

Module 5 Assignment – Title IX Choices

Nic Doherty

Tusculum University

MSM 500

Dr. Davidson

27 September 2024

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The three-part test is used to determine whether schools are in compliance with Title IX. Schools only need to be in compliance with one of the three parts of the test. Part one states that the participation of male and female athletes needs to be proportional to the number of male and female athletes enrolled in the school. For example, if there is 40 percent male and 60 percent female split in the school population, there should be a 40 percent male athlete and 60 percent female athlete split (Spengler et al., 2016).

Part two of the test involves showing a history and continuing practice of program expansion. This should in response to the “developing interests and abilities of the members of the underrepresented sex.” Where the second part of the test shows history and continuance, the third part shows that the interests and abilities have been fully accommodated in the present. In order for this to be accomplished, surveys must be taken for the university to know what interests and abilities to accommodate (Spengler et al., 2016).

While it would be cutthroat, the easiest way to satisfy the three-part test would be to look at part one. If the proportions are off, cutting sports would be simple. It would have backlash that would need to be addressed, but it would be easy to calculate the proportion between student population and athlete population and see which sports were putting the university over the limit. Financial numbers could even be brought in to help make the decision. A study in 2021 showed that tennis and golf were the most dropped sports due to financial hardship from Covid. Sports like these do not bring in a lot of revenue and athletes often must fundraise for themselves, which may or may not be successful (Janksy, 2021).

On the other hand, satisfying the third part of the three-part test would be very difficult. Surveys about their interests are not something that a lot of 18- to 22-year-olds would take seriously. Once the surveys came back, the data would need to be analyzed and compared with

established sports, clubs, and organizations on campus to make sure that they're in line with the student population's interest and abilities. Changes may have to be made in the form of establishing clubs, which would involve finding faculty sponsors willing to participate, or finding the budget to expand the athletic program to allow another sport, if part one of the three-part test allows.

### References

Jansky, Frank. (2021). *Colleges are eliminating sports teams – and runners and golfers are paying more of a price than football or basketball players*. The Conversation.

<https://theconversation.com/colleges-are-eliminating-sports-teams-and-runners-and-golfers-are-paying-more-of-a-price-than-football-or-basketball-players-148965>

Spengler, J.O., Anderson, P.M., Connaughton, D.P., & Baker, T. A. (2016). Participation. In *Introduction to Sport Law* (2<sup>nd</sup> ed. Pp. 173-177). book, Human Kinetics.