration, APR reporting, athletic academic support and life skills, human resources, sports medicine, NCAA compliance, scholarship allocation, and strategic planning. Their responsibility in terms of Title IX compliance and/or gender equity oversight had to be managed within that larger portfolio of responsibilities (Hargis & Roth, 2018).

According to what athletic administrators and staff in this study reported, 17 percent of their workload on average was devoted to Title IX athletics compliance responsibilities. In an ideal situation, they report the percent of workload taken up by their Title IX compliance responsibilities should be somewhat higher than that, closer to 20 percent. Over a quarter of respondents, however, indicated that there was a need for more time to be devoted to Title IX compliance efforts, with 17 percent indicating that an ideal allocation should be within a range of 21-30 percent of workload and seven percent indicating it should be 31-40 percent of workload. Title IX coordinators were largely split in their views of whether they were afforded the time in their workload they needed to fully fulfill their role in this area. While 49 percent rated time in workload for Title IX assignments as fair to poor, 51 percent thought the allocation was good to excellent.

Title IX Athletics Coordinators Rating of Professional Support Provided by Department

When Title IX athletics coordinators were asked to rate the quality of support they received to be successful in their role, the results were equivocal. A majority (56%) rated their access to funding to attend the NCAA Diversity and Inclusion forum on a yearly basis as good to excellent. However, 43 percent believed that it was fair to poor. Similarly, over 56% of respondents believed that they had good to excellent funding to attend Title IX trainings such as ATIXA meetings, 44 percent felt that funding to Title IX trainings was fair to poor.

Nearly three-quarters (74 percent) of respondents rated the commitment to a culture of gender equity and Title IX compliance within their athletic departments as good to excellent. That commitment does not translate as strongly into funding for Title IX educational programming in their departments with more than 50 percent rating that funding as fair to poor (see Table 3).

Table 3

Means and Standard Deviations for Level of Support to Successfully Fulfill Role as Title IX Athletics Coordinator (n = 90)

Type of Support	<i>Good to Excellent</i>	<i>Fair to Poor</i>
Funding to attend NCAA Diversity & Inclusion Form annually	56%	44%
Funding to attend Title IX trainings (ATIXA trainings, for example)	55%	45%
Given time in workload to fully fulfill role	51%	49%
Upper level administration support Title IX programs	76%	24%
Funding support for Title IX education programming in department	49%	51%
Commitment to a culture of gender equity and Title IX compliance within the athletic department	74%	26%

Financial support for the contracting of outside consulting firms to assist with Title IX audits was also equivocal. Forty-seven percent (47%) reported that their department had hired a consultant for that reason, nearly 53 percent indicated that their departments had not spent resources bringing in an outside Title IX consultant ($M = 1.53$; $SD = .50$).

Title IX athletic compliance officers varied in their assessment of how much their institutional Title IX compliance officers knew about how Title IX applied to athletic departments. Nearly 40 percent thought their institutional Title IX coordinator was very knowledgeable. Just over 31 percent assessed their institutional Title IX coordinators as somewhat knowledgeable and approximately 21 percent believed the institutional Title IX coordinators they worked with were not very knowledgeable ($M = 1.99$; $SD = .98$).

Title IX Education Provided to Athletes and Coaches & Title IX Monitoring

Of the athletic administrators who responded to the survey, 68 percent indicated that education about Title IX was provided to the athletes and 70 percent indicated that coaches were provided with education about Title IX. Of the nearly 17 percent who opted to offer comments in response to these questions, they explained that the education provided was done at the university-level as part of campus sexual harassment and sexual assault training.

While the majority of respondents indicated that some kind of Title IX education was provided to athletes and coaches, the type of education was focused primarily on the area of sexual assault and sexual harassment (71% reported face to face and 69% reported online education for athletes; 77% reported face to face and 66% online education for coaches). Much less Title IX education was offered regarding how Title IX applies to athletics in terms of determining if schools are complying with the three-part test of athletic participation; offering athletic scholarships proportional to the representation of females and males in the athletic population; expenditures in recruiting; and allocation of resources in 11 operational areas covered by what is known as the “laundry list” (per diem, officials, transportation, access to academic support and sports medicine, compensation and allocation of coaches, uniforms and practice gear, practice and game schedules, facilities and locker rooms, marketing and promotions). Educational efforts pertaining to Title IX as it applies to athletics occurred less often. Less than half reported posting Title IX resources to athletic department websites. And only 2-3 percent of respondents indicated that athletes and coaches were taught how to read an EADA report (see Table 4).

When asked about their own role in communicating with athletes and coaches proactively about Title IX matters, Title IX athletics coordinators and those with responsibility in Title IX compliance in this study had relatively low engagement, with 11 percent indicating they met with athletes from their advisory committees once a year along with their institutional Title IX compliance officer; 13 percent reported that they developed educational training for coaches; and 9 percent reported that they developed educational training for athletes.

When asked if their athletic department had a gender equity committee, just over 41 percent of respondents indicated they did, and 59 percent indicated they did not. Among those responding to the survey, five percent served on a gender equity committee and 11 percent served as chair or co-chair of a gender equity committee. Nearly 13 percent of respondents indicated that they participated in developing a gender equity and/or Title IX strategic plan for their departments.

Less than five percent of the respondents completed the annual EADA report with seven (7) percent indicating that they contributed to the completion of the EADA. A slightly higher percentage of 13 percent of respondents indicated that they reviewed the EADA report (see Table 5).

Table 4

Type of Title IX Education Offerings Provided to Athletes & Coaches (n = 90)

Type of Title IX Education	Offered to Athletes	<i>n</i>	Offered to Coaches	<i>n</i>
Face to face presentations on Title IX regulations that apply to athletics*	19%	17	26%	23
Face to face presentations on Title IX & other laws pertaining to sexual assault, harassment & violence	71%	64	77%	69
Online training on Title IX regulations that apply to athletics*	18%	16	17%	15
Online trainings on Title IX and other laws pertaining to sexual assault, harassment, and violence	69%	62	66%	59
Title IX resources on athletic department Websites	49%	44	47%	42
Education in how to read an EADA report	2%	2	3%	3

*three-part test of athletics participation; how to calculate athletic scholarship compliance; the laundry list

Table 5.

Title IX Athletics Compliance Areas Overseen By Respondents

Athletics Compliance Area	Percent Responding
Meeting with SAAC and/or team captains once a year with institutional Title IX coordinator	11%
Annually complete the Equity in Athletics Disclosure Report	4%
Review the Equity in Athletics Disclosure Act Report	13%
Develop Title IX educational training for coaches	13%
Develop Title IX educational training for athletes	9%
Athletic Department Gender Equity and/or Title IX Committee (member)	5%
Athletic Department Gender Equity and/or Title IX Committee (chair or co-chair)	11%
Develop a Gender Equity and/or Title IX Athletics Department Strategic Plan	13%
Contribute to the completion of the Equity in Athletics Disclosure Act Report	7%

Title IX Athletics Coordinators, Reporting Structure, & Evaluation

As a secondary Title IX coordinator, those working in the athletic department reported that 57 percent have an informal reporting line to the Title IX Office while 25 percent had a straight-line arrangement and 19 percent had a dotted line relationship ($M = 2.34$, $SD = .84$). Because Title IX responsibilities for those secondary coordinators working in athletic departments fit within a portfolio of responsibilities, the vast majority (82%) were evaluated for retention and/or promotion by their athletics directors with just over 7 percent evaluated by a senior associate athletic director and nearly 11 percent reporting that they were evaluated by someone else in the athletic department (deputy athletic director, associate athletic director) ($M = 1.26$, $SD = .63$). Relative to who evaluated Title IX athletics coordinators on the work they do in that role, nine (9) percent indicated that the institutional Title IX coordinator had a formal role; 22 percent reported that they played an informal role; and 64 percent reported that institutional Title IX coordinators played no role in their evaluation ($M = 2.65$, $SD = .70$).

Title IX Athletics Coordinators & Conflicts of Interest

A strong majority of Title IX athletics coordinators in this study (70%) indicated that conflicts of interest occurred infrequently or very infrequently with approximately 12 percent noting that conflicts of interest occurred frequently or very frequently ($M = 3.90$; $SD = 1.90$). According to the respondents, the conflict of interest that arose most often was pressure to treat athletes from one team differently than another (24%) with conflicts with administrators and other conflicts (22% and 21%) respectively presenting issues they had to deal with (see Table 6).

A large majority of respondents reported that they had not experienced retaliation as a result of doing their job (82%, $n = 69$). Just over 7 percent ($n = 6$) indicated they had experienced retaliation and another 11 percent ($n = 10$) noted that they might have been retaliated against ($M = 2.00$, $SD = .45$). When asked if they ever felt pressure to remain silent on an issue that needed to be addressed in their role as a Title IX coordinator, 72 percent ($n = 65$) did not feel pressure;

nearly 20 percent did ($n = 15$); and 11 percent ($n = 10$) believed that they might have been pressured ($M = 1.91$, $SD = .54$). Although nearly 83 percent of Title IX athletic coordinators felt secure in their positions, 6 ($n = 5$) percent believed they could lose their jobs for advocating for Title IX and another 11 percent ($n = 10$) thought that they might lose their jobs if they advocated for Title IX (see Table 7).

Table 6

Types of Conflicts of Interests Encountered by Title IX Athletics Coordinators

	Percent Responding
Conflicts with donors or boosters	7%
Conflicts with coaches	19%
Pressure to treat athletes from one sport team differently from another	24%
Spousal, familial, or amorous relationships among athletics department personnel	6%
Conflicts with administrators	22%
Other	21%

Table 7

Workplace Climate for Title IX Athletics Coordinators

	Yes (%)	No (%)	Maybe (%)
You were retaliated against for doing your job	7%	82%	11%
You were pressured to remain silent on an issue that needed to be addressed	17%	72%	11%
You could lose your job for advocating for Title IX	6%	83%	11%

Discussion

In a letter to chief state school officers about Title IX obligations in athletics issued in 1975 by then OCR director, Peter Holmes, he cautioned that the adjustment period that had been given to schools to come into compliance ought not to be thought of as a waiting period. He went on to write, "Schools may design an approach for achieving full compliance tailored to their own circumstances; however, self-evaluation, as required by section 86.3 (c) is a very important step for every institution to assure compliance with the entire Title IX regulation, as well as with the athletics provisions" (Holmes, 1975, para. 12).

When the results of this study are taken into account along with previous research, it is clear that on the threshold of Title IX's 50th anniversary much more work needs to be done to activate the necessary infrastructure to consistently engage in self-evaluation processes designed to ensure that athletic departments are in compliance with Title IX. Based on the responses from participants in this study, while some schools have made progress in adopting best practices leading to enhanced Title IX athletics compliance efforts, the findings raise questions about how prepared athletic departments are in 2020 to develop and implement strategic plans that meaningfully address Title IX issues.

In the process of doing this research we found a lack of clarity as to who in athletic departments are responsible for Title IX oversight. While the NCAA in recent years has taken the stance that the SWA role is not synonymous with Title IX oversight (Wilson, 2017), 75% of respondents in this study were senior woman administrators with Title IX oversight in their online professional biographies. The finding that Title IX oversight was a default assignment for more than 60% of respondents and only a third had specific training in Title IX before taking on the role raises questions regarding the degree to which individuals assigned this role wish to do it and the extent of what they know about Title IX's application to athletics. When considered in light of Wilson's (2017) report that documented equivocal support for SWAs to provide oversight for Title IX compliance from SWAs themselves, athletic directors, and conference commissioners, greater attention to the criteria used in determining who serves in the role of a secondary Title IX coordinator seems to be called for.

Although a convincing majority of respondents (75%) characterized the commitment to gender equity and Title IX compliance in their departments as good to excellent, that optimistic perspective is not supported by the level of support given to respondents to fully do their jobs. Almost half of the respondents found funding for their training and for educating athletes and coaches about Title IX as it is applied in athletics to be fair to poor. When coupled with the fact that 59% of those responding indicated that their departments did not have gender equity committees, 53% indicated that they did not invest in bringing in outside experts to provide inhouse trainings, and few participate in the completion or review of the EADA report for their department, it is difficult to know how those assessing Title IX compliance within athletic departments determine that there is a commitment to compliance. These findings track with those of others evaluating Title literacy among coaches and administrators (Staurowsky & Weight, 2011; 2013).

Further, with less than half of respondents reporting that Title IX resources were posted on their athletic department Websites, how individuals who have questions about fair treatment find a person at some schools to speak to about it and how they would know where to submit a complaint is open for question. Based on the experience we had in locating individuals in the athletic department who handle Title IX and gender equity issues, it is often not clear who handles Title IX compliance and gender equity matters.

As described by those responding, the reporting mechanisms in place in their situations fall short of NCAA best practices. Less than 20% of the respondents indicated that they operated in a relationship with the Title IX Office with a dotted reporting line with the majority (57%) indicating that the relationship between athletics and the Title IX Office was informal. In terms of evaluation for the work they do in Title IX compliance, the fact that institutional Title IX compliance officers play no role in the evaluation of 64% of those doing Title IX compliance work in athletic departments speaks to the vulnerabilities employees experience when tasked with responsibilities that may place them at odds with their bosses or require a level of independence and authority that does not exist (Blad, 2015).

Not only does that have implications in terms of incentives for individuals to want to take on the responsibility of serving in the role of a Title IX athletics coordinator, it also potentially sheds light on the 19 percent of respondents who reported they had been retaliated against or thought they might have been retaliated against; the 28 percent who indicated that they were or might have been pressured to remain silent about a Title IX issue; and the 17 percent who felt they could or might lose their jobs by engaging in the advocacy necessary to fulfill their roles relative to Title IX. The chilling effect of such threats mirrors findings from other studies where

female coaches felt they would lose their job if they advocated for equitable treatment and coaches of women's teams (male and female) were either hesitant or believed it was too risky to raise Title IX issues in their athletic departments for fear of retaliation or retribution (Sabo, Veliz, & Staurowsky, 2016; Staurowsky & Weight, 2011; Staurowsky & Weight, 2013).

Some light is shed on the pressure points that Title IX athletics coordinators navigate in their reports of conflicts of interest. The fact that a combined 22 percent report experiencing conflicts with administrators when addressing Title IX shortfalls and gender equity issues signals the need for greater independence and authority and greater protections within the reporting chain.

Conclusion

As evidenced in the findings from this study, there is little emphasis in approaches to Title IX compliance in athletic departments on the education of athletes and coaches. The lack of Title IX education among coaches, college athletes, and administrators in NCAA athletic departments has a disabling effect on the Title IX enforcement mechanism at the local level. As Staurowsky & Weight (2011; 2013) point out, in the absence of knowing what the law does and does not require and having the capacity to review public disclosures about resource allocations in the athletic departments they compete and work for, athletes, coaches, and athletic department personnel are unprepared to participate in a system of accountability that is inclusive. Systemic ignorance gives rise to the kind of gamesmanship that Helen Grant, the Title IX consultant, described as emblematic of the approach athletic departments take to Title IX compliance.

If Title IX knowledge is thought of as currency, this has implications for the way the entire system operates. Athletics administrators, who have not been educated about Title IX, come into these jobs with a knowledge deficit. Mechanisms to proactively develop Title IX strategic plans through gender equity committees are not functioning at full capacity. Title IX athletics compliance officers, the majority of whom have only an informal relationship with institutional Title IX officers, are operating in isolation and unprotected if they press the limits of their authority. All of this spells a stalemate in terms of Title IX athletic compliance. And the work of Hogshead-Makar (2020), Jenkins (2019), and Staurowsky et al. (2020) strongly suggest that the accumulated effect of a Title IX compliance structure that is partially or fully disabled has repercussions in terms of gaps favoring male athletes in participation opportunities, athletic scholarship allocations, and program resources.

Implications for Practice

When the findings from this study are considered in the context of the best practices for Title IX compliance in athletic departments recommended by the NCAA in 2011, and the long-standing guidance that has been provided by the OCR in terms of creating an infrastructure to address sex discrimination within college and university athletic departments, these proactive steps are recommended:

1. appoint a secondary Title IX athletics coordinator and communicate that person's contact information to internal and external constituencies
2. develop a reporting structure that includes a dotted line relationship between the athletic department and the institutional Title IX compliance coordinator

3. invest in ongoing and regular Title IX education programming for athletes, coaches, and staff members
4. create transparency around EADA reporting and educate athletes, coaches, and staff on how to read those report
5. empower athletes and coaches to voice concerns about unfair treatment
6. create a gender equity committee that includes administrators, coach, and athletes
7. invest more in Title IX training in terms of requirements and implementation strategies for individuals who are responsible for Title IX athletics compliance efforts
8. as an enhancement to the EADA report, develop a reporting system that requires schools to publicly disclose: a) which part of Title IX's three-part test for athletic participation they are using to comply, b) information regarding their history and continuing practice of program expansion, and c) the methods used to fully and effectively meet the needs and interests of qualified female athletes
9. foster a culture of meaningful Title IX compliance within athletic departments
10. ensure through policy and practice that protections are in place to prevent retaliation for individuals (athletes, coaches, administrators, staff) who bring forward Title IX issues.⁵

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⁵ This list is based in part on a Title IX call to action developed by Erin Buzuvis and Nicole Melton in Staurowsky et al., 2020.

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