

Equity in Athletics Disclosure Act Report

In 1994, Congress passed a law requiring institutions of higher education to track and disclose certain information relating to the participation of male and female students in the institution's intercollegiate athletic programs. Known as the Equity in Athletics Disclosure Act (EADA), it mandates that colleges and universities receiving federal financial aid collect annually and make available the following data: the number of student-athletes on varsity male and female teams, the amount of funds spent on athletic-related student aid and the ratio of such aid given to male and female athletes, the recruiting expenses for men's and women's teams, the average salaries of head and assistant coaches for men's and women's teams, the revenues generated by men's and women's teams, etc. This information is to be provided on request to enrolled students, prospective students, and the public no later than October 15 each year, and it is to be reported to the Department of Education.

The EADA is, in a sense, follow-up legislation to Title IX, Education Amendments of 1972, a federal law prohibiting gender-based discrimination by colleges and universities receiving federal funds. While not specifically mentioning athletics, administrative regulations issued under the law include several provisions applying it to an institution's athletic programs. The thrust of these regulations is to require that an institution "provide equal athletic opportunity for members of both sexes," 34 C.F.R. §106.41(c). A number of different components of an athletic program must be examined to determine whether the institution is in compliance or not, but a threshold consideration is whether the participation abilities and needs of both sexes are being accommodated by the existing athletic program. Several ways of assessing whether a university has satisfactorily addressed this factor have been identified by the Office of Civil Rights (OCR), the federal agency in the Department of Education with enforcement responsibility for Title IX. The most prominent measure is the "substantial proportionality" test. Under this test, an institution will be considered in compliance if the participation opportunities for each sex are substantially proportional to the undergraduate enrollment of each sex.

The annual EADA report provides a picture of the extent to which an institution's athletic program is meeting its obligations under Title IX. The report provided by the University this past Fall indicates that the *female undergraduate enrollment rate* is 47.4% and the *total female athlete participation rate* is actually higher, at 48.6%. Last year the data also showed a higher ratio of female athletes than female undergraduates. This positive result under the substantial proportionality test was first achieved in 2003 and was repeated in 2004. During the next four years, the female athlete participation rate dropped back below the female undergraduate enrollment rate. Even during those four years, however, the difference was less than 5%, which is generally regarded as a permissible disparity.

The addition of a women's soccer team in the Fall of 1996 and a women's track team in the Spring of 2001 helped the University increase the number of female athletes in its intercollegiate programs. Today, there are male teams in eight sports and female teams in eight sports (counting cross country, indoor track, and outdoor track separately for both men and women), all of them "paired" for men and women except for men's ice hockey and women's volleyball. The current parity in participation of men and women in the University's athletic program is an important achievement that has eluded many colleges and universities.