



September 12, 2024
Issue Report #2

Dear Supporter,

The Drake Group (TDG) works with Congress on critical issues related to the conduct of collegiate athletics programs. At the beginning of each academic year we report on the top ten concerns we are addressing with members of Congress and executive agencies.

Issue Report #2 – Failure of the U.S. Office for Civil Rights to Enforce Title IX. Although Title IX passed in 1972, the regulations requiring K-12 schools and higher education institutions to provide equal athletic participation, scholarships, benefits, and treatment for girls and women did not go into effect until July of 1975. The U.S. Department of Education (DOE) Office for Civil Rights (OCR) is responsible for enforcing this law and they have not. Based on the most recently available data, in school year 2021-22, an estimated 92.7 percent of college programs were not in compliance with Title IX and female athletes were being shortchanged \$1.1 billion per year in athletics scholarships. No national collegiate governance organization or athletic conference or high school athletic association requires Title IX compliance as a condition of membership or access to post-season championship play. Colleges know OCR is not enforcing the law and they know female athletes will not file OCR complaints or lawsuits for fear of subtle or overt retaliation—losing their scholarships, starting lineup status, playing time, or the instructional attention of their coaches.

What The Drake Group (TDG) Is Doing about This. In 2022, U.S. Representatives Bobby Scott and Suzanne Bonamici, ranking members of the Committee on Education and the Workforce, requested that the U.S. Government Accounting Office (GAO) investigate college athletic opportunities for women and the extent to which OCR was overseeing Title IX compliance. The GAO contacted the Drake Group president and other experts on Title IX and intercollegiate athletics to provide information on the disparities in athletic support and facilities for female athletes and insights into OCR's oversight of Title IX compliance. We assisted the GAO in developing its research questions, identifying sources of data, and opining on needed improvements. The GAO then undertook a study of 14 years of OCR enforcement activity and in April of this year, issued *College Athletics: Education Should Improve Its Title IX Enforcement Efforts*, a scathing report highly critical of OCR enforcement.

In August of this year, TDG convened its Title IX experts to review the GAO's recommendations and added our own (read TDG report here). Also, because the OCR should be basing its investigations on the Equity in Athletics Disclosure Act (EADA) data (a DOE database containing athletics program information on 2,008 institutions of higher education), we worked with the offices of Senator Chris Murphy (CT-D) and Representative Alma Adams (NC-12-D) to refine S.3762 -The Fair Play for Women Act. The Act would close significant EADA college reporting loopholes and establish long overdue K-12 reporting and training obligations.

Last, TDG is assisting the office of Representative Mikie Sherrill (NJ-11-D) in obtaining additional co-sponsors for **H.R. 2532-The Women in NCAA Sports Act** (WINS Act). The bill would establish a Congressional commission to comprehensively study equality in the NCAA's operation of tournaments and other programs for which there are men's and women's divisions and make policy recommendations to improve oversight of gender equality at the NCAA.

Asking for Your Support. We know that working with Congress requires persistence over time and a commitment to the "long game." If you are not already, would you consider becoming a dues-paying member/supporter of TDG to help support these efforts? Membership is nominal (\$10/students, \$35/faculty, \$50/general) and other gifts in any amount are appreciated. **You may do so here**.

We have no staff members—we are all volunteer sports management and sports law faculty, economists, and experts in issues related to needed college athletics reforms. We are nonpartisan and highly respected by Congress—both sides of the aisle—for providing the trustworthy, fact-based information needed for good legislation and agency policymaking. Your donations will be used to pay for student research, manage our website, operate our communications platforms, and fund limited trips to meet with Congress (fully 90 percent of our work educating Congressional staff members is via Zoom communication).

Most of all, we do what we do because we believe in the extraordinary developmental impact of intercollegiate athletics on participants—their confidence, discipline, work ethic. We also believe in athletics because it contributes to a vibrant campus community and is part of the 'glue' that keeps alumni involved in higher education. We must keep these benefits while we solve the challenges created by the commercialization of college sports.

Thanks for considering this request. We'd appreciate your help.

Gratefully,

Donna



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Here**

Thank you for your support. Together, we can make a difference.