

**Title IX Compliance and
Athletics for Higher Education**

Training and Certification Course



Association of
Title IX Administrators

NOT FOR DISTRIBUTION

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Management Solutions



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Content Advisory

The content and discussion in this course will necessarily engage with sexual harassment, sex discrimination, violence, and associated sensitive topics that can evoke strong emotional responses.

ATIXA faculty members may offer examples that emulate the language and vocabulary that Title IX practitioners may encounter in their roles including slang, profanity, and other graphic or offensive language. It is not used gratuitously, and no offense is intended.

Introduction



The primary focus of this training is to prepare Title IX and athletics staff members to build stronger athletic programs regarding compliance, access, and fairness.

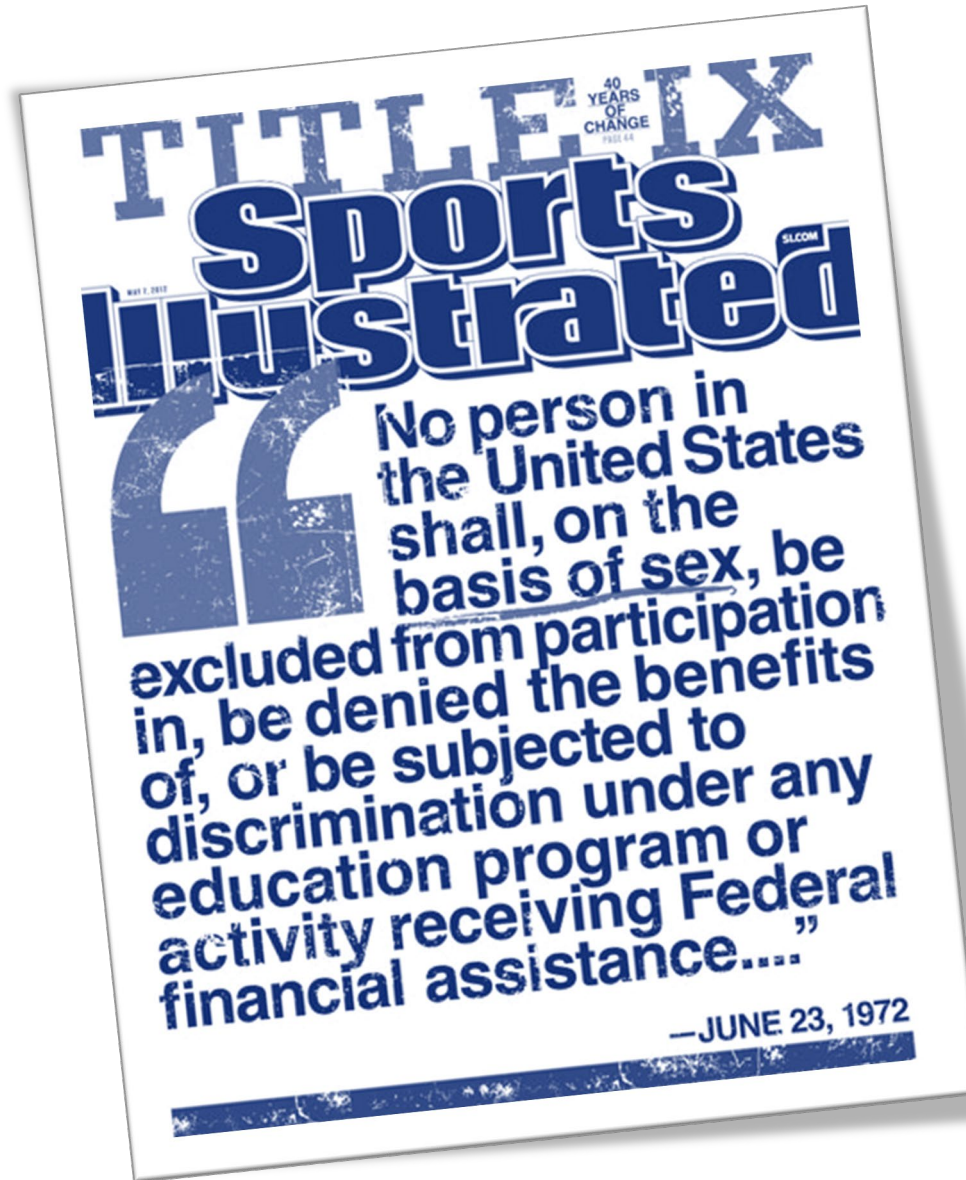


Title IX and athletics staff members will be able to identify compliance requirements and best practices as well as address red flags related to athletics related to athletics compliance.



Our goal is to provide a deeper understanding of issues relating to sex discrimination, sexual harassment, and program access, and fairness in athletics programs.

Introduction to Title IX and Athletics



History of Title IX and Athletics

- Athletics is not mentioned in the 1972 Title IX statute
- Regulations proposed in 1974 included athletics, which created a fire-storm
- Regulations passed in 1975 with a three-year compliance deadline for athletics
- Dec. 11, 1979, HEW* issued the “Intercollegiate Athletics Policy Interpretation”
 - Contained the “Three-Part Test” to determine Title IX compliance with student interests and abilities

*Formerly the U.S. Department of Health, Education, and Welfare, currently the U.S. Department of Education

Defining Sex and Athletic Participation

Federal Changes Impacting Title IX

- ED released a DCL reinstating 2020 Title IX Regulations enforcement (02/04/25)
- **Executive Order: Defending Women from Gender Ideology Extremism and restoring Biological Truth to the Federal Government (01/20/25)**
 - Defines sex as a binary concept – man or woman
 - Limited Bostock v. Clayton County's holding, says it only applies to Title VII
 - Dept of Justice issued guidance on 02/12/25 that Bostock does not apply to Title IX
 - Prohibits federal funds and grants from promoting gender ideology
- **Executive Order: Keeping Men Out of Women's Sports (02/05/25)**
 - Applies definitions from Defending Women from Gender Ideology EO
 - Prohibits transgender women from playing women's sports
 - Subject of active and rapid enforcement by Federal government
 - Threatens withdrawal of federal funds

Little v. Hecox and West Virginia vs. B.P.J (2026) Background

Little v. Hecox

- Fairness in Women's Sports Act (HB 500; Idaho, enacted 2020)
 - Required athletic teams in public K-12 and higher education to be designated based on biological sex
 - Prohibited students who are biologically male from competing on female-designated teams
- Lindsay Hecox, a transgender woman attending Boise State University challenged the law under Title IX and the Equal Protection Clause of the 14th Amendment

West Virginia v. B.P.J

- West Virginia enacted the Save Women's Sports Act, which prohibits male students from playing on female teams, in 2021
- B. P. J., a transfemale middle school student, sued West Virginia and relevant officials for alleged violations of Title IX and the Equal Protection Clause of the Fourteenth Amendment

Little v. Hecox and West Virginia v. B.P.J. (2026) Finding

- Holding: Title IX and the Equal Protection Clause permit a state law or school policy to restrict girls'/women's athletic teams to students based on sex assigned at-birth
- Title IX analysis (a 9-0 decision)
 - Hecox and B.P.J. decision defines sex as “biological sex” as assigned at birth to be either male or female
 - Title IX permits schools to maintain separate athletic teams for males/females; 1975 regulations expressly authorize sex-separated athletics
 - Nothing in Title IX statute or regulations requires exceptions for gender identity and/or hormonal differences
 - Bostock does not apply to school sports context

Legal Upshot

- Court sidesteps the question of whether Title IX **requires** athletic teams to be segregated based on sex assigned at-birth
- Eligibility policies will turn entirely on state law/athletic conference, including:
 - Laws/policies prohibiting discrimination on gender identity
 - Laws/policies prohibiting transgender student-athlete participation
- Applies to both higher education and K-12
- Holding that “sex” in Title IX means “biological sex” opens the door to more litigation in non-athletic contexts
 - Bathrooms/locker rooms
 - Department of Justice (DOJ) Executive Order (EO) enforcement will turn on preemption analysis

NCAA Participation Policy for Transgender Student-Athletes

- February 6, 2025 - Following the Trump Administration's Executive Order, the NCAA adopted a new policy limiting competition in women's sports to student-athletes assigned female at birth only
- **NCAA Men's Sports:**
 - "Regardless of sex assigned at birth or gender identity, a student-athlete may participate (practice and competition) in NCAA men's sports, assuming they meet all other NCAA eligibility requirements."
 - "Student-athletes taking a banned substance (e.g., testosterone) must complete the medical exception process."

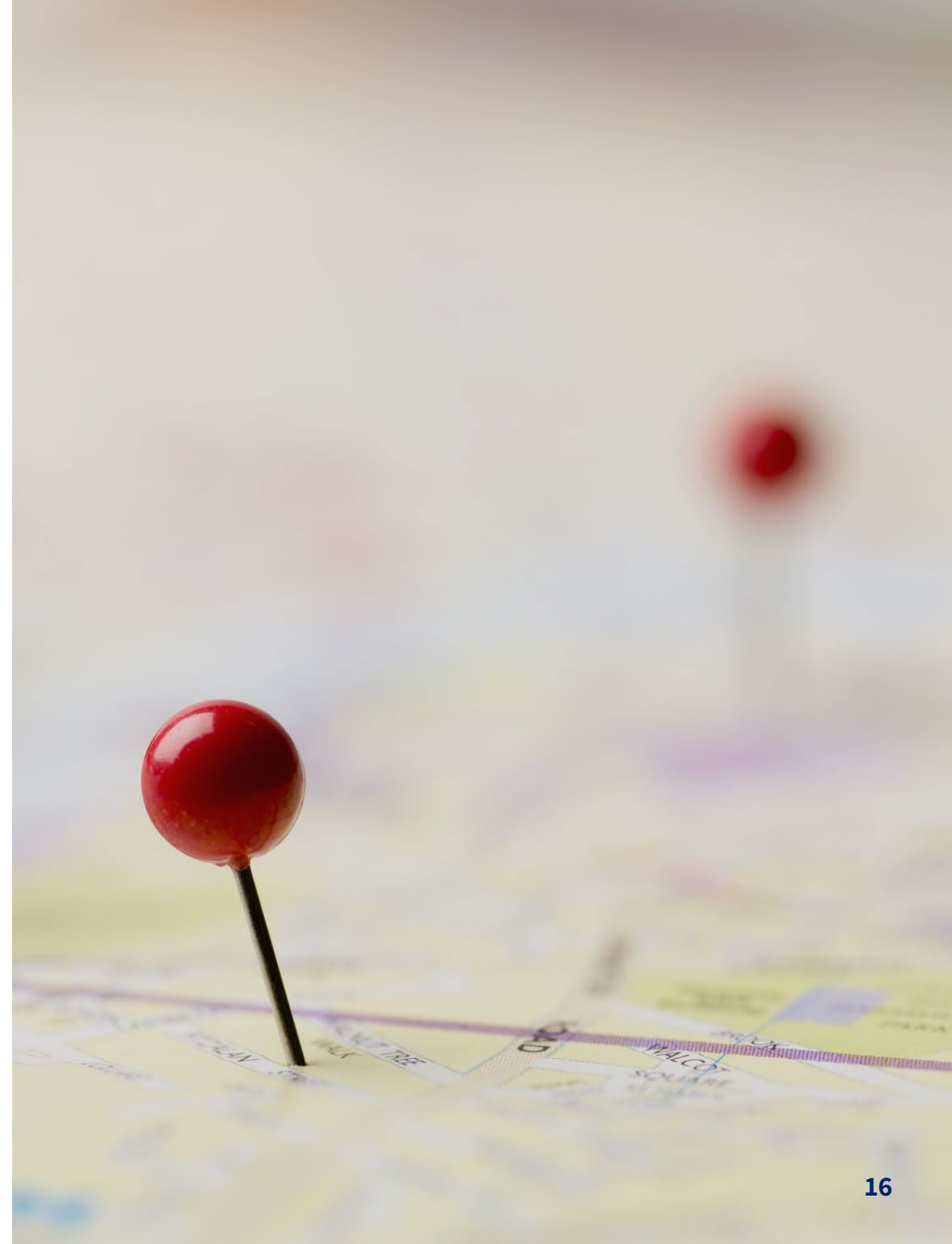
Source: Participation Policy for Transgender Student-Athletes, as of Feb. 6, 2025

NCAA Participation Policy for Transgender Student-Athletes, (Cont.)

- **NCAA Women's Sports:**
 - A student-athlete assigned male at birth:
 - May not compete for an NCAA women's team
 - May practice on an NCAA women's team and receive all other benefits applicable to student-athletes:
 - A student-athlete assigned female at birth who has begun hormone therapy (e.g., testosterone)
 - May not compete on a women's team
 - May continue practicing with a women's team and receive all other benefits applicable to student-athletes
- Individual schools have the autonomy to determine athletics participation on their campuses
- NCAA schools are subject to local, state, and federal legislation, and such policy supersedes the rules of the NCAA
- Sports with mixed men's and women's NCAA championships are exempt from this policy

Practical Takeaways

- Know your state laws
- Patchwork of state-by-state approaches (and possibly community-by-community)
- No foreseeable change to NCAA and other athletic conference policies (for now)
- Impacts on interstate competition



Title IX Regulatory Standards

Title IX and Athletics

Title IX Regulations require an institution to:

- Provide **equal opportunities** for female and male students to become intercollegiate athletes
 - Analyzed by means of a Three-Part Test
- Provide **fair and consistent treatment of participants** in the overall women's program as compared to the overall men's program
 - Analyze according to 13 different program components (e.g., the “Laundry List”)

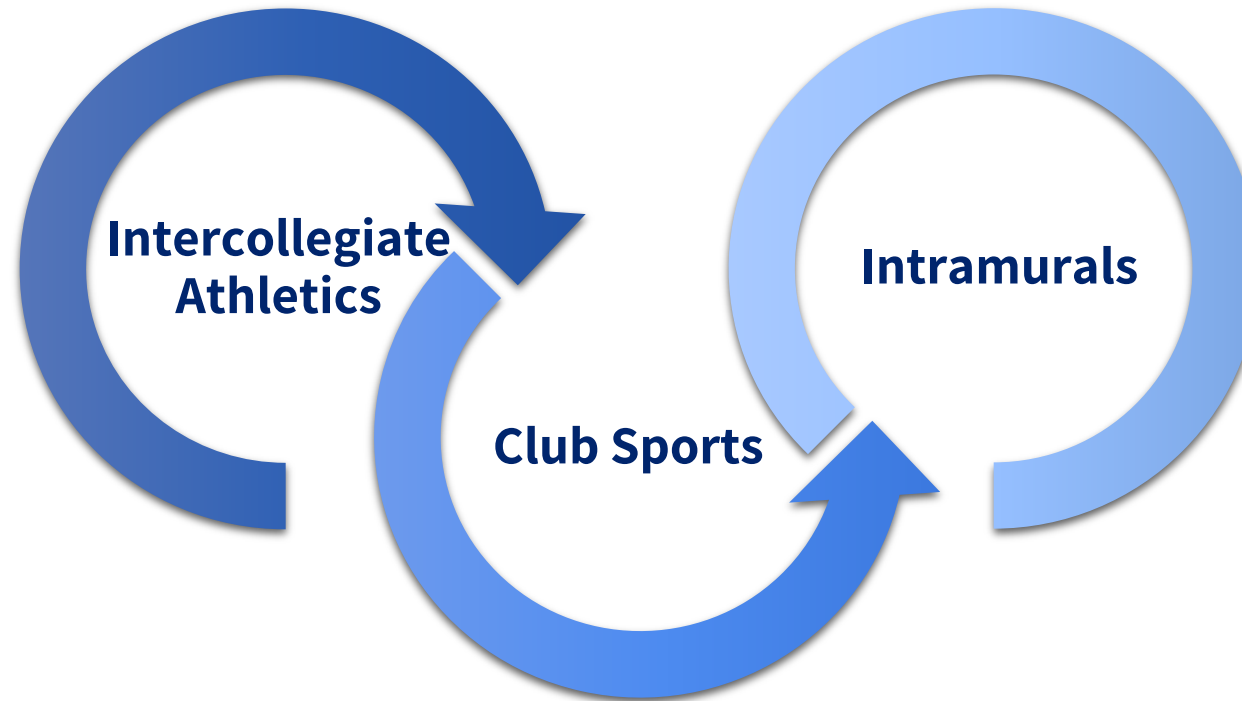
Title IX and Athletics, (Cont.)

Title IX does not require an institution to:

- Provide the same:
 - Funding to the overall women's and men's programs
 - Funding to men's and women's teams for the same sport
 - Benefits to men's and women's teams in the same sport
- Offer the same:
 - Number of teams for men and women
 - Sports for men and women
- Provide specific benefits to teams
- Compete at a specific level

Source: Bonnette, V.M. (2004), Title IX and Intercollegiate Athletics, p.7

Athletics Programs



Three-Part Test and the 13 program components are typically not as problematic for intramurals and club sports because those programs are usually self-initiated and fewer benefits are provided by the institution

Athletic Oversight

- Title IX compliance oversight remains the responsibility of the **institution's** Title IX Coordinator (TIXC)
- Title IX compliance in athletics **may** be delegated to the Senior Woman Administrator (SWA) or compliance officer in athletics
 - Need for additional education on the various areas of Title IX
- Institutions should have a Deputy TIXC in athletics
 - Athletics Deputy TIXC should **not** be the institution's TIXC



The Three-Part Test: Accommodation of Interests and Abilities

Three-Part Test (1979)

Effective accommodation of interests and abilities

1

Opportunities for males and females are **substantially proportionate** to their respective enrollments; **OR**

2

Where one sex has been underrepresented, a **history and continuing practice** of program expansion responsive to the developing interests and abilities of that sex; **OR**

3

Where one sex is underrepresented and cannot show a continuing practice of program expansion, whether it can be demonstrated that the **interests and abilities** of that sex have been **fully and effectively accommodated** by that present program

Part 1: Proportionality

Opportunities for males and females are **substantially proportionate** to their respective enrollments

- Substantially proportionate accounts for natural fluctuations in enrollment and participation rates
 - Institutions must adjust if shifts in enrollment or participation persist
- Office of Civil Rights (OCR) uses a case-by-case analysis, rather than a rigid statistical requirement (e.g., within 1% of student body)
- OCR would also consider opportunities to be substantially proportionate when the number of opportunities that would be required to achieve proportionality would **not** be sufficient to sustain a viable team

Source: OCR (1996). Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test

Counting Participants

For purposes of Title IX compliance, a **participant** is defined as those athletes who:

- Regularly receives institutionally sponsored support normally provided to athletes
- Regularly participate in organized practices or team meetings and activities during the season
- Is on the eligibility list or squad (see next slide)
- Is injured, but continues to receive financial aid on the basis of athletic ability

Sources: HEW (1979). Intercollegiate Athletics Policy Interpretation; OCR (1996). Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test; Bonnette, pp. 91-92

Counting Participants, (Cont.)

Participants also include those who:

- Are listed on a team's squad or eligibility list **and** are on the team **as of the team's first competitive event**
- Join the team during the season
 - Season begins at team's first competitive event, concluding at final event
- Are a walk-on
- Are a member of the JV, freshman, "B" team, etc.
- Quit or were cut after the first competitive event
- Are a Redshirt athlete
- Are a mid-year transfer eligible to participate in the spring

Source: Id.

Not Counted

The following are **not** participants:

- Unfilled team slots or positions
- Club, intramural, and recreation program participants
- Athletes who quit or are cut **before** first competitive event of the season
- Sport participants out of season (e.g., spring football)
- Scrimmage or practice squads
- Students who are academically ineligible
- Mid-year transfers, if no spring season
- Cheerleaders and stunt team members*
- Student managers, student coaches, student trainers*

*Even if they receive scholarships, they are not participants for counting purposes.

Computing Substantial Proportionality

Example: Student enrollment is 50% male and 50% female

Unduplicated Measure

- 300 participating student-athletes
 - Head count only
 - **Not** counting two- and three-sport athletes, two and three times
- 180 male athletes; 120 female athletes
- $120/300 = 40\%$ female athletes; however, 50% of student body are females
- Unduplicated measure = 10% female differential

Duplicated Measure

- 300 participating student-athletes
 - Count two- and three-sport athletes **each** time
 - Count **all** filled participation slots
- There are 400 filled participation slots
 - 250 slots filled by males
 - 150 slots filled by females
- $150 \text{ females} / 400 = 37.5\%$ of slots filled by females
- Duplicated measure = 12.5% female differential

Part 2: Program Expansion

History and continuing practice of **program expansion** responsive to the developing interests and abilities of the underrepresented sex

In analyzing a history of program expansion, OCR considers an institution's:

- Record of adding intercollegiate teams, or upgrading teams to intercollegiate status, for the underrepresented sex
- Record of increasing the number of participants in intercollegiate athletics who are members of the underrepresented sex
- Affirmative responses to requests by students or others for addition or elevation of sports

Source: OCR (1996). Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test

Part 2: Program Expansion, (Cont.)

In analyzing a history of program expansion, OCR considers an institution's:

- Current implementation of a nondiscriminatory policy or procedure for requesting the addition of sports (including the elevation of club or intramural teams) and the effective communication of the policy or procedure to students
- Current implementation of a plan of program expansion that is responsive to developing interests and abilities

Source: Id.

Part 3: Full Accommodation

Whether it can be demonstrated that the interests and abilities of that sex have been **fully and effectively accommodated** by that present program

OCR will consider whether there is:

- Sufficient unmet interest to support an intercollegiate team
- Sufficient ability to sustain an intercollegiate team
- A reasonable expectation of competition for the team

Source: Id.

Part 3:

Full Accommodation

(Cont.)

Determining unmet interest:

- Requests from athletes, students, coaches, and other constituents
- Whether there is a suitable club team to elevate
- Annual interest surveys and/or focus groups
- Consider opportunities in the conference, region, or feeder schools

Source: Id.



Levels of Competition

Levels of Competition Compliance

OCR assesses compliance by examining whether:

- The competitive schedules for men's and women's teams, on a program-wide basis, afford proportionally similar numbers of male and female athletes **equivalently advanced competitive opportunities**

OR

- The institution can demonstrate a **history and continuing practice** of upgrading the competitive opportunities available to the historically disadvantaged sex as warranted by developing abilities among the athletes of that sex

Source: HEW (1979). Intercollegiate Athletics Policy Interpretation

Myers v. Stephen F. Austin State University 2025 WL 2254006 (E.D. Tex. 2025)

Myers v. Stephen F. Austin (SFA)

Facts of the Case:

- May 2025: SFA announced it was eliminating beach volleyball, bowling, and golf teams
- Plaintiffs:
 - SFA female enrollment is 63% but represent 45.6% of athletic opportunities
 - SFA needs to add 223 opportunities for women to achieve proportionality
 - If the proposed plan were implemented, the gap would increase to 245
- SFA:
 - Factoring in cheer and dance teams, the gap is only 17 students
 - Plaintiffs disagreed, calculating the gap at 71

Myers v. Stephen F. Austin, (Cont.)

- Court rejected FSA's argument and upheld that effective accommodation of interest and abilities must consider whether there is:
 - Unmet interest in a particular sport
 - Sufficient ability to sustain a team in the sport
 - Reasonable expectation of competition for the team
- **Takeaways**
 - Athletics expansion or reduction is often a strategy to increase enrollment or meet budget constraints, but Title IX must be part of the conversation
 - Consider implementing an athletics audit and an interest survey

Athletic Benefits and Opportunities

Equitable Treatment: “The Laundry List”

Equipment and
supplies

Scheduling

Locker rooms
and facilities

Housing and
dining

Coaching

Scholarships

Publicity

Travel and
per diem

Medical and
training
services

Tutoring

Recruitment

Support
services

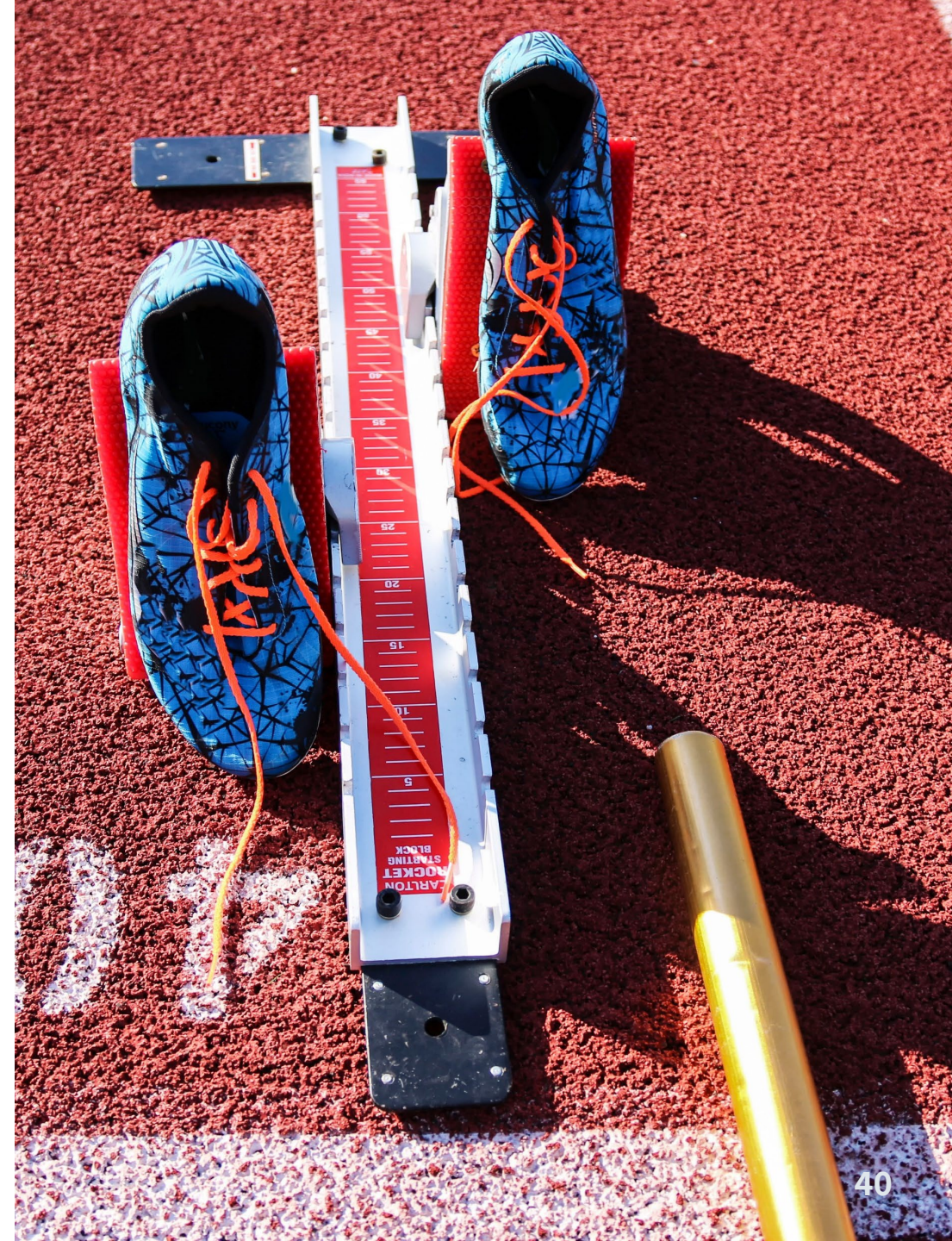
Equipment and Supplies

Key factors in examining the equivalence for men and women:

- Quality of equipment and supplies
- Amount of equipment and supplies
- Suitability of equipment and supplies
- Maintenance and replacement of the equipment and supplies
- Availability of equipment and supplies

Source: HEW (1979).

Intercollegiate Athletics Policy Interpretation



Games and Practice Times

Key factors in examining the equivalence for men and women:

- Number of competitive events per sport
- Number and length of practice opportunities
- Time of day competitive events are scheduled
- Time of day practice opportunities are scheduled
- Opportunities to engage in available pre-season and post-season competition

Source: Id.



Travel and Per Diem Allowances

Key factors in examining the equivalence for men and women:

- Modes of transportation
- Housing furnished during travel
- Length of stay before and after competitive events
- Per diem allowances
- Dining arrangements

Source: Id.



Coaching

Key factors in examining the equivalence for men and women:

- Opportunity to receive coaching
 - Relative availability of:
 - Full-time coaches
 - Part-time and assistant coaches
 - Teaching assistants
 - Volunteers
- Assignment of coaches
 - Training, experience, and other professional qualifications
 - Professional standing

Source: Id.

Coaching, (Cont.)

Key factors in examining the equivalence for men and women, (Cont.):

- Compensation of coaches
 - Rate of compensation (per sport, per season)
 - Duration of contracts
 - Conditions relating to contract renewal
 - Experience
 - Nature of coaching duties performed
 - Working conditions
 - Other terms and conditions of employment

Source: Id.

Academic Tutoring

Key factors in examining the equivalence for men and women:

- Academic Tutoring
 - Availability of tutoring
 - Procedures and criteria for obtaining tutorial assistance
- Assignment of Tutors
 - Tutor qualifications
 - Training, experience, and other qualifications
- Compensation of Tutors
 - Hourly rate of payment by nature of subjects tutored
 - Pupil loads per tutoring season
 - Tutor qualifications
 - Experience
 - Other terms and conditions of employment

Source: Id.

Locker Rooms, Practice, and Competitive Facilities

Key factors in examining the equivalence for men and women:

- Quality and availability of practice and competition facilities
- Exclusivity of use of practice and competition facilities
- Availability of locker rooms
- Quality of locker rooms
- Maintenance of practice and competition facilities
- Preparation of facilities for practice and competitive events

Source: Id.

Medical and Training Facilities and Services

Key factors in examining the equivalence for men and women:

- Availability of medical personnel and assistance
- Health, accident, and injury insurance coverage
- Availability and quality:
 - Of weight and training facilities
 - Of conditioning facilities
- Availability and qualifications of athletic trainers

Source: Id.



Housing and Dining Facilities and Services

Key factors in examining the equivalence for men and women:

- Housing provided
- Special services as part of housing arrangements (e.g., laundry facilities, parking space, cleaning service)

Source: Id.



Publicity

Key factors in examining the equivalence for men and women:

- Availability and quality of sports information personnel
- Access to other publicity resources for men's and women's programs
- Quantity and quality of publications and other promotional devices featuring men's and women's programs

Source: Id.



Student-Athlete Recruitment

Key factors in examining the equivalence for men and women:

- Whether coaches or other professional athletic personnel in the programs serving male and female athletes are provided with **substantially equal opportunities** to recruit
- Whether the financial and other resources made available for recruitment in male and female athletic programs are **equivalently adequate** to meet the needs of each program
- Whether the differences in benefits, opportunities, and treatment afforded prospective student athletes of each sex have a **disproportionately limiting effect** upon the recruitment of students of either sex

Source: Id.

Support Services

- Administrative and clerical support provided to an athletic program can affect the overall provision of opportunities to male and female athletes
 - Particularly to the extent that the provided services enable coaches to perform their coaching functions better
- **Key factors:**
 - Amount of:
 - Administrative assistance provided to men's and women's programs
 - Secretarial and clerical assistance provided to men's and women's programs

Source: Id.

Financial Assistance

- Must provide **reasonable opportunities** for financial assistance to members of each sex in proportion to the participation rate of each sex in intercollegiate athletics
 - Does **NOT** require same number of scholarships for men and women or scholarships of equal value
 - Total amount awarded must be “**substantially proportionate** to the participation rates” of men and women in the institution’s athletic programs
- Disparities could be non-discriminatory in origin (e.g., in-state vs. out-of-state recruits; reasonable professional decisions)
- Also applies to work-related aid programs or loans

Source: Id.

Multi-Sport Athletes and Financial Assistance

- There is a different standard for counting multi-sport athletes for scholarship participants than for all other forms of Title IX analyses
- Scholarship counting:
 - An athlete who participates in multiple sports is counted as only **one** scholarship
- Participant counting:
 - All other forms of Title IX analysis, an athlete who participates in multiple sports is counted as **one** participant for **each** sport (be consistent!)

Source: OCR (1996). Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test; Bonnette, pp. 92-93

Donors, Boosters, and Fundraising

Donations

- Booster club and donor contributions can affect an institution's Title IX compliance
 - **Booster Clubs:** Groups of fans or donors who want to support a team or program
 - **Donors:** Individuals who want to give to a team or program
- Can assist an institution's athletic programs
- Often, they only want to support a specific team or program, or provide a specific service
- Oversight and guidance from the Title IX office are necessary to ensure compliance
- Often involves educating the donor/club
- Ideally, they support **athletics and all athletes**

Fundraising

- **Fundraising:** Teams raising money on their own (e.g., specific opportunity, equipment, uniforms)
- Private fundraising is permissible
- Title IX requires that male and female teams to have equal access and equal opportunities to comparable benefits and services **no matter** the source of money



The Law

- Booster/Donor money can be viewed as clandestine financing for major school sports programs – most of which are overwhelmingly male
 - Impact of Name Image Likeness (NIL) at the college level
- While funding may be unequal, the benefits and services for programs must be equal/equitable
 - If not, the institution must make up the difference to equalize opportunities
- Nothing in the language of Title IX dictates that funding must be the same for the female and male overall programs or the female and male teams in the same sports
 - However, lack of funds cannot justify sex discrimination
- These contributions should be a big concern for institutions

Name, Image, Likeness

Name, Image, and Likeness (NIL)

- Individuals can engage in NIL activities that are consistent with the law of the state where the institution is located
 - Colleges and universities may be a resource for state law questions
- College athletes who attend an institution in a state without an NIL law can engage in this type of activity without violating NCAA rules related to NIL
- Individuals can use a professional services provider for NIL activities
- Student-athletes should report NIL activities consistent with state law or institutional and conference requirements to their institution

Source: NCAA Interim Name, Image, and Likeness Policy (2021)

Name, Image, and Likeness, (Cont.)

- Emerging Title IX implications of NIL
 - Publicity and promotion equity
 - Copyright implications
 - NIL collectives' litigation (at the college level)



NIL Practical Takeaways

- Know your state laws
- Do **NOT** put yourself in the position of being their “Agent”
- What if the school is approached
 - For a particular athlete?
 - For any athlete?
- Looking forward:
 - Employment status
 - Unions

eSports

eSports and Title IX

Legal landscape still developing

- One federal court ruled that eSports was not a sport under Title IX
 - eSports athletes could not be counted as athletic opportunities
 - Nonetheless, institutions offer eSports scholarships
- NCAA does not recognize eSports as a sport
 - Other associations like National Junior College Athletics Association Esports(NJCAAE) and various eSports associations are continuing to standardize eSports and develop governing bodies
 - International Olympic Committee (IOC) created the Olympic eSports Games which will take place in 2027

eSports Considerations

- Proportionality issues
- Internet culture in eSports can lead to harassment concerns
- Competitions often take place outside the U.S. or involve teams/players outside the U.S.
- Need to differentiate between institutional play and recreational play
- Training for eSports athletes and coaches

Sex Discrimination and Sexual Harassment in Athletics

Review: Sexual Discrimination and Harassment

Title IX

Sex Discrimination

- Disparate Treatment
- Program Access and Equity

Retaliation

Sexual Harassment

- Quid Pro Quo
- Hostile Environment
- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

Instructive Cases

Simpson v. Univ. of Colorado Boulder,
500 F.3d 1170 (10th Cir. 2007)

- Recruiting visits
- Off-campus parties
- Climate

Jennings v. UNC Chapel Hill, 482 F.3d
686 (4th Cir. 2007)

- Climate in locker room
- Player evaluation meetings
- Power of a coach

Williams v. Bd of Regents of Univ. of
Georgia, 477 F.3d 1282 (11th Cir. 2007)

- Recruit histories

Jackson v. Birmingham, 544 U.S. 167
(2005)

- Retaliation

Emergency Removal

- Removing a student-athlete from a team related to a Title IX complaint is **not** permissible without:
 - An individualized risk assessment that determines an **immediate threat** to the physical health or safety of any student or any other individual exists, and
 - The risk must arise from the allegations of sexual harassment
- This is a **very** high bar
- TIXC must be involved in the process
- Removal without the appropriate risk assessment could be considered retaliation
 - However, there may be non-Title IX basis for interim action that would not be retaliatory

National Collegiate Athletic Association (NCAA) Campus Sexual Violence Policy

NCAA Requirements

NCAA Campus Sexual Violence Policy – Annual Attestation

- Policy training and compliance
- Dissemination of information
- Annual education for **all** student-athletes, coaches, and staff
- Prior conduct disclosure form for all prospective, continuing, and transfer student-athletes
- Prior misconduct check
- Policy regarding gathering information from previous institution(s)

Source: NCAA Sexual Violence Policy (April 2021)

NCAA and Sexual Violence

- The Executive Committee expects NCAA members to, “**operate fairly and ethically**”, and further to “assure that student-athletes are neither advantaged nor disadvantaged by special treatment.”
- **Athletics Departments must:**
 - Comply with campus authorities and ensure that all athletics staff, coaches, administrators and student-athletes maintain a hostile-free environment for **all student-athletes** regardless of sex or sexual orientation
 - **Know and follow campus protocol** for reporting incidents of sexual violence
 - **Report immediately** any suspected sexual violence to appropriate offices for investigation and adjudication

Source: NCAA Executive Committee: August 8, 2014

NCAA and Sexual Violence, (Cont.)

- **Athletic departments must:**
 - Educate all student-athletes, coaches, and staff about sexual violence prevention, intervention, and response
 - Assure compliance with all applicable federal and state regulations related to sexual violence prevention and response
 - Cooperate with but **not** manage, direct, control, or interfere with institution's investigations into allegations of sexual violence
 - Ensure that investigations involving student-athletes and athletic department staff are managed in the same manner as all other students and staff on campus
- **Sexual Violence Policy FAQ** available in course lobby
- NCAA member institutions have access to policy examples (log-in required) and additional resources through the NCAA website

Source: Id.

NCAA Attestation: Community or Junior Colleges

- Community colleges are **not** members of the NCAA, so the attestation requirements do **not** apply to them
 - Not attesting to the information requested may result in the student-athlete not being permitted to participate at NCAA member institutions
- Some institutions are moving toward “serious misconduct” policies, in which they inquire about behavior beyond Title IX and may ask broader questions
 - These requests can also be referred to the dean of students or student conduct office
- These requests should be referred to whoever maintains disciplinary and/or Title IX records for the institution to complete
- Be careful about giving verbal answers regarding matters that may be sealed
- The National Junior College Athletic Association (NJCAA) and California Community College Athletic Association (CCCAA) have not implemented attestation policies (yet)

Unique Challenges in Athletics

Unique Challenges

- Coach-Athlete dynamics
 - Power-based
 - Trust-based
 - Recruitment
 - Performance meetings
- Coaches communicating with athletes via text, or other electronic platforms (e.g., SnapChat, WhatsApp)
- Insularity of teams and athletic department
- Protectionism of teams and athletic department



Unique Challenges, (Cont.)

- Coach-coach dynamics
- Coach-athlete dynamics
- Culture of aggressive behavior/physical domination
- Body image and focus on the body
- Must-win/Zero sum mentality
- “Revenue” vs. non-revenue sports



Inter/Intra-Team Relationships

Managing Dating Relationships Among Teammates

- Frame intra-team dating as part of **broader relationship management issues** that can distract a team from their competitive goals
 - If the institution **permits it**, do so across all teams
 - Increasingly common to permit relationships on teams or between teams
 - If the institution **prohibits it**, do so across all teams
 - Leaving decisions up to coaches often results in discrimination
 - Common issues presented by dating relationships on teams

Managing Dating Relationships Among Teammates, (Cont.)

- Develop policies about dating that apply to **all** dating relationships;
- Range of possible policies on intra-team dating:
 - Prohibit intra-team dating (Not recommended)
 - Ignore intra-team dating (Not recommended)
 - Proactively set expectations for intra-team dating and other dating relationships and interpersonal conflict on the team (**Recommended**)
- **Note:** Most students do not use the term “dating” to describe their emotional and intimate relationships

Pregnancy, Parenting and Sport

Pregnancy and Parenting

An institution may not:

Discriminate in its education program or activity against any student or employee on the basis of such individual's:

- Pregnancy
- Childbirth
- False pregnancy
- Termination of pregnancy
- Recovery therefrom

Apply any rule which treats a student, employee, or applicant differently on the basis of current, potential, or past:

- Parental,
- Family
- Marital status

Title IX, Pregnancy, and Athletics

- Pregnant student-athletes must be permitted to participate in athletics without restriction or modification (other than what restrictions are applied to all students)
- Reasonable modifications
- Supportive documentation





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Questions?

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