

**Statement of Judith M. Sweet**  
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**National Collegiate Athletic Association**  
**Before the**  
**Senate Committee on Commerce, Science and Transportation**  
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Chairman Stevens, Ranking Member Inouye and other distinguished members of the Committee, on behalf of the National Collegiate Athletic Association (NCAA), thank you for inviting me to appear before you today to discuss the advancement of women in athletics.

I am Judith Sweet, and I currently serve as NCAA Senior Vice President for Championships and Education Services. I have been involved in intercollegiate athletics and higher education for more than 30 years as an athletic administrator, academician and in leadership roles within the NCAA. During my tenure in the field of intercollegiate athletics, I have worked extensively on matters involving the growth of opportunities and advancement of both men and women in athletics. The gap in opportunities and support remains greater for women and thus more needs to be done to ensure parity. Through my work, I have seen first-hand the commitment of the NCAA and many universities to promote equity and consequently the resulting strides which have been made in the pursuit of gender equity on campuses and NCAA programs. I am pleased with the progress, excited about the future, but wary of efforts to undo more than three decades of work.

That was then

Thirty-four years ago, when Title IX first became law, there were no NCAA championships for women. There were no college athletics scholarships to speak of for women and there were few opportunities for competition. There was virtually no media coverage of the few competitive opportunities that did exist and certainly no television coverage. It was rare for newsstand publications to carry any type of article about a female athlete, and there were no publications devoted to women's sports. The star athletes in college sports were often household names, but none of them was a woman. The female athlete as a role model was virtually unheard of. A young boy wouldn't be caught dead wearing a jersey with a woman's name on the back, even if they had existed.

The athletics opportunities for women were few; and the prospects for growth were dismal. According to a 1971-72 survey of NCAA member institutions, only 29,977 women were participating in sports and recreation programs, compared to 170,384 men – more than five times as many men as women. With numbers like that, it would be fair to wonder why college women would show any interest at all in athletics.

### This is now

What a difference 34 years and legislative impetus make. Throughout 2006 the NCAA is celebrating its centennial and the 25<sup>th</sup> anniversary of NCAA women's championships. Today, nearly 160,000 women are competing in sports at NCAA member institutions. As new opportunities for girls and women have been made available at the high school and college levels, participation has escalated. The NCAA offers 88 championships in 23 sports for men and women. Forty-four of those championships in 20 sports are exclusively for women and there are three co-educational championships. Growing interest has sparked the creation of additional NCAA championships since the 26 it first offered in 1981. The NCAA added women's rowing to the championships ranks in 1996, followed by women's ice hockey and women's water polo in 2001 and women's bowling in 2003.

In 1982 the Women's Final Four drew 9,531 fans. In 2005, the Women's Final Four at the RCA Dome in Indianapolis drew a sellout crowd of 28,937 – just a thousand less than the total number of women participating in college sports 34 years earlier. It was the third time the Women's Final Four had appeared in a dome, but it was the 15th consecutive sellout in Women's Final Four history. Almost 700 media credentials were issued, and television covered the event from selection Sunday through the final buzzer.

According to a recent membership survey, women now account for 43 percent of the participants in intercollegiate athletics and receive about 45 percent of the scholarship dollars.

Female athletes such as Dominique Dawes, Jennie Finch, Cat Reddick and Julie Foudy have, in fact, become household names in their own right. Elite female athletes play professional basketball in the WNBA. The women's teams from the United States are expected to bring home a sizeable haul of medals in most sports in every Olympics, and young girls – and boys – proudly wore Mia Hamm's No. 9 at the 1999 Women's World Cup and during the last two Olympics.

While mainstream media still devotes much more attention to men's sports, the average bookstore now includes magazines and books highlighting the accomplishments of women in sports. Most of the student-athletes – female or male – competing in NCAA championships probably don't think twice about the NCAA offering championships for women and are unaware of how opportunities for women have changed over the last three decades.

Clearly, Title IX has promoted opportunities for female athletes over the last 30 years.

### More Work Remains

In its charge to the Commission on Opportunity in Athletics in 2001, the Department of Education acknowledged that extraordinary progress has resulted from the passage of Title IX. While I would like to think that this change would have taken place without Title IX because it was the right thing to do, the fact is that opportunities and support for

girls and women in athletics are still not equitable with those provided for men, even though it is more than 30 years since the law was passed.

The results of federal law and the hard work of campus leaders have been impressive over the last 34 years, but there is much work still to be done to ensure that men and women who attend NCAA member schools have equitable access to athletics participation and receive related support. Although women comprise 54 percent of the undergraduate student population at NCAA member schools on average, they represent only 43 percent of the participating student-athletes, receive only 38 percent of the operating dollars and have only 33 percent of the recruiting budgets.

The bottom line is: Women are still the underrepresented gender in college sports and less funding is devoted to the support of women's programs.

In the years since it began sponsoring NCAA championships, the NCAA has taken a progressively more active role in assisting its members with gender-equity matters. In 1992, after publication of the first NCAA Gender-Equity Study, the NCAA executive director established a gender-equity task force and charged it with determining ways in which the NCAA could assist institutions in achieving gender equity, examining NCAA policies to evaluate their impact on gender equity and recommending a path toward measuring and realizing gender equity in intercollegiate athletics. One of the recommendations of the task force was the creation of a sourcebook for NCAA members. That sourcebook, "Achieving Gender Equity: A Basic Guide to Title IX and Gender Equity in Athletics for Colleges and Universities," is now in its third edition. It is free to NCAA members and includes information on current case law, the basics of Title IX compliance, information about NCAA emerging sports and even promotional ideas for women's sports.

This spring, the NCAA will conduct its 15th Title IX Seminar/Gender Equity Issues Forum since 1995. These now annual seminars are designed to assist NCAA member schools in understanding the intent of Title IX and to provide them with the necessary educational resources needed so they can comply with the law and address other gender equity issues. The Association has placed emphasis on institutional gender-equity plans through the Division I certification process and the Divisions II and III self-study processes. And, in 1994, legislation was passed that identified "emerging sports" for women that, while not yet sponsored by member schools in sufficient numbers to create a championship, counted in other important ways for institutions in terms of revenue distribution and sports-sponsorship numbers. The intent was to further increase the menu of sports available for women and encourage institutions to increase opportunities for women by sponsoring these sports, several of which have recently become NCAA championships as a result. Once again, as opportunities have been made available, participation by women has increased significantly.

At the same time, the NCAA has increased the minimum number of sports sponsored for both men and women as part of an institution's Division I membership requirements. The Association's revenue-distribution plan recognizes the value of broad-based

programs, both in terms of the number of sports and the number of athletics grants-in-aid. In 1996, the NCAA membership established a moratorium that precluded the discontinuation of any championships through 1998-99, thus protecting both men's and women's Olympic sports where sponsorship had declined. The moratorium was replaced in 1997 by legislation that specifies that even if sponsorship for an Olympic sport drops below minimum established requirements (40 schools for championships established before 1995 and 50 for those thereafter), the championship remains unless the membership specifically votes to dissolve it. This action shows strong support on the part of NCAA members to maintain Olympic sports as part of the NCAA championships program even though individual members may have chosen to no longer sponsor an Olympic sport.

### Conclusion

In a perfect world, Title IX would not be necessary. There would be resources and will enough to do the right thing and meet everyone's needs. Social legislation exists, of course, because we do not live in that perfect world. Even with more than 30 years of experience and the examples of the several hundred thousand female student-athletes who have benefited from increased athletics participation for women, threats to the future of Title IX remain.

The most recent and one of the most pernicious examples is the so-called "additional clarification" letter of 2005 issued by the Department of Education without prior announcement or opportunity for public comment on the additional clarification. The Department of Education now allows institutions of higher education to rely solely on an Internet-based survey to measure interest in athletics among their students. Notoriously unreliable as valid instruments for measurement, these e-mail surveys would interpret a non-response the same as a "no" response that is, as an indication that there is no interest in additional sports opportunities. This approach is contrary to the intent of Title IX itself and appears to be designed to enable schools to show that females are not interested in participation as opposed to the previous 1996 clarification which allowed for surveys but only as one of multiple components as an assessment of interest. The effect of this recent survey approach potentially would be to freeze participation opportunities at their current level or worse to roll back the progress made over the last 34 years. NCAA President Myles Brand and the NCAA Executive Committee, the highest decision making body of the association comprised of university presidents from throughout the country, have notified the Department of Education of their deep concerns about the flaws in the additional clarification and have asked that it be withdrawn. The Department of Education reaffirmed the 1996 clarification in 2003 and should not be allowed to lessen that commitment now.

The standard for measuring success for 2006 and beyond is the same as that set by a NCAA Gender-Equity Task Force in 1992. It defined gender equity in the following manner: "An athletics program can be considered gender equitable when the participants in both the men's and women's programs would accept as fair and equitable the overall program of the other gender."

I am proud of how far we have come. Thanks to the efforts of people like Christine Grant, Donna deVarona and Dot Richardson, female student-athletes can hope for the same educational experience that males have enjoyed and benefited from for generations. Title IX is a real success story. But as successful as this important federal legislation has been, those who value fair, equitable treatment must remain vigilant to any and all threats that would undermine future progress.

Thank you for the opportunity to appear before you today.