The Future of Title IX: Ensuring Success Through Proactive Approaches

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Introduction

Although Title IX advocacy groups emerged victorious in the recent battle to protect Title IX’s athletics regulations, the work to ensure equitable opportunities for girls and women in sport in the United States is far from over. We cannot be complacent, sit back and wait for the next Title IX attack to occur. Instead of wondering, "What will the future bring for Title IX?", we must ask ourselves "What can we bring to the future?". In short, we need to become more vigilant in our efforts to develop and implement various strategies to fully realize the spirit and intent of this very important civil rights law. Such work will require focus and attention in four major areas:

1) expanding Title IX educational outreach;
2) developing and implementing Title IX plans;
3) assessing progress toward achieving gender equity and Title IX compliance; and,
4) encouraging Title IX advocacy.

Only through the continued and coordinated efforts of many, can we expect to fully realize the intended benefits of Title IX’s athletics regulations by providing equitable opportunities for female and male athletes.

Recap of 2002-2003 Events

Before discussing the future of Title IX, let me first recap the major events that occurred during this past year and a half regarding the law. The first major event took place in January of 2002 as the National Wrestling Coaches Association filed a lawsuit against the U.S.
Department of Education in order to question Title IX's athletics regulations. In response, the Bush Administration created the Commission on Opportunities in Athletics to explore Title IX issues. The Commission conducted hearings, deliberated, and provided their final report in January 2003 to the Department of Education. Due to major flaws in the Commission's process, two members of the Commission forwarded a minority report at the same time. In June of 2003, the decision was rendered in the Wrestling Coaches lawsuit in favor of upholding Title IX's athletics regulations. In July of 2003, the Department of Education issued their final action in a "Dear Colleague" letter. This letter from Assistant Secretary of Education Gerald Reynolds reaffirmed the Department of Education's commitment to the existing Title IX's athletics regulations, indicated their intent to reinforce their Title IX education efforts, and also included a warning that the Department of Education plans to "aggressively enforce" Title IX's athletics regulations. In short, due the extensive advocacy efforts of Title IX proponents [e.g., National Association for Girls and Women in Sport (NAGWS), Women's Sports Foundation (WSF), National Women's Law Center (NWLC), American Association of University Women (AAUW), National Association of Collegiate Women Athletics Administrators (NACWAA), National Collegiate Athletics Association (NCAA)], Title IX's athletics regulations were kept intact.

We must now build upon this success as we broaden our educational efforts, continue to implement plans to achieve gender equity, monitor progress, and encourage future Title IX advocacy efforts.

**Expanding Title IX Educational Outreach**

Greater Title IX enforcement plans by the Department of Education's Office for Civil Rights (OCR) and the threat of future Title IX lawsuits will provide greater incentive for schools and colleges to educate their athletics department staff. In turn, these leaders will look for educational tools and resources for assistance in the educational process. Accurate information must be provided to these entities about the law, its regulations, its intent, and current statistics. Currently, a number of Title IX educational resources and programs