

5-21-2007 35 Years of Title IX

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2 JOSH CENTOR: Welcome to "Mondays With Myles". We are
3 gearing up for the month of June when we will celebrate the
4 35th anniversary of Title IX.

5 Dr. Brand, this is a pretty landmark month for the
6 NCAA; isn't it?

7 DR. MYLES BRAND: Yes, it is. Title IX has made a
8 radical and positive difference in college athletics where
9 young women are beginning to participate to a far greater
10 extent than they did in 1972 when Title IX first passed. In
11 fact, we started, I think, with about 30,000 women student
12 athletes in '72, and we're up to close to 170,000 now. And
13 that's just terrific.

14 JOSH CENTOR: We've seen a number of men's sports cut.
15 Some folks seem to blame Title IX for that. I don't
16 personally believe that Title IX is the reason that some
17 sports are being cut. What do you think?

18 DR. MYLES BRAND: I think the reason sports are being
19 cut is because athletic departments make decisions about what
20 they want to emphasize and universities make decisions on how
21 much they want to spend. Title IX is an excuse. And I'm not
22 happy with the fact that some schools, in fact, have come out
23 and blame Title IX for the cutting of sports.

24 They've made a decision of how they want to use their
25 resources. That's their prerogative to look at the total

1 amount of resources, both academic and athletically, and see
2 what they want to spend on what areas. Those are decisions to
3 be made. It isn't Title IX that's doing it. It's the
4 decisions about which sports they want to support, to what
5 degree, and how much they want to spend on athletics.

6 JOSH CENTOR: I was out at Stanford University a few
7 weeks ago, and former men's tennis coach, Dick Gould, was
8 using an example. He had some research cited that said that
9 there was more interest in men's tennis at the youth levels
10 than in women's tennis. Yet, there are four and a half
11 scholarship limits for men's tennis and there are eight
12 provided for women's tennis. And he just kind of talked a
13 little bit about football as a reason for this, but then he
14 said it's hurting men's tennis, Title IX, and the numbers. Is
15 this true?

16 DR. MYLES BRAND: Almost every coach of every sport
17 would like to see more scholarships. There's nothing unique
18 there. The fact of the matter is football does present a
19 challenge if you're trying to look to see whether there are
20 opportunities both for men and women.

21 Football -- there's nothing equivalent to football on
22 the women's side. So that does present some challenges. And
23 I think sometimes the men's sports, in terms of the decisions
24 made of how to distribute the scholarships of the legislative
25 bodies, look at the total amount of scholarships available for

1 men.

2 JOSH CENTOR: Now, we have 85 scholarships that you
3 can use in football. If we decided not to cut them or even
4 entertain that idea, there are things that athletics
5 departments can do to probably save money around football and
6 help support some of their other teams, aren't there?

7 DR. MYLES BRAND: There are. And again, those are
8 decisions that athletic departments make, as well as decisions
9 that universities make. There are opportunities, other than
10 cutting sports and particularly cutting men's sports. Title
11 IX does not require you to cut men's sports.

12 In fact, the Department of Education has made it very
13 clear that cutting men's sports is disfavored as a way to meet
14 Title IX. They haven't filed any suits in that, but there's
15 certainly not -- the Department of Education is certainly not
16 encouraging the closure of men's sports.

17 JOSH CENTOR: Talk to me about this survey that
18 allows -- this email survey that a nonresponse shows a lack of
19 interest in sports. Talk to me about that a little bit.

20 DR. MYLES BRAND: There are three ways in which to
21 comply with Title IX, legally. The first is proportionality,
22 to have the same proportion of men and women as reflected in
23 the undergraduate student body. The second way is if you're
24 making progress towards that goal. And the third way is if
25 you've satisfied all the needs of the underrepresented gender,

1 which is almost always women.

2 How do you know if you've met all the needs of the
3 underrepresented gender? Well, in the past, and for example,
4 when the Department of Education addressed this issue in 1996,
5 they gave you a myriad of ways to do that in terms of high
6 schools that are playing in the area; the recruiting of
7 student athletes, where they're coming from; a whole range of
8 things.

9 Now, the Department of Education recently, about two
10 years ago, came out with a revision of that method for
11 satisfying the third prong, as it were. And it said that you
12 could send out an email survey to all the women students,
13 whether they want anymore athletic participation
14 opportunities. And if they don't answer the survey, if they
15 ignore it as most everyone does with the email surveys, that
16 counts as no. We don't believe, and in fact, the Executive
17 Committee of the NCAA sent out a very strongly worded letter,
18 we don't believe that that reflects a good way of accounting
19 for interest to the underrepresented gender.

20 Moreover, we don't believe that this will, in fact, be
21 a reasonable way to defend yourself in court if you are, in
22 fact, out of compliance with Title IX.

23 JOSH CENTOR: Yeah. Very interesting. I know that
24 there are a ton of surveys that come to me, and I just -- I
25 don't answer them all. So that doesn't seem like a fair way

1 to do it.

2 DR. MYLES BRAND: Not answering it says that there --
3 you have no interest whatsoever. And that -- most people
4 don't even read past this is a survey, and they just delete
5 it.

6 JOSH CENTOR: You attended the Gender Equity Forum in
7 New Orleans a couple of weeks ago. There were 17 gender
8 equity forums now. How do they progress? And you've been to
9 a couple. What are your thoughts on the program?

10 DR. MYLES BRAND: A lot of people come to learn about
11 what are the latest developments in Title IX and exchange
12 information. The Title IX issues have not gone away. And the
13 Department of Education, for various reasons, is still pushing
14 back on Title IX. Some of the men's coaches are pushing back
15 on Title IX. Some members of the population are pushing back
16 on Title IX, despite the fact that everything we've seen is
17 that when women participate in athletics, they get all the
18 benefits that young men get from it.

19 Why in the world would you deny the benefits of
20 athletic participation to young women when you're giving it to
21 young men? And we all know how beneficial that can be, not
22 just during the time in school, but well beyond that. So we
23 still have a lot of work to do in Title IX. And there's --
24 while we've been making excellent progress, we're not there
25 yet.

1 JOSH CENTOR: Well, 35 years, there has been progress.
2 I agree with you, there's a long way to go. The month of
3 June, though, is a time to celebrate and to look at Title
4 IX -- all the good that it has done and what it can continue
5 to do. And we will tell those stories on the DoubleAZone.

6 Dr. Brand, thank you.

7 DR. MYLES BRAND: It's a pleasure.

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