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An Open Letter to University and College Presidents and Athletics Directors

June 25, 2020

Dear Colleagues,

This week marks the 48th anniversary of Title IX. As you know, this landmark law provided amazing opportunities for girls and women in education and is especially known for the doors it has opened for women and girls in sports. However, far too many schools and institutions are still not in compliance with the law as it relates to athletics.

Over the last few months, we have been following the news as schools announce their intentions to drop sports as a way to curb the financial burdens of the COVID-19 pandemic.

We write to implore you to consider the Title IX ramifications of dropping sports before you consider doing so.

We appreciate that many leaders in intercollegiate athletics are faced with difficult choices during the current unprecedented pandemic. However, budget cuts should never be a reason for discrimination and certainly, decisions made based on budgets and organizational priorities should never be blamed on Title IX.

We would be pleased to provide general guidance (albeit not legal assistance) if you are considering dropping sports. We have extensive Title IX knowledge and experience and would gladly share our insights. Below, we've outlined the general requirements of Title IX, which we wish to ensure you are aware.

Schools must provide equitable:

- I. **Participation opportunities.** Schools must meet one of the following three prongs.
 1. Proportionality
 2. History and continuing practice of expanding opportunities
 3. Fully and effectively accommodating the interests and abilities of the underrepresented sex
- II. **Benefits and Treatment.** The treatment that female and male athletes receive does not have to be identical, but it must have the same overall effect.
- III. **Athletic Scholarships.** Should be awarded in proportion to the number of students of each sex participating in athletics

Once a sport with demonstrated student interest is dropped, you cannot use Prongs 2 or 3 to meet Title IX requirements and you must meet Prong 1, proportionality. Equally important is that Title IX compliance requires that women athletes have quality experiences not just a roster presence.

While we recognize the financial hardship many institutions are facing, this is not an acceptable reason for discrimination.

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We are hopeful that if you are facing financial hardship and are considering dropping sports that with sufficient effort you will be able to create space for all female athletes' interests and abilities in a Title IX compliant manner and that women athletes will have quality experiences, not just a roster presence.

Equal opportunity and quality of athletic teams for all athletes at your institution is not only a legal requirement, but it may also be a source of great pride and positive public relations for your institution.

We wish you well in this very important process and stand ready to assist. Of course, neither this letter nor our assistance, constitute legal advice.

Sincerely,



Dr. Deborah Antoine
Chief Executive Officer, Women's Sports Foundation