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NCAA LEADERSHIP GROUPS URGE DEPARTMENT OF EDUCATION TO RESCIND  
ADDITIONAL CLARIFICATION FOR TITLE IX AND MAINTAIN 1996 CLARIFICATION

INDIANAPOLIS---The NCAA Executive Committee, on behalf of its member colleges and universities, today passed a resolution urging the U.S. Department of Education and federal policymakers to rescind its March 17, 2005 Additional Clarification for Title IX, and instead honor the Department's 2003 commitment to strongly enforce the standards of long-standing Title IX athletics policies, including the 1996 Clarification. The Committee also urged NCAA members to decline use of the procedures set forth in the March 17, 2005 Additional Clarification.

The NCAA resolution was unanimously approved by the Division I, II and III governance structures this afternoon in meetings held at the NCAA national office.

"The Executive Committee looked at the fact that the resolution was unanimously supported by our governance structures, which speaks to our beliefs and our values in the support of women and their athletic opportunities," said NCAA Executive Committee chair Carol Cartwright. "The resolution reaffirms our strong commitment to the enforcement of Title IX policies on our member institution campuses."

"We're deeply committed to the principles of Title IX and we want to make sure that those opportunities for women are preserved," said Division I Board of Directors chair Bob Hemenway. "We've made progress over the years with Title IX and we want to ensure that progress continues."

The NCAA Executive Committee Resolution reads as follows:

Whereas the U.S. Department of Education, without notice or opportunity for public input, issued an “Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test – Prong Three,” on March 17, 2005, which Clarification allows schools to gauge female students’ interest in athletics under the third prong of the three-part test by conducting an e-mail survey and further allows schools to treat a lack of response to the survey as a lack of interest in playing additional sports;

Whereas the Additional Clarification is inconsistent with the 1996 Clarification and with basic principles of equity under Title IX because it, among other problems (a) permits schools to use surveys alone, rather than the factors set forth in the 1996 Clarification, as a means to assess female students’ interest in sports; (b) conflicts with a key purpose of Title IX – to encourage women’s interest in sports and eliminate stereotypes that discourage them from participating; (c) allows schools to restrict surveys to enrolled and admitted students, thereby permitting them to evade their legal obligation to measure interest broadly; (d) authorizes a flawed survey methodology; (e) shifts the burden to female students to show that they are entitled to equal opportunity; and (f) makes no provision for the Department of Education to monitor schools’ implementation of the survey or its results;

Whereas for these reasons, the Additional Clarification provides the opportunity to evade the legal obligation to provide equal opportunity in sports and violates the Department’s 2003 commitment to strongly enforce long-standing Title IX standards;

Now, therefore, be it RESOLVED that:

- (1) NCAA members are urged to decline use of the procedures set forth in the March 17, 2005, Additional Clarification and abide by the standards of the 1996 Clarification to evaluate women’s interest in sports under the third prong of the three-part test, which

standards anticipate the use of a multiplicity of tools and analyses to measure that interest;

- (2) The NCAA Executive Committee, on behalf of its members, urges the Department of Education and federal policymakers to rescind the Additional Clarification and to honor the Department's 2003 commitment to strongly enforce the standards of long-standing Title IX athletics policies, including the 1996 Clarification.