

Reference Information to Assist in the Self-Assessment

THE P-L-A-Y-I-N-G F-A-I-R -CHECKLIST

P	protective athletic equipment, athletic clothing, and other athletic supplies
L	locker rooms, practice facilities, competition facilities, and other athletics environments
A	allocation of travel benefits, transportation benefits, and per diem allowance benefits
Y	years of experience, quality, compensation, and assignment of coaching
I	institutional housing and dining facilities and related services for student-athletes
N	nature of publicity, marketing, and media services provided for athletic programs
G	game and practice times and scheduling
F	facilities for and access to athletic training benefits and medical services
A	academic tutoring services for student-athletes
I	institutional support services for athletic programs
R	recruiting resources provided to athletic programs

P: Protective Athletic Equipment & Other Athletic Supplies

OVERVIEW

Athletic equipment and supplies includes uniforms, shoes, warm-ups, other apparel, sport specific equipment (e.g. bats, tennis rackets, lacrosse sticks), and general sports equipment (e.g. water bottles, knee braces, sweat bands, etc.).

COMPLIANCE FACTORS

Quality: high-end vs. cut-rate? conditions? durability?

Suitability: officially sanctioned by NFSHSA or state association? meets sport-specific specifications from national governing bodies?

Amount: adequacy of number provided to team? extent to which participants must provide their own equipment? sharing of equipment by teams or participants?

Maintenance: reconditioning provided for equipment? laundry services for uniforms? replacement schedules for unsafe/worn equipment?

Availability: access to equipment by athletes? schedules for availability?

RED FLAGS FOR ATHLETIC ADMINISTRATORS

(Common Violations In Title IX Court Cases & OCR Settlement Agreements)

1. Male athletes are provided more equipment by the school; female athletes must provide and use their own equipment.
2. Men's teams are provided an overall higher quality of equipment than the women's teams which are provided with cut-rate, low-end equipment.
3. Men's equipment is replaced more frequently than women's equipment.
4. Coed equipment that may be shared between same-sport men's and women's teams is all charged to the budget of the women's team to create the façade of financial equity between the programs.
5. Men's teams are provided with laundry services; women's teams must do all of their own laundry.
6. Men's teams have overall greater access to equipment than women's teams or men's teams have priority of access to shared equipment.
7. Men's teams are all provided with the assistance of equipment managers; women's teams are not provided with equipment managers.

MISCELLANEOUS NOTES

1. Nondiscriminatory differences in equipment based on the unique aspects of different sports are permitted.
2. Equal expenditures for same-sport teams are *not* required.
3. Coaches may choose less expensive or non-top-of-the-line equipment when they believe it is better or preferable under the circumstances.
4. The amount of sport-specific equipment will impact the determination as to which teams need the assistance of equipment managers.

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L: Locker Rooms, Practice Facilities & Competition Facilities

OVERVIEW

This is one of the most common program areas in which the OCR finds significant differences between the benefits provided to women's and men's athletic programs. Women are often assigned "space" by default, receiving locker rooms and practice/competition environments significantly inferior to the men's teams.

COMPLIANCE FACTORS

Practice/Competition Facility Quality & Availability: condition? sufficiency for programs? proximity to locker rooms? equality of access to facilities? special features such as scoreboards, spectator seating?

Practice/Competition Facility Exclusivity Of Use: use of facility by other institutional activities? priority of use of shared facility to men's teams?

Practice/Competition Facility Event Preparation: who sets up the facility or playing environment? do school custodial staff set up all men's events, but women's teams must set up their events?

Practice/Competition Facility Maintenance & Repair: who maintains and repairs the facility or fields? school staff for men's teams?

Locker Room Quality: size of room? size of lockers? security of lockers? percent of participants who receive lockers? sharing of lockers by athletes? quality of shower facilities?

Locker Room Availability: hours of availability? proximity to practice and competition facilities?

RED FLAGS FOR ATHLETIC ADMINISTRATORS

[Common Violations In Title IX Court Cases & OCR Settlement Agreements]

1. A significant overall difference between the facilities or playing fields provided to the women's program as compared to the men's program.
2. Men's teams have exclusive locker rooms while women's teams share.
3. Visiting men's teams displace women's teams from locker rooms while men's teams have exclusive use of their locker rooms.
4. Quality size and security of women's locker rooms are significantly different from the men's locker rooms.
5. Quality and size of shower rooms are significantly less for women's programs.
6. Women's teams share practice/competition facilities with other school activities while men's teams have exclusive use of facilities.
7. Women's teams use primarily off-campus facilities while men's teams have priority of access to on-campus facilities.
8. Women's teams must prepare their own facilities for practice and competition; school staff such as custodians prepare men's facilities.
9. Women's teams relegated to auxiliary gyms while men's teams have priority of access to main gyms or prime playing fields.

MISCELLANEOUS NOTES

1. Nondiscriminatory differences are permitted. For example, certain sports require bigger lockers (e.g. football, lacrosse, hockey, etc.). However, sport-specific lockers should be provided on an equal basis (e.g. women's hockey players given same size lockers as men's hockey players).
2. Acid Test: are all locker rooms and practice/competition facilities and playing environments such that your men's teams would be willing to directly trade with the women's teams. To ensure equitable treatment in this highly contested area of Title IX, many schools alternate facilities use between men's and women's programs every other year.

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A: Allocation Of Travel & Transportation & Per Diems OVERVIEW

In an interscholastic Title IX investigation, the OCR will focus on examining the school's competitive geographic area, using the competition schedules of all men's and women's teams, to evaluate the overall equivalency of the type of travel and transportation and per diem meal allowances provided to the respective teams.

COMPLIANCE FACTORS

Modes Of Transportation: transportation budgets? contract bus carrier? school-owned bus or van? priority of access to school vehicles? coach's car? parent's car? student's car? who drives? size of travel squad permitted? distance teams permitted to travel?

Housing Furnished During Overnight Travel: quality of housing? number of students per room? conditions of being allowed to stay overnight?

Length of Stay Before & After Events: arrival time before events? do teams spend the night before the event? after the event?

Per Diem Allowances: is money provided for meals? amount? do students buy own pre/post-game meals?

Dining Arrangements: quality of arrangements? team eat as group and coach pays? pre-game meal provided? post-game meal provided?

RED FLAGS FOR ATHLETIC ADMINISTRATORS

[Common Violations In Title IX Court Case & OCR Settlement Agreements]

1. Significantly smaller travel budgets/expenditures for women's programs.
2. Men's teams travel by contract bus carrier while women's teams travel by school van or coach/parent/student vehicle.
3. Men's teams allocated money to travel to distant tournaments/competition; women's teams financially restricted to travel in smaller geographic area.
4. Men's teams travel the day before competition while women's teams must travel on the day of competition.
5. Men's teams stay over after events while women's teams must return home immediately.
6. Women's teams must assign more students per room than men's teams.
7. Women's teams consistently must stay in significantly lower quality hotels.
8. Women's teams are not provided with pre/post-game meals or they are consistently provided with inferior dining arrangements.

MISCELLANEOUS NOTES

1. Remember that the OCR will evaluate a factor only if it applies to your school. If, for example per diem allowances are not used by a school (e.g. team eats together and coach pays) then this factor drops out.

2. Where coaches have an overall budget for a team, they may decide to spend less on travel/transportation/food in order to allocate more of their budget to other needs. Athletic Directors must monitor these situations to ensure that significant overall discrepancies do not arise. Many schools have found that the simplest approach is to standardize all travel/transportation/meals for all teams throughout the entire athletic program.

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Y: Years Of Experience, Quality, Compensation & Assignment Of Coaches

OVERVIEW

The OCR has combined two of the areas which are defined in the Title IX Federal regulations – opportunity to receive coaching and the assignment and compensation of coaches – into one investigative category. The focus of the OCR inquiry in this area is whether, in an overall fashion, women athletes at a school have access to the same quality and expertise of coaching as do, in an overall manner, the male athletes at the school.

COMPLIANCE FACTORS

Availability Of Coaches: full-time coaches? part-time and assistant coaches? graduate assistant coaches? student coaches? number of coaches per team? relative number of coaches between same-sport teams?

Assignment Of Coaches: educational background? training? years of experience? record and success as a coach? parent/player feedback? professional training and continuing education as a coach? off-season coaching experience?

Compensation Of Coaches: rate of compensation? relative stipends between same-sport coaches? nature and duration of all coaching contracts? evaluation conditions for contract renewal? nature of overall duties required for coaching compensation?

RED FLAGS FOR ATHLETIC ADMINISTRATORS

[Common Violations In Title IX Court Case & OCR Settlement Agreements]

1. Women's teams are assigned fewer assistant coaches than same-sport men's teams.
2. Women's team coaches, overall, have less coaching experience than men's team coaches.
3. Women's team coaches, overall, must teach heavier course loads than the men's team coaches.
4. Women's team coaches, overall, have higher levels of multi-sport coaching responsibilities than do the men's team coaches.
5. Women's team coaches are not given the same benefits (e.g. final hour planning periods, office space, support services) as men's team coaches.
6. Women's team coaches include significantly higher overall number of volunteer, non-teacher, or parent coaches than men's teams.
7. Women's team coaches are paid, overall, disparately small stipends.

MISCELLANEOUS NOTES

The overall key to compliance with this program area is whether female student-athletes have access to the same quality of coaching as male student-athletes. If assignment of coaches to women's teams is an "afterthought" not involving the same level of recruitment effort, evaluation, compensation, support as the coaches of men's teams, the school is facing a potential Title IX compliance problem.

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I: Institutional Housing/Dining Facilities & Related Services

OVERVIEW

Although it is unusual for high schools, middle schools or elementary schools to provide housing and dining services to students, this program area is relevant for a few interscholastic programs, usually private schools which board students during the school year. Housing and dining is a more common area of inquiry in intercollegiate Title IX investigations. In the rare situations where the issue arises in the interscholastic setting, the OCR's investigative criteria focuses upon the overall equivalence, for all athletic programs considered together, of the housing and dining benefits provided to female student-athletes as compared to the male student-athletes.

COMPLIANCE FACTORS

Housing: nature of housing provided? arranged by school? size of rooms? number of students per room? how furnished? bath & shower facilities? what are arrangements when athletes must be on campus while dorms are closed?

Dining: meal plans? number of meals per week? training table access? arrangements when practices interfere with meals? pre-game and post-game meal arrangements? arrangements when athletes must be on campus while facilities closed?

Special Services Related To Housing/Dining: laundry facilities? kitchen facilities? parking? television rooms? computer labs?

RED FLAGS FOR ATHLETIC ADMINISTRATORS

[Common Violations In Title IX Court Case & OCR Settlement Agreements]

1. Women's housing is, overall, significantly inferior to housing provided for men.
2. Women athletes are housed more-to-a-room than male athletes.
3. Special dining arrangements made when practice time or competition interferes with men's teams meals while no such adjustments are made for women's teams.
4. Women's teams receive lower per diems when dining facilities closed during school breaks than men's teams receive.

MISCELLANEOUS NOTES

The unique aspects of certain sports may permit variations in dining arrangements and pre-game/post-game meal arrangements for certain teams; remember that the key is overall equivalence for the women's program evaluated as a whole.

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N: Nature of Sports Publicity-Marketing-Media Services

OVERVIEW

The focus of any OCR inquiries regarding this program area is whether there is an overall equivalence in the support services provided to women's and men's teams with regard to marketing and publicizing athletics. Allegations of noncompliance in interscholastic athletics are relatively rare, probably because of the relatively minimal sports information function in most high schools.

COMPLIANCE FACTORS

Sports Information Personnel: availability of sports information personnel? quality of sports information personnel? student staff vs. professional staff? how often assigned to home games? away games?

Publications: media guides? game programs? schedule cards? posters? press releases? media stat releases? coverage in local media?

Other Publicity Resources: marketing efforts to attract fans? half-time events/promotions? support groups such as cheerleaders, pep bands, pom pons, drill team, marching bands?

RED FLAGS FOR ATHLETIC ADMINISTRATORS

[Common Violations In Title IX Court Case & OCR Settlement Agreements]

1. Professional SID focuses on men's teams while student staff covers women.
2. Professional SID covers women's teams at home games only, but covers men's teams home and away.
3. SID ensures men's teams' statistical information promptly reported to media; women's information only sporadically reported to media.
4. SID heavily promotes only men's football and basketball while no women's sports are heavily promoted.
5. Men's program media guides are much more extensive, high quality and more professional while women's media guides are, overall, inferior.
6. Pep bands, cheerleaders, drill teams, marching bands, pom pon squads and other support groups are often assigned to men's events; rarely to women's.

MISCELLANEOUS NOTES

1. The OCR has determined that as a matter of discretionary, investigative policy that the provision of support groups such as cheerleaders, pep bands, drill teams, pom pon squads, and marching bands are to be considered part of the publicity program area. However, membership in and tryout policies for such groups are investigated under separate and distinct Federal regulations regarding education programs and are not to be reviewed as part of Title IX.

2. It is also important to note that newspapers, television and other media are not required to be equally responsive to a school's efforts to publicize its women's athletic programs. Obviously this is outside the control of the school. All that is required is equity on the part of the school in its efforts to publicize the women's programs.

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G: Game & Practice Times & Scheduling

OVERVIEW

In interscholastic athletics, the season of sport and length of season are often determined not by the school, but by the league, district, or state athletic association. Thus, the focus of an OCR investigation regarding season of sport and length of season may shift towards the association promulgating those rules. For most high schools undergoing an OCR inquiry, the game and practice times and scheduling program area assessment will focus on overall equity in number of events and coaching latitude in scheduling those events.

COMPLIANCE FACTORS

Number of Competitive Events Per Sport: flat number of games per sport? percent of association maximum allowed per sport?

Time of Day Competitive Events Are Scheduled: actual time of contests? order of contests in same-sport doubleheaders? impact of scheduling on athletes missing class? effect of schedule on game attendance?

Number And Length Of Practice Opportunities: date of first practices? flat number of practices? percent of association maximum, which is allowed?

Time Of Day At Which Practices Are Scheduled: actual time of practices? procedures for choosing times? priority of choice to the men's teams?

Opportunities For Pre- & Post-Season Competition: pre- and post-season competition by invitation or application? who is responsible for applying? does season of sport affect opportunity for post-season competition?

RED FLAGS FOR ATHLETIC ADMINISTRATORS

[Common Violations In Title IX Court Case & OCR Settlement Agreements]

1. Men's teams have priority of choice as to preferred practice/game times.
2. Men's teams are scheduled to play an overall higher percentage of maximum allowable contests than are women's teams.
3. Men's teams are given greater opportunities to play in preseason competitions or elite tournaments than are women's teams.
4. Men's teams always play during "prime time" of same-sport doubleheaders.

MISCELLANEOUS NOTES

1. Nondiscriminatory justifications may exist for scheduling disparities due to lack of competition in a particular sport in a school's normal competitive geographic area.

2. There is no strict rule that school's must schedule the same number of games and practices for same-sport men's and women's teams. Remember, the OCR will review the overall equity, for all teams combined, to determine compliance.

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F: Facilities For & Access To Training & Medical Services

OVERVIEW

OCR investigation of this program area at the interscholastic level involves evaluation of a diverse set of criteria, including medical services, athletic training services, athletic training facilities, weight training and conditioning facilities, and health-accident-injury insurance coverage.

COMPLIANCE FACTORS\

Availability Of Medical Personnel And Medical Assistance: quality of medical personnel? when available to athletes? present at men's games? present at women's games?

Availability Of Athletic Trainers And Athletic Training Facilities: quality of athletic training personnel? independent contractors? any student trainers involved? quality of athletic training facilities? access to athletic training facilities by all athletes? priority of use by any particular team? assignment of trainers to events?

Availability Of Weight And Training Facilities: quality of facilities? access to facilities by women athletes? priority of access to any particular group? professional guidance available? strength coaches available?

Availability Of Conditioning Facilities: quality of facilities? equal access to the facilities by women? priority of access to any particular group?

Health/Accident/Injury Insurance Coverage: any coverage disparities in health, injury, or catastrophic injury based on gender?

RED FLAGS FOR ATHLETIC ADMINISTRATORS

[Common Violations In Title IX Court Cases & OCR Settlement Agreements]

- 1.Team physicians or athletic trainers consistently attend men's games but are only on call for women's games.
- 2.Professional athletic trainers attend men's games but only student trainers attend women's events.
- 3.Certain men's teams have priority of access to weight rooms, conditioning facilities, and athletic training facilities.
- 4.Men's teams, overall, have a greater number of hours of access to weight rooms, conditioning facilities, and athletic training facilities than women's.
- 5.All male student athletes are provided with insurance coverage by the school while female athletes are given only the option of purchasing their own.

MISCELLANEOUS NOTES

- 1.Nondiscriminatory differences are permitted based on the unique nature of certain sports. The rate and severity of injury in certain sports may justify the assignment of more qualified and more frequently available medical and athletic training personnel to these sports.
- 2.High injury rates and high severity of injury in certain sports may justify more comprehensive insurance coverage for those teams.
- 3.Availability and adequacy of facilities may depend on the number of athletes who need to use a facility at a given time, therefore, for example, more weight room time for a 75-player football team compared to a 25-player soccer team may be appropriate.
4. Certain athletic teams may choose not to use weight or conditioning facilities at all. The relevant determination is availability should the team desire to use the facilities in question.

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A: Academic Tutoring Services For Student-Athletes

OVERVIEW

It is highly unusual for high schools, middle schools or elementary schools to provide tutors specifically for student-athletes, therefore this program area is rarely the focus of an OCR interscholastic inquiry. In the rare situations where such tutoring is provided, usually at private, college-preparatory schools that are heavily involved in athletics, compliance depends on the equitable availability and quality of tutoring to women's athletic programs as compared to men's programs in an overall manner.

COMPLIANCE FACTORS

Opportunity To Receive Tutoring: availability of academic tutoring? procedures for obtaining tutorial support? amount of time tutors are available to athletes? tutors available only for star athletes? who assigns and supervises tutors? support for tutoring? computers? books? materials?

Assignment Of Tutors: tutor qualifications? tutor training? who assigns and supervises tutors? how are tutors evaluated? pupil loads per tutoring session?

Compensation Of Tutors: tutor salaries? hourly rates? school selected or independent contractors?

RED FLAGS FOR ATHLETIC ADMINISTRATORS

[Common Violations In Title IX Court Case & OCR Settlement Agreements]

1. Certain men's teams are the focus of school tutoring efforts in order to maintain athletic eligibility for the athletes on those teams.
2. Tutors are provided only to star athletes, usually members of the men's football or men's baseball teams.
3. Priority of access to computer labs or other support services for tutoring are given to men's teams over women's teams.
4. Male athletes are provided with one-on-one tutoring; females are given access only to infrequent group tutoring sessions.

MISCELLANEOUS NOTES

Nondiscriminatory differences in tutoring serves are permitted. Not all athletes may desire or need tutoring. If a pattern is evident that members of one gender in fact receive more tutoring services, the issue then becomes whether that discrepancy is a result of discriminatory practices or merely a nondiscriminatory pattern of individual choices regarding tutoring.

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I: Institutional Support Services For Athletic Programs

OVERVIEW

Support services refers to the administrative, secretarial, and clerical assistance provided to athletic programs. The Title IX Policy Interpretation states that “the administrative and clerical support provided to an athletic program can affect the overall provision of opportunity to male and female athletes, particularly to the extent that the provided services enable coaches to perform better their coaching functions.”

COMPLIANCE FACTORS

Administrative Assistance: number of administrators assigned to men’s programs? to women’s programs? amount of time they spend working for respective programs? number of hours personally spent by coaches on administrative tasks for their teams?

Secretarial/Clerical Assistance: number of secretarial staff assigned to men’s programs? women’s programs? amount of time they spend working for each program? number of student workers assigned and amount of time worked for each program? number of hours coaches personally spend on secretarial and clerical tasks for their teams? size of coaches’ offices? shared offices? office equipment available? computers? faxes? phones? copiers? office supplies available?

RED FLAGS FOR ATHLETIC ADMINISTRATORS

[Common Violations In Title IX Court Case & OCR Settlement Agreements]

1. Coaches of women’s teams do most of their own administrative-secretarial-clerical work while coaches of men’s teams receive substantial assistance.
2. Athletic director spends most of their time on administrative tasks for men’s teams.
3. Men’s football and basketball coaches have superior offices and superior support services compared to any coaches of women’s teams.
4. Coaches of men’s teams have priority of access to office equipment and to support staff over coaches of women’s teams.

MISCELLANEOUS NOTES

Nondiscriminatory differences in support services are permitted based on the unique nature of particular sports. The need for administrative, secretarial and clerical support services will vary from team-to-team. The key issue is whether this need is met to the same extent, in an overall way, for the men’s programs as a whole and the women’s programs as a whole.

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R: Recruiting Resources For Athletic Programs OVERVIEW

It is only in the rarest of circumstances, usually involving private college-preparatory schools heavily involved in athletics, that interscholastic athletic programs are engaged in the recruitment of student-athletes. Therefore, it is unlikely that an OCR high school investigation will include this program component. The purpose of this area is to ensure that, where recruiting is a function of the athletic department, the necessary financial and other resources are provided on an equitable basis to both the men's and women's programs.

COMPLIANCE FACTORS

Equal Opportunity To Recruit: coaches provided with adequate opportunity to recruit? amount of time coaches have for recruiting? number and availability of assistant coaches for recruiting? administrative support for recruiting?

Equivalent Resources To Recruit: recruiting budgets for teams? number of institution subsidized campus visits per team? quality of campus visits by team? modes of transportation? campus tours? lodging? meals? entertainment?

Effect of Athletic Program Benefits On Recruiting: do differences in overall athletic benefits being provided to enrolled athletes have a disproportionately limiting effect on the recruitment of prospective student-athletes?

RED FLAGS FOR ATHLETIC ADMINISTRATORS

[Common Violations In Title IX Court Case & OCR Settlement Agreements]

1. Certain men's teams, often football and basketball, have disproportionately high opportunities and resources to recruit compared to any women's teams.
2. Men's teams comprise approximately 50 percent of the school's athletes but they receive 75 percent of all recruiting funds.
3. Men's teams have resources to recruit from a much larger geographic area.
4. Men's teams have priority of access to vehicles used for recruiting.
5. Disproportionately high percent of campus visits by prospective male student-athletes are subsidized by the school.
6. Same-sport women's teams have fewer assistant coaches thereby limiting recruiting opportunities for those teams.

MISCELLANEOUS NOTES

Nondiscriminatory differences in recruiting resources are permitted based on the unique aspects of particular sports. Therefore, variations in team needs, such as an unusually large number of students graduating in a particular year or expansion of roster size in a particular year may result in temporary fluctuations in recruitment budgets. The key is overall equivalence of opportunity to recruit, looking at the programs as a whole.

Equity: playing fair checklis

