

The Athletic Director and Title IX Coordinator Relationship

By Peg Pennepacker, CAA on December 15, 2020

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Title IX of the Education Amendments of 1972 is one of the most consequential pieces of gender equity legislation ever passed by the United States Congress. The passage of Title IX sought to eliminate the pervasive sex discrimination that once was a dominant practice in schools, colleges and universities, and to guarantee equal rights to an education for girls and boys, women and men.

From the classroom to the playing fields, Title IX was enacted to ensure that all students have equal access to all school programs, including education-based athletics programs, and ensure that they have the freedom to learn and thrive in a safe and trusted environment.

More than 48 years after Title IX was enacted, a great deal has changed for the better in education for women and girls including opportunities in school athletics programs. Most of that change, however, took place in the first two decades after passage, when implementing regulations were adopted and federal and state governments helped educational institutions understand and carry out the law's intent. With the change that took place in these key decades, many people assume that gender equity in our schools has been achieved.

Unfortunately, that is not the case. Sex discrimination affecting mostly, but not always, females still exists in education programs and activities in institutions that receive federal financial assistance. Two people in each school district hold much of the power to influence gender equity in their school's programs – the Title IX coordinator and the athletic director.

In May 2018, the U.S. Government Accountability Office (GAO) released a report that examined how public high schools encourage equal athletic opportunities for members of both sexes. The report examines (1) what measures public high schools and athletic directors have taken to encourage equal athletic opportunities for boys and girls, and (2) what factors affect boys' and girls' participation levels in public high school sports programs. The complete [GAO report can be found here](#).

The GAO estimates that 40 percent of athletic directors surveyed were unaware of a Title IX coordinator in their school district and that an additional 12 percent were aware of their Title IX coordinator but received little to no support from the individual. Additionally, the report noted that of those surveyed, almost all of the athletic directors who were not aware of having a Title IX coordinator were in a district that had, in fact, designated one. An estimated 26 percent of athletic directors wanted additional guidance or assistance related to encouraging equal opportunities for boys and girls, according to the GAO's survey.

These results from the GAO report are consistent with the dynamics found by an association for Title IX coordinators and other related administrators. Based on their interactions with schools, these association officials say that they have often observed separation between athletics and other school departments. Title IX coordinators without an athletics background may be reluctant to engage in oversight of that department.

In order for a school district to meet the challenges of Title IX and all that the law encompasses, both the athletic director and the school district's Title IX coordinator must engage in a professional working relationship. Athletic directors and Title IX coordinators should engage in regular conversations and consistently share information with one another to monitor Title IX compliance within the athletics program. Each must share a commitment to ensuring gender equity throughout all school programs.

Today's high school athletic director is tasked with a myriad of duties and responsibilities. One of those duties is understanding and implementing the compliance framework set forth in Title IX and its application to athletics programs. Specific duties that fall under Title IX include overseeing and training all athletics personnel regarding issues surrounding sexual harassment and sexual assault and accommodating the participation of transgender and pregnant and parenting students.

The Title IX coordinator is responsible for all areas of Title IX law including athletic program compliance. The Title IX coordinator should support and work closely with members of the school community, including athletic directors, to ensure compliance with Title IX.

With the issuance of the new Title IX regulations on May 6, 2020 and implementation on September 14, 2020, there is increased focus on Title IX for K-12 schools, specifically sexual harassment. The new regulations require K-12 schools to have in place specific procedures, policies and protocols with regard to handling sexual harassment complaints. The responsibility for ensuring that these new regulations are followed and carried out falls to the school district's Title IX coordinator.

In order for school districts to provide equitable and safe athletic programs for all students who choose to participate, it is vital that the school district's athletic director and Title IX coordinator work hand in hand. Listed are suggestions for school districts to incorporate as a means of providing working opportunities between the athletic director and Title IX coordinator.

- The athletic director and Title IX coordinator must communicate on a routine and consistent basis.
- The athletic director and Title IX coordinator must collaborate in the training of coaches and athletics personnel regarding issues and prevention of sexual harassment in the athletics programs as well as the athletics compliance framework.
- The athletic director and Title IX coordinator must engage in professional development opportunities. The most effective and comprehensive training, available to both, for Title IX compliance in athletics is through the National Interscholastic Athletic Administrators Association's professional development program course – LTI 506 Legal Issues II: Title IX and Sexual Harassment (www.niaaa.org). In addition, the LTI 715 course – Appropriate Professional Boundaries: Identifying, Implementing, Maintaining – is a suggested course for athletic directors. And, both athletic directors and Title IX coordinators may benefit from courses offered through the National Federation of State High School Association's Learning Center: Bullying, Hazing and Inappropriate Behaviors and Protecting Students from Abuse at www.NFHSLearn.com.
- An athletics program self-audit can be an extremely useful and necessary tool to assess and monitor the school district's athletics program compliance. The athletic director and Title IX coordinator should work together through this process and make it a matter of regular routine as a standard of best practice.
- Organizing and implementing a Gender Equity Committee can assist the athletic director and Title IX coordinator through the process of ensuring athletics compliance and maintaining compliance over time.
- The new Title IX regulations require schools to develop a "Title IX Team" in order to adequately address sexual harassment complaints. The athletic director should be a part of the district's "Title IX Team" and fully participate in the trainings provided by the school district.
- The athletic director and Title IX coordinator implement the school district's commitment to gender equity in all school programs and activities including education-based athletics programs. This commitment should be clearly publicized and expressed through school district policies.

The athletic director and Title IX coordinator must work together to provide equitable opportunities for all students. They must be the experts of Title IX and its application to athletics and beyond. The school district's athletic program must not be isolated from other functions of the school district but rather be an integral part of the education process. To that end, schools have the responsibility to protect every student, and to ensure that they have equal access to all school programs, including education-based athletics programs.