



Title IX Athletic Equity – Hot Topics

Fundraising & Booster Clubs

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This training is not intended as legal advice and should not be taken as such; we advise you to consult with your legal counsel before making policy or process changes.

ODE and OSAA are available to support with individual technical assistance following this training.



What is Title IX?

Title IX of the Education Amendments of 1972

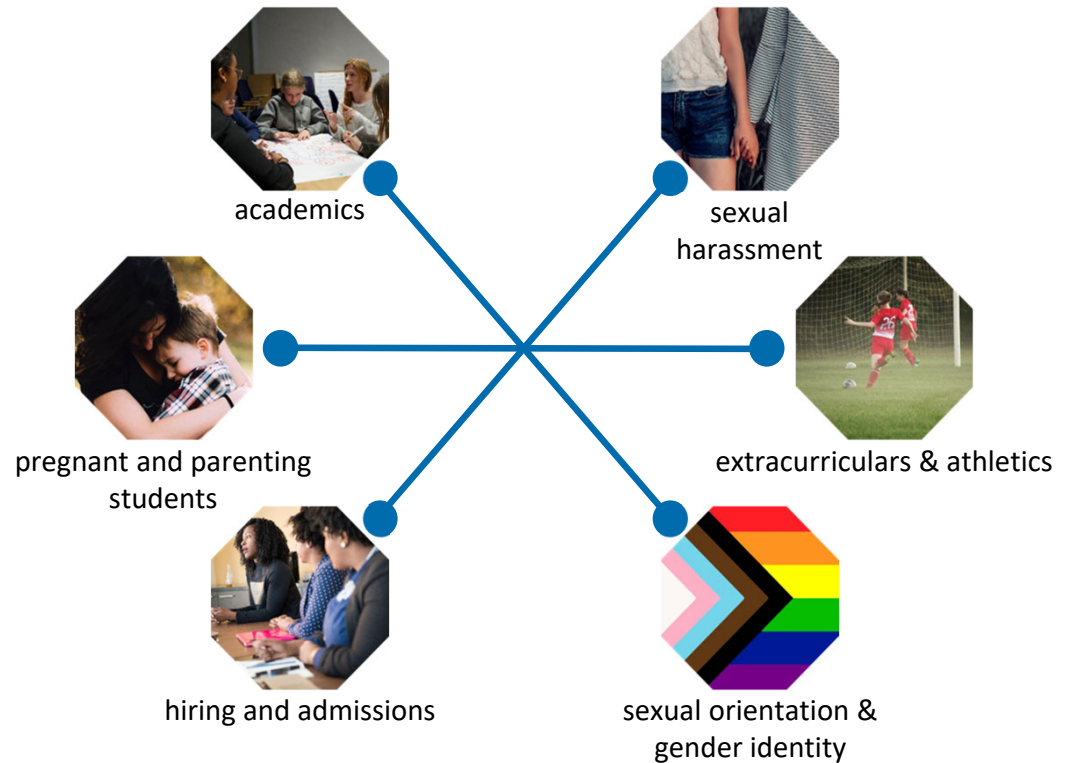
"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

- Civil rights law passed in 1972
- Protects **all** students and employees from sex discrimination, including discrimination based on sexual orientation and gender identity
- Enforced by the Office of Civil Rights (OCR) at the U.S. Department of Education

What is covered by Title IX?

All federally funded educational programs are covered by Title IX, including public schools, charter schools, colleges and universities, state agencies, and education service districts.

All parts of a recipient organization's educational programs are covered by Title IX, including academics, extracurricular clubs and activities, **athletics**, field trips, etc.



Title IX and Athletics

In 1972, only **7%** of high school athletes were girls; by 2019 that number rose to **43%**, or **3.4 million** girls.

[Title IX at 50 Report](#)

Title IX has helped more students get access to the benefits of athletics, including:

- More likely to graduate and attend college
- Higher GPAs
- Increased self-esteem and stronger family and peer relationships

[Benefits of Sports](#)

Three Analytical Standards for Athletics

1. Schools must offer male and female students equal athletic opportunities and effectively accommodate students' athletic interests and abilities.



The “three-part test” or “three-prong test”

2. Schools must allocate athletic financial assistance equitably.

3. Schools must provide male and female athletes with equal benefits and opportunities.



The “laundry list”

Equal Opportunities: The Three-Part Test



Part 1: Athletic participation opportunities for girls and boys are substantially proportionate to their respective enrollments; **OR**

Part 2: The school has a history and continuing practice of expanding athletic participation opportunities for the underrepresented sex; **OR**

Part 3: The school has fully and effectively accommodated the interests and abilities of the underrepresented sex.

Equal Benefits: The Laundry List

- ❑ Equipment and supplies
- ❑ Facilities
- ❑ Assignment and compensation of coaches
- ❑ Support services
- ❑ Medical and training facilities
- ❑ Recruitment
- ❑ Scheduling of games and practices
- ❑ Travel and Per Diem
- ❑ Housing and dining
- ❑ Publicity
- ❑ Opportunity to receive academic tutoring

Total Program Comparison

Title IX compares the entirety of the athletics offered for boys to the entirety of the athletics offered for girls, not just one team to another.

- Title IX does not require schools to create “mirror” programs.

Schools can offer different girls and boys athletic teams in accordance with student abilities and interests.

- This allows for variation in the type of number of sports programs offered to different genders.



ALL sources of resources and funding count!

Every benefit and opportunity provided to your athletes and athletic teams counts towards your Title IX compliance, regardless of source, including:

- funds and resources provided by the school
- facilities rented for practice or competitive events
- fundraising done by booster clubs
- funds or resources provided by private donors
- fundraising done by individual teams
- donations solicited by individual teams
- facilities built or improved by individual teams

OCR's Enforcement

Anyone may submit a complaint of athletic inequity to OCR

- **1,726 complaints** of athletic inequity were submitted to OCR in 2023

Most common subjects of Title IX complaints related to athletics:

- Failure to provide equitable opportunities to participate in athletics
- Disparity in facilities
- Sexual harassment
- Disparity in quality of coaches provided to teams, or coaching compensation



Fundraising and Donations

Fundraising Policies

Institution's Obligation

- Provide equitable benefits.
 - Conducting a yearly benefits analysis will help you see if inequities are emerging, and what you need to plan to address.
- No matter the form of donation (cash, equipment, endowment, services, etc.), once that donation turns into a benefit, it counts.
- If school accepts funds from any source, they are obligated by **law** to find resources somewhere to address any inequities created by those funds.

Fundraising Best Practices

- **Uniform Approach**
- **Administered by the Institution**
- **Policies & Procedures**
 - Role of the Booster Club
 - How to Fundraise
 - Insurance Provided by Booster Club
 - Activities Provided by Booster Club

Fundraising Best Practices: Big Picture

One sport or multi-sport?

- Individual sport booster clubs may pose more risk of Title IX inequity
- Multi-sport booster clubs or one overall club may reduce risk (and increase fundraising capacity and returns)

Institutional Oversight

- All booster purchases must be reviewed by school athletics staff

Financial Management Practices

- Institutional/team management of funds reduces liability and mismanagement concerns
- Cannot provide direct pay or gifts to staff or students.

Booster Club Best Practice: Procedures

- Annual planning meeting and annual review
- Training on liability and financial management (The National Booster Club Training Council or Parent Booster USA, training materials and advice)
- Transition for club leadership
- **Transparency!**



Myths, Facts, and FAQs

Common Myths and Hurdles

- 1) Larger alumni or support base for a specific sport
- 2) “Some coaches don’t want to fundraise”
- 3) “Any team that works hard enough can fundraise as much as they want – it’s all about effort”
- 4) History and tradition: types of fundraisers, success of fundraisers, community support
- 5) “Title IX will force us to turn down big donations”

Building a Culture of Broad Athletic Support

“A rising tide raises all boats”

- Educate the community on:
 - Title IX and athletic equity
 - Needs for the whole athletic department and how it will benefit all students
- Have a plan for future purchases and addressing equity, and communicate it clearly
- Consistent messaging with donors and fundraisers



Examples, Complaints and Resources

Example

Batter-up Booster Club has been an important fundraiser for the baseball program. The club has raised \$100K to be given to the school specifically for a hitting facility to be located within the baseball stadium, and to be used solely by the baseball team.

Is this allowed under Title IX?

What issues need to be considered?

How could this scenario be adjusted to provide equity to the students at the school?

Athletic Equity Complaints

Title IX requires schools to adopt grievance procedures for the resolution of all complaints of sex discrimination.

All Title IX athletic equity concerns are discrimination concerns.

Anytime you become aware of a potential Title IX athletic equity concern, **promptly contact the Title IX Coordinator** to facilitate the required prompt and effective response.

Resources



[OCR: Title IX and Athletic Opportunities in K-12 Schools](#)

[OSAA: Title IX Equity Resources](#)



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