



News Release

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STATEMENT BY MYLES BRAND ON TITLE IX

INDIANAPOLIS---I am very pleased by the letter issued today, July 11, 2003, by Assistant Secretary for Civil Rights Gerald Reynolds concerning Title IX. Mr. Reynolds makes clear that Title IX will continue to provide opportunities in intercollegiate athletics for young women as well as young men. Mr. Reynolds also makes clear that the implementation of Title IX will not be changed.

This letter provides an excellent platform for the future implementation of Title IX. It acknowledges past concerns and sets firm and fair directions for the future.

This clarification letter emphasizes, rightly, that an institution of higher education can satisfy Title IX using any of the three prongs: substantial proportionality; a continuing history of program expansion for the underrepresented sex; or fully accommodating the interests of the underrepresented sex. Each of these three prongs is individually sufficient for compliance.

This clarification also emphasizes that cutting men's sports to meet the first prong is a disfavored practice. This is a victory for men's sports, especially Olympic and nonrevenue sports, as well as for women's sports. Further, there will be consistent enforcement by the Office for Civil Rights (OCR) across regions, and OCR will enhance its education and assistance to institutions in helping them to comply with Title IX.

All young women and men engaged in athletics have reason to cheer today. And all of us who support their athletics endeavors, myself proudly included, should join in their celebration.

I compliment Secretary Paige and the Commission on Opportunities in Athletics for their hard work and for setting the stage for this letter of clarification. I also compliment Mr. Reynolds and others involved in the final decisions for being judicious and future-directed.

The NCAA will work closely with its member universities and colleges and with OCR to implement Title IX within the context of this clarification letter. We will assist in

educational activities and use all other means at our disposal to support the intent and goals of Title IX.

JH:mel

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THE ASSISTANT SECRETARY

July 11, 2003

Dear Colleague:

It is my pleasure to provide you with this Further Clarification of Intercollegiate Athletics Policy Guidance Regarding Title IX Compliance.

Since its enactment in 1972, Title IX has produced significant advancement in athletic opportunities for women and girls across the nation. Recognizing that more remains to be done, the Bush Administration is firmly committed to building on this legacy and continuing the progress that Title IX has brought toward true equality of opportunity for male and female student-athletes in America.

In response to numerous requests for additional guidance on the Department of Education's (Department) enforcement standards since its last written guidance on Title IX in 1996, the Department's Office for Civil Rights (OCR) began looking into whether additional guidance on Title IX requirements regarding intercollegiate athletics was needed. On June 27, 2002, Secretary of Education Rod Paige created the Secretary's Commission on Opportunities in Athletics to investigate this matter further, and to report back with recommendations on how to improve the application of the current standards for measuring equal opportunity to participate in athletics under Title IX. On February 26, 2003, the Commission presented Secretary Paige with its final report, "Open to All: Title IX at Thirty," and in addition, individual members expressed their views.

After eight months of discussion and an extensive and inclusive fact-finding process, the Commission found very broad support throughout the country for the goals and spirit of Title IX. With that in mind, OCR today issues this Further Clarification in order to strengthen Title IX's promise of non-discrimination in the athletic programs of our nation's schools.

Title IX establishes that: "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."

In its 1979 Policy Interpretation, the Department established a three-prong test for compliance with Title IX, which it later amplified and clarified in its 1996 Clarification. The test provides that an institution is in compliance if 1) the intercollegiate-level participation opportunities for male and female students at the institution are "substantially proportionate" to their respective full-time undergraduate enrollments, 2) the institution has a "history and continuing practice