Title IX and the Expectation of Equity

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This essay gives a personal viewpoint of the environment for girls’ and women’s sport in the years surrounding the origination of Title IX and the organizational impacts unleashed by this legislation. Particular attention is given to the, somewhat surprising, degree to which men in power positions in sport benefited from Title IX’s uneven pattern of enactment. A cautionary note suggests that advocates in future work take careful steps so that language and protocols of potential legislation assure benefits to the intended beneficiaries rather than others. A concluding assessment asserts that one of the strongest positives of Title IX is a shift in stance of female athletes from being “grateful for banquet leftovers” to an expectation of equity in treatment and benefits.

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Dr. Gano-Overway invited me to contribute to this Special Issue “. . . from my vantage point within several women in sport organizations over the years.” I am grateful for this opportunity and, simultaneously, burdened with the knowledge that there are few of us left with this vantage point. You, the readers, do not have the option of considering a kaleidoscope of viewpoints on these matters. I might be the sole “first person voice” and I want very much to “get it right.”

A cursory, and pernicious, interpretation of my critique of some aspects of Title IX of the Education Amendments of 1972, outlined below, could lead to marking it as “bad law,” with questionable positive effects. Nothing could be farther off the mark. I declare Title IX, in its encapsulation of the concept of equitable treatment of males and females in education in the United States, was a “cosmic force.” A cosmic force does not have a sharp beginning and ending; it is a dislocation of an entire system. The reverberations continue through time—in this case to this very day and beyond. When Sedona Prince, in 2021, posted the social media visuals of the differential treatment of male and female National Collegiate Athletic Association (NCAA) championship basketball teams, Title IX commentary swept over the U.S. sport ecosystem (Witz, 2022). The NCAA initiated an investigation. A law firm carefully interviewed principals involved at all levels and drew up detailed recommendations for change. Many were enacted. The truth is revealed yet again; we still do not know what “equitable treatment of males and females” means, but change continues.

With my observations of the Commission on Intercollegiate Athletics for Women (AAW) and the Women’s Sports Foundation, I became a major proponent of “evidence-based advocacy” carried forward by organizations beyond the efforts of individuals. I have been, and am, committed to organizational development; thus, the opportunity to comment from that perspective is perfect for me. When individuals are hurt, neutralized, ill, retired, put out of action by any number of factors, an organization can play “next women up” and keep going. This has proved to be necessary.

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Unexpected Effects of Social Justice Law and Policy

The historical narrative of the United States features stirring social justice moments: the “first-wave” feminist movement for suffrage and the Civil Rights movement of the 1960–1970s. The stories seem to focus on key leaders and the gains (usually less than hoped and incremental). For me, an important corollary finding is finally being recognized. I noted this in a shocking way in the tale woven by Coates (2017) in his best seller, We were eight years in power: An American tragedy, described in detail how social/political maneuvering resulted in White veterans being massively aided by post-WWII legislation and economic policy while veterans of color were largely cut out. Coates delivers a “how-to” lesson on the ways in which individuals from socially and economically privileged positions are able to massage, manipulate, and maneuver public law and policy to benefit themselves and leave the (supposed) beneficiaries of the legislation far behind (Blakemore, 2019). Although, to my knowledge, it has never been analyzed from this perspective, it seems clear to me retrospectively that the early, and substantive beneficiaries of Title IX were White men. Their gains were immediate; the gains for young women students were relatively quick to arrive but were inconsequential when viewed in a grand, economic indicator scale. It is difficult to deny that as a result of Title IX, the benefits to men in power positions in sport were immediate and substantial. Three types of benefits contributed mightily to the cosmic force of Title IX.

Benefit 1: Men’s Organizations and Leadership Take Over Championship Play

The male-dominated NCAA offered women’s championships and university presidents were (finally) persuaded to join NCAA women’s program and drop membership in AIAW (Div. II and III, 1980; Div I, 1981). The first time the concept of NCAA Women’s Championships was offered, the members voted it down (New York Daily News, 1976). AIAW leaders were able to get a jump on the proposal as I had been invited to participate on a panel on women’s sport at the Athletic Business Managers Association prior to the NCAA convention. The press attending had been informed of the NCAA Women’s Championship proposal and inundated me with “requests for comment.” No one, to my knowledge, within AIAW had been alerted to this proposal. I shared the news, especially with Dr. Leutos Morrison, AIAW President, and on the next day, newspapers were publishing pictures of lines of women Athletic Directors calling their university presidents (pay phones at the time) to say “vote no.” The presidents did. We thought (or I thought) “we win.” It did not dawn on me immediately that this was only “Round 1” and that NCAA would continue (three of the next 4 years) sweetening the pot each year.

In 1980, The University of Iowa’s “Three Amigas” (Chris Grant, Peg Burke, and Bonnie Slatton) sponsored an extraordinary weekend conference in which each AIAW president in turn described “her year.” I entitled my presentation “Sex, money, and power,” seeking to put a light “soap opera” spin on a painful topic. I believe sincerely to this day, the NCAA leadership was motivated for these three core reasons. Just one example of the misogynistic views of female incapacities can be seen in the stubborn and consistent use of the adjective “qualified” any time reference was made to female administrators or AIAW leaders. The implication was clear that “unqualified” females abounded in other parts of the system. In regard to financial considerations, the AIAW with the brilliant work of their legal team and strategist Dr. Mimi Murray had received a million-dollar NBC television proposal for a package of seven AIAW championships. This was only a beginning but obviously more to come. The power play came through connections with the U.S. Olympic Committee and the World University Games group (of which I was a part for 20 years), and the NCAA was being forced to “share” the major voice in Olympic selections (athletes and coaches) with AIAW. They were adamant in being the “legitimate” voice for producing Olympians through the collegiate system. AIAW (and indirectly AAHPERD) were an annoyance to be swept away as soon as possible. These three factors were powerful motives to dispose of the “AIAW threat.”

Benefit 2: Merged Athletics and the Scholarship of Sport Were Enshrined as Solely Defined by Men

Men “submerged” highly qualified women when athletic department restructuring occurred. During the Commission on Intercollegiate Athletics for Women and AIAW periods, women’s athletics evolved as “units,” usually within women’s physical education departments. There were some athletic administration newcomers who seemed to wish for an “autonomy” of athletics such as that enjoyed in men’s athletic departments. The great majority of women in AIAW athletic administration felt comfortable and protected within women’s physical education. The AIAW philosophy, and reason for being, was promulgation of a “women’s way of sport”; an educational model in which student athlete as “student first” was held paramount (AIAW, 1975). The second major cosmic shift of Title IX, which really to me is never recognized and discussed, is the near complete destruction of an entire structural organizational framework for women controlling women in sport. With what, in Title IX terms, was astonishing speed, the following occurred: (a) women’s athletic units were disbanded, (b) single athletic departments restructured with 99% male lead administrations—women’s department “submerged,” and (c) the former men and women’s physical education departments were forced into mergers with negligible attention to the dramatic structural differences in men’s and women’s disciplinary and philosophical distinctions; men and women had distinctly different discipline-based national professional and scholarly based associations and the women’s organizations were obliterated. Many women functioning as women’s athletic administrators had terminal (doctoral) academic degrees which men by and large did not. This fact was largely ignored in administrative reassignment.

National Association of Physical Education for College Women (NAPECW) was gone soon along with four of its five regional affiliates. Only the Western Society for Physical Education of College Women persists to this day. A blow which few initially anticipated, the “Grandmother” of all the women/sport professional bodies, National Association of Girls and Women in Sport was reorganized out of existence when AAHPERD reorganized as SHAPE. Women scholars and professionals were orphaned from traditional scholarly home bases and migrated to various subdiscipline homes, but unfortunately, their contributions were often ignored in histories of organizational development.
Dr. Diane Gill and I have both, in our own ways, sought to rewrite women into the history of sport psychology (Gill, 1995; Oglesby, 2001). Hopefully, the other subdisciplinary groups have been, or are, doing the same. However, the women’s way of producing the next generation of leadership was decidedly different from the traditional scholarship model followed by men. The women’s process was more “hands-on,” collegial/collaborative, mentorship-oriented, largely verbally transmitted in conferences and workshops, and was largely lost. Women had to revamp and reorient career paths while men simply kept trudging along (Spears, 1978).

Benefit 3: Coaching and Other Staff Positions in Women’s Sport

The third major dislocation was in the coaching of women. At the height of AIAW influence, women made up about 85%–90% of those coaching women. With the simple requirement that a coach of women’s teams be compensated “approximately equitably” with coaches of men’s teams, coaching women began to look very desirable to men. There are several well-executed studies documenting the flight of women out of the ranks of collegiate coaching (Acosta & Carpenter, n.d.). I will not repeat it all here, but the percentage of women presently coaching collegiate women’s teams is less than 40% across all colleges and divisions. Title IX was a boon, early on and continually, for White males in both sport and kinesiology.

A Final Unintended Effect

A 2012 essay on the 40th anniversary of Title IX in the New York Times proclaimed “Black and White women far from equal under Title IX” (Rhoden, 2012). This viewpoint was echoed again in the TIDES Racial and Gender Report Card 2021, 50th Anniversary Edition. From Richard Lapchick “college sport has historically not done well at increasing opportunities for women and people of color . . . 2021 saw a decrease in the overall racial and gender grades from 2020” (Lapchick, 2021, p. 8).

I feel certain this special issue will address the status of racial/gender intersectional progress (on lack thereof) in the 50 years of Title IX. I will not attempt to go into depth on this matter, but it must be identified as a significant feature of any 50-year review. I have seen often, in print, the wording charge that Title IX has mainly benefitted White women. I am redesigning that charge to affirm that the main beneficiaries have been White men predominantly, and some White women. In 1977–1978, a Temple University master’s degree student (now Dr.) Alpha Alexander conducted a national survey of women of color in AIAW athletic director, coaching, athletic training, and athletic department staff (Alexander, 1978). The percentages and ratios in all positions were shockingly low (to AIAW leaders and members). AIAW then created a presidential committee to investigate how these low rates were emerging and what could be done to move toward racial inclusion. Would the attention that was planned have brought about an enhancement in today’s picture? Because AIAW had to close its doors, we will never know.

The concluding lesson, which I hope stands out from my review of history, is that in the enactment of progressive law and policy, explicit study must always be made to determine what precise statutory language will ensure that the intended beneficiaries will be the substantive beneficiaries.

Conclusion

At the end of the day, or after 50 years, girls and women have gained in the Title IX cosmic shift—and there were important losses. Living in my memories are a handful of events that will not happen again . . . as they happened to me in the 1950s and 1960s:

(a) Sitting in a classroom at a renowned university, with a sterling reputation for sport science faculty, listening to lectures, and readings chapter after chapter of textbooks, enumerating the deficiencies and inabilities of females across all areas of high performance. How could I make sense of the complete contradiction of what extraordinary level of play I viewed on the softball field the previous weekend and content delivered by “science” in class on Monday?

(b) Because the social response of family, friends, professors, and the like to one’s passion for her sport was often so negative, many women, as I, began a “double life” in which sport/athletic involvements were minimized, or hidden, to reduce necessities of explanation or open conflict. The pressure could be intolerable. The specter of homophobia loomed over virtually all girls and women who dared to “love sport.”

(c) One’s choices and experiences were dominantly structured by “what was available.” Exclusions in what was available abound. A girl chose her sport by what was available, not based on her gifts, skills, dreams, and desires. Little League was closed to girls before the influences of equity legislation. The “Olympic program” was closed to many choices. I played high-level softball. I represented the United States in demonstration games my team played against a team from Japan and teams from Canada. I never had a hope for softball in the Olympic Games, nor women in marathon racing. The Olympic Program is now almost equal in gender counts.

(d) Gratitude gives way to expectation. In the time before Title IX, and other progressive legislation, I (and all my teammates) had learned to be “grateful” for every opportunity for sport that came our way. I have played on softball fields with rocks making an errant infield hit dangerous and wearing cut-down men’s baseball uniforms (including jock protectors at no extra cost) and been overjoyed and grateful for the chances. One of the best things I see, in most young women athletes of today, is what I call “the expectation of equity.” Every girl and woman evolving to feel in her soul, her inalienable right to the same opportunity as anyone else to become her best self; flying a plane, owning a ranch or farm, and excelling at her sport.

References


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