

Extended Common Core Social Studies Lesson Plan Template

Lesson Title: Title IX – Gender Biased?

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Appropriate for Grade Level(s): 9 - 12

US History Standard(s)/Applicable CCSS(s): H3. [9-12].9 Identify and describe the major issues, events, and people of minority rights movements. CCSS ELA Literacy.RH9-10.2, ELA Literacy.RH9-10.6, ELA-Literacy.S.L.11-12.1

Engagement Strategy: Student Small Group Discussion – Is Title IX discriminatory to male athletes?

Student Readings (list): Text from Primary Source Document Title IX, The following readings from *Points of View: Readings in American Government and Politics*, 11th edition. Diclerico, Robert E. and Allan S. Hammock: Gender Equity (page 285) Wrestling with Title IX by John Irving (286) and We Must Preserve Equity for Women in College Athletics by Joanna Grossman (page 290).

Total Time Needed: Out of class preparation (30 minutes reading 2/3 sources) 2 45 minute class sessions

Lesson Outline:

Time Frame (e.g. 15 minutes)	What is the teacher doing?	What are students doing?
5 minutes	Teacher monitoring students as they write answer to prompt.	Students are writing on a note card their response to: What do you know about Title IX?
15 minutes	Teacher hands out reading packets. The packet includes <i>Gender Equity</i> introduction, <i>Wrestling with Title IX</i> by John Irving, and <i>We Must Preserve Equity for Women in College Athletics</i> by Joanna Grossman. Teacher introduces articles and states that each article supports a different side. Teacher has students decide which side they want to support and read about and write it on note card.	Students are assigned reading assignments for homework to prepare for discussion next class session. All students need to read the introduction piece and they choose which of the two articles supports the side they agree with. Students note which article they want to read on their note card.
15 minutes (Not during class time)	Teacher prepares small groups for discussion by organizing note cards into two sides. This is done by teacher to prepare for next day.	

5 minutes	Teacher monitors as students write answers to prompts – “What do you think about Title IX?” and “What is your evidence that supports your thoughts?”	Students answer prompts on new note cards note cards.
5 minutes	Teacher puts up map of small groups. Each small group will have 4 or 6 students. Even amounts supporting each side.	Students move into small groups
25 – 30 minutes	Teacher monitors discussions and adds further prompts to groups as they need it.	Students fill out discussion guides and speak to their group mates.
5 minutes	Teacher assigns students to take one thought presented to a classmate and read to find something to support or refute it.	Students choose one thing that made them question their own opinions to reread on for tomorrow.
5 minutes	Teacher distributes graphic organizer, “Bubble Map”.	Students place their claim in center and brain storm ideas to support it.
15 -20 minutes	Teacher distributes graphic organizer, “Facts and Reasons”	Using their Bubble Maps and discussion sheets students fill out their claim and three reasons that support it. When they are referring to something from the article they need to notate author and page number.
20 minutes plus out of class time to finish	Teacher hands out appropriate rubric based on each student’s grade level. Teacher hands out Numbered Writing Paper for students essay. Students are given class time to begin writing essay while teacher walks around classroom, monitors, and answers questions.	Students begin to write assignment.

Description of Lesson Assessment: Students will write an essay supporting their claim on whether or not Title IX is discriminatory to men.

How will students reflect on the process and their learning? Students will self grade their essay and write a paragraph reflection after they receive the assessment from their teacher. They will use the turnitin Common Core State Standards Writing Rubric for Argument. They will use Grades 9 -10 if they are in grades 9 -10, otherwise they will use the rubric Argument title Grade 11 – 12.

Other resources: Bubble map from <http://www.somers.k12.ny.us/intranet/skills/organizing/bubble.pdf>
 3 Reasons 2 Facts from Copyright Creativewriting-prompts.com 2010 Persuasion 3 Reasons 2 Facts.
 Numbered Writing template idea borrowed from NBPTS Spanish Teacher Julie Lozada Ocampo.

Writing Sample – Using the (Grades 9 -10) Common Core State Standards Writing Rubric on Argument

Title IX was written for a variety of reasons. After implementation and time, Title IX has progressed women and their sports experiences, yet in the end, Title IX is discriminatory to men.

Title IX is unfair to men. In college athletics, two sports earn universities more money than the others. These are basketball and football. Football is a predominately male sport, and while basketball can be played by both men and women, the male teams are the money makers. Even though the male sports bring in the money, women must be treated equally under Title IX.

One way post-secondary schools are able to meet Title IX is by meeting the proportionality prong. This means that schools need to have the same percentage of athletes in each gender as they do in their school's population. The average number of players on a NCAA Division I football team is approximately 94 players (Grossman, 294). This means that these teams have a higher number of athletes than many other teams. Since football is a male sport and it requires more athletes, forcing proportionality gives males less choices in the sports they may participate in.

In the last few years, many schools have had to cut budgets. This has forced schools to look for ways to cut budgets. One way to accomplish this is to cut athletic programs. Title IX allows schools a way to cut male sports programs by claiming gender discrimination and allowing Title IX to be blamed, instead of schools' administrators. Title IX was created to keep discrimination from happening and while more women are participating in college athletics, men's programs are being eliminated.

Many schools feel they need to cut programs because of funding. An argument many people make against men's athletics is that football is too expensive to fund and this keeps other male programs from being funded. Yet there are often other ways to fund programs beside the universities' budgets. At Marquette University, the wrestling team was funded but a mixture of private donations and alumni (Irving, 287). Marquette cut this program because of Title IX to promote gender equality, while they do not even have a football team, so male students lost opportunities to participate in a sport that the school did not have to finance.

Title IX was created in part to give females a chance to participate in athletics. More females participate in sports than before Title IX. In the last thirty years, the amount of female high school athletes has grown over eight times the pre-Title IX numbers, while the amount of college female athletes has grown five times (Grossman, 294). There are many more females participating in sports than in the past. This proves that Title IX is giving women athletes more opportunities.

Female athletes have chance to participate in sports at the high school and college levels. Their numbers have increased over the last thirty years and will probably continue to grow. Men's programs need to not be eliminated. Men need the opportunities to be able to participate in sports if they want to.

Gender Equity

The modern era has been unprecedented in the advancement of civil rights for minorities and women: elimination of racial segregation; removal of racial, gender, and disability discrimination in employment, school admissions, and other areas; and the extension of the vote to millions of Americans. Yet, in the face of much progress, there are areas in civil rights policy where opinion is strongly divided. One such area is gender equity in sports.

In 1972, Congress passed the Education Act Amendment. Title IX of this law prohibits discrimination against women on college campuses in housing, financial assistance, faculty and staff hiring and pay, and, most contentious of all, athletics. It is the last area—gender equity in sports—that is the subject of the two essays in this section.

The main issue in Title IX is the requirement that women be given athletic opportunities in proportion to their numbers at particular colleges and universities. Thus, according to current interpretations of Title IX, on a college campus that is 50 percent male and 50 percent female, the male-to-female ratio in sponsored sports must also be 50-50. This proportionality requirement has led some schools to eliminate athletic opportunities for men, as in the case of men's wrestling, to make room for more women.

In 2005, the regulations regarding implementation of Title IX were changed to permit colleges and universities to determine, via the Internet, students' degree of "interest" in sports as a means of meeting the proportionality requirement. Critics, including the NCAA (the National Collegiate Athletic Association), complain that this action reduces the impact of Title IX. Regardless of the outcome of this new controversy, the fundamental issue remains: Does Title IX provide a fair way to achieve equality in sports?

The authors of the essays that follow discuss the merits of eliminating or changing Title IX rules. John Irving, a prominent writer and a part-time wrestling coach, concedes the value of Title IX but argues that it is simply unfair in application. According to Irving, men's teams should not have to suffer in order to meet a proportionality test that is, at best, unreasonable. Law professor Joanna Grossman disagrees, insisting that Title IX has permitted women to make unprecedented gains in sports—gains that they would likely not have obtained without it—and that the critics of Title IX are setting up a smoke screen to hide the real problem in providing equity for both men and women in sports: the favored position of college football.



Wrestling with Title IX

John Irving

Title IX, the federal law that prohibits sex discrimination in educational programs receiving federal assistance, may be in for an overhaul. This week [January 27, 2003] a committee appointed by the Bush administration will hold its final meetings before submitting its recommendations for changing the law to Secretary of Education Rod Paige. Since Title IX was enacted in 1972, it has been the subject of debate—much of it misguided—about its application to college athletics. At issue now is how to alter the law—or not—so that, as Secretary Paige has put it, we can find ways of “expanding opportunities to ensure fairness for all college athletes.”

I hope the commission will realize that what’s wrong with Title IX isn’t Title IX. What’s wrong is that, in practice, there are two Title IX’s. The first Title IX was the one passed by Congress in 1972 to put an end to sex discrimination in schools—good for the original Title IX! The second Title IX, the one currently enforced, is the product of a policy interpretation in 1979 by the Department of Education’s Office for Civil Rights (but never debated or approved by Congress)—and which is functioning as a gender quota law.

In its prohibition against sex discrimination, the 1972 law expressly states as “exceptions” any “preferential or disparate treatment because of imbalance in participation” or any “statistical evidence of imbalance.” In English, this means that Congress recognized that the intent of Title IX was not to establish gender quotas or require preferential treatment as reparation for past discrimination. Smart thinking—after all, the legislation was intended to prohibit discrimination against either sex.

But what happened in 1979—and in subsequent re-evaluations of the law—has invited discrimination against male athletes. The 1979 interpretation required colleges to meet at least one of the following three criteria: that the number of athletes from each sex be roughly equivalent to the number of students enrolled; that colleges demonstrate a commitment to adding women’s sports; and that they prove that the athletic interests of female students are effectively accommodated. The problems lie in complying with the first criterion. In order to achieve gender proportionality, men’s collegiate sports are being undermined and eliminated. This was never the intention of Title IX.

John Irving is a novelist and former wrestler. “Wrestling with Title IX,” by John Irving from *The New York Times*, January 28, 2003. Reprinted with the author’s permission.

The proportionality rule stipulates that the ratio of male to female athletes be proportionate to the ratio of male to female students at a particular college. On average, females make up about 56 percent of college enrollment, males 44 percent; for most colleges to be in compliance with proportionality, more than half the athletes on team rosters must be women. Can you imagine this rule being applied to all educational programs—classes in science, engineering, accounting, medicine or law? What about dance, drama or music—not to mention women's studies?

In 1996, the Department of Education further bolstered the proportionality zealots by requiring colleges to count every name on a team's roster—scholarship and nonscholarship athletes, starters and nonstarters. It is this ruling that has prompted a lawsuit by the National Wrestling Coaches Association, the Committee to Save Bucknell Wrestling, the Marquette Wrestling Club, the Yale Wrestling Association, and the National Coalition for Athletics Equity, all of whom argue that the 1996 rules exceed the Department of Education's statutory authority "by effectively mandating the very discrimination that Title IX prohibits."

Why are wrestlers so upset about this? The number of collegiate wrestling programs lost to Title IX compliance is staggering; this is especially alarming because, since 1993, wrestling has been a rapidly growing sport at the high-school level. Data compiled by Gary Abbott, director of special projects at USA Wrestling, indicates that in 2001, there were 244,984 athletes wrestling in high school; only 5,966 got to wrestle in the National Collegiate Athletic Association. Not to put too fine a point on it: there is only one N.C.A.A. spot for every 41 high-school wrestlers. The numbers have been going downhill for a while. In 1982, there were 363 N.C.A.A. wrestling teams with 7,914 wrestlers competing; in 2001, there were only 229 teams with fewer than 6,000 wrestlers. Yet, in that same period, the number of N.C.A.A. institutions has increased from 787 to 1,049. No wonder wrestlers are unhappy.

As for the virtual elimination of walk-ons (nonscholarship athletes) in many men's sports, and the unrealistic capping of male team rosters—again, to make the number of male athletes proportional to the number of females—the problem is that athletic programs are going to absurd lengths to fill the unfilled rosters for women's teams. But women, statistically, aren't interested in participating in intercollegiate athletics to the degree that men are. J. Robinson, wrestling coach at the University of Minnesota, cites intramural sports, which are wholly interest driven, as an example. In a column about Title IX published in the *Chronicle of Higher Education*, Robinson wrote that "men outnumber women 3-1 or 4-1 on the intramural field."

Don't we need to know the exact numbers for how many women are interested in playing college sports now? But the Women's Sports Foundation, an advocacy group that favors maintaining proportionality, opposes conducting surveys of incoming students—that is, expressly to gauge interest in athletics. These surveys, they say, would force "female athletes to prove their interest in sports in order to obtain the right to participate and be treated fairly." But men would fill out the same surveys.

One suggestion that the presidential commission is considering is counting the available spots on teams, rather than the actual participants. The Women's Sports Foundation rejects this idea, arguing that it counts "ghost female participants." However, the foundation has no objection to counting interest that isn't there.

In fact, those women's groups opposed to tampering with either the 1979 interpretation or the 1996 ruling, which endorses the proportionality arm of Title IX, often argue that there are three ways (at least on paper) for an institution to comply with Title IX—not just proportionality. But only proportionality can be measured concretely. A 1996 clarification letter from the Department of Education refers to the proportionality test as a "safe harbor"—meaning that this simple-to-apply numerical formula can assure an athletic director and a university president that their institution is in compliance and not subject to legal action. In other words, proportionality is not only wrong—it's lazy.

Some women's advocates argue that it is not proportionality that forces athletic directors to cut men's teams; they blame the budget excesses of Division I football and men's basketball. But there are countless examples where money was not the issue in the case of the sport that was dropped. Marquette University had a wrestling team that was completely financed by alumni and supporters; yet the sport was dropped in 2001, to comply with gender equity. (Marquette has no football team.)

Boston College dropped three sports that had only part-time coaches and offered no scholarships; these sports could easily have been sponsored by fundraising. Keep in mind, too, that the majority of male college teams dropped in the 1990s were from Division II and Division III programs, which don't have big-time football or men's basketball.

Furthermore, many Division I football and basketball programs earn millions of dollars a year, enough to support all the other sports programs—men's and women's. Moreover, most schools with high-profile football programs are schools where women's teams have thrived. (Witness the Big 10, the S.E.C., the Big 12 and other Division I athletic conferences, which have produced both winning football teams as well as great women's teams in other sports.)

While eliminating men's sports like wrestling, where the interest in participation is increasing, athletic programs go begging to find women athletes to fill the vacancies on an ever-expanding number of women's teams.

One of the most ludicrous examples of this was the attempt by Arizona State University in Tempe—a cactus-studded campus in the middle of the Sonoran Desert—to add a competitive women's rowing team. There's not a lot of water in Arizona. But the school asked the city to create a body of water (by flooding a dry gulch) on which the team could practice. Because of a lack of funds, the school had to drop the plan. This is probably just as well; taxpayer dollars would have financed scholarships either to rowers from out of state or to teach Arizona women (most of whom have never held an oar) how to row. But Arizona State is to be commended. It not only worked to meet the numerical demands of proportionality, it tried to adhere to the original spirit of Title IX by adding opportunities for women, not by cutting opportunities for men.

To apply the rule of proportionality to men's and women's collegiate athletics amounts to a feminist form of sex discrimination. And I won't be dismissed by that other argument I've heard (ad nauseam) from those women's advocates unwilling to let proportionality go—namely, that to oppose proportionality, or even the crudest enforcement of Title IX to eliminate men's sports programs, is tantamount to being antifeminist and hostile to women in sports. Don't try to lay that on me.

I *am* a women's advocate. I have long been active in the pro-choice movement; my principal political commitment is my long-standing and continuing role as an abortion-rights advocate. But I'm also an advocate of fairness. What is unfair is not Title IX—it is Title IX's enforcement of proportionality, which discriminates against men.

In 1992, Brian Picklo, a walk-on, asked the Michigan State Wrestling coach, Tom Minkel, if he could try out for the team. Picklo had wrestled for only two years in high school and never qualified for state tournaments. Minkel thought Picklo's chances of wrestling in the Big 10 were "slim to none." But Picklo became a two-time Division I All-American, and he won the Big 10 title at 190 pounds. In most wrestling programs across the country today, Brian Picklo wouldn't be allowed to be a walk-on.

Title IX, the original legislation, was conceived as a fairness-for-all law; it has been reinvented as a tool to treat men unfairly. Advocates of proportionality claim that universities that are not "proportional" are breaking the law, but they're not breaking the original law.

The Women's Sports Foundation has accused the presidential commission of politicizing Title IX. But Title IX was politicized by the Department of Education in 1979 and 1996—during Democratic administrations. Is it only now political because a Republican administration is taking a closer look at the way Title IX is applied? (I make this criticism, by the way, as a Democrat. I'd have a hard time being an abortion rights advocate in the Bush administration, wouldn't I?)

Based on 2001 membership data—raw data from the National Federation of State High Schools, and from the N.C.A.A.—for every single N.C.A.A. sports opportunity for a woman, there are 17 high school athletes available to fill the spot; for a man, there are 18. Isn't that equal enough? In fact, women have more opportunity to compete in college than men do. Yet the attitude represented by the Women's Sports Foundation, and other women's groups, is that women are far from achieving gender equity; by their continuing endorsement of proportionality in collegiate athletics, these women's advocates are being purely vindictive.

Years ago, I was playing in a Little League baseball game when an umpire made what I thought was a memorable mistake. Later, in another game, he made it again. I realized it was no mistake at all—he meant to say it. Instead of hollering "Play ball!" at the start of the game, this umpire shouted "Play fair!"

Keep Title IX; eliminate proportionality. Play fair.



We Must Preserve Equity for Women in College Athletics

Joanna Grossman

The year 2003 marked the thirtieth anniversary of the passage of Title IX of the Education Amendments of 1972. . . . Title IX is a federal statute banning sex discrimination in educational programs receiving federal financial assistance. . . .

Title IX has been used to challenge gender inequity in a variety of contexts: sexual harassment; pregnancy; school admissions, testing, and scholarships; and, most controversially, school athletics. It is the statute's impact on collegiate athletics that has garnered it its highest praise, as well as its harshest criticism.

Critics have called for amendments of Title IX and its regulations that would make its demand for gender equity—particularly in the realm of college athletics—less strict. Among those critics is the Bush Administration, whose lackluster defense of the statute in a recent lawsuit reveals its utter lack of commitment to gender equity in athletics. (On this issue, the President is perhaps continuing the legacy of his father—who made headlines as vice-president for suggesting in a 1981 speech that Title IX had simply gone too far in the field of athletics.)

The Administration and other critics of Title IX, however, are wrong, and should be opposed. Title IX has turned out to be one of the most important pieces of protection for women against sex discrimination—and in particular, a crucial way to ensure women's equality in college athletics. Rather than going too far, it has held an important line—a line that should not now be moved backwards.

THE HISTORY OF TITLE IX AND ITS REGULATIONS RELEVANT TO COLLEGE ATHLETICS

In 1975, it was made clear that Title IX applied to athletics, as well as to other aspects of education—and the controversy that has plagued this application of the statute began.

That year, the Department of Health, Education, and Welfare (the predecessor to today's Department of Education) issued regulations to implement

Joanna Grossman is associate professor of law at Hofstra University. From Joanna Grossman, "On the Thirtieth Anniversary of Title IX, We Need to Preserve, Not Reverse, Its Guarantee of Equity for Women in College Athletics." This column originally appeared on www.FindLaw.com on June 18, 2002, pp. 1-6. Reprinted with permission.

Title IX. The regulations required institutions to provide "equal athletic opportunity for members of both sexes."

This general standard was supplemented by ten factors to be considered in determining whether equal opportunity was in fact being provided. The first of these factors—and the one most frequently at issue in litigation—asks "whether the selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes."

In a 1979 Policy Interpretation, HEW broke down this factor further, into a three-prong test. Under that test, an institution can show effective accommodation by proving one of three things: First, it can show that it provides athletic opportunities to men and women substantially proportionate to their overall enrollment. Second, it can show that it is engaged in a continuing practice of program expansion with respect to the underrepresented sex (almost always women). Third, it can show that it has fully and effectively accommodated the interests and abilities of the members of the underrepresented sex.

In 1995, the Department of Education sent a "clarification" of the Policy Interpretation to thousands of interested parties. The clarification explained, among other things, that although proportionality alone can provide a "safe harbor" for institutions able to demonstrate it, they are also free to comply with the other prongs of the test instead.

The new clarification also said that institutions were authorized, though not required, to eliminate teams, or cap team size, as a way of achieving gender proportionality. (For example, eliminating the men's lacrosse team could be a way to address the fact that there was no women's lacrosse team.)

Finally, the clarification said that participation opportunities should be measured based on actual athletes rather than "slots"—a healthy dose of realism that meant schools had to focus on women athletes, not theoretical possibilities that there could be women athletes.

TITLE IX'S IMPACT ON WOMEN'S SPORTS: OVERWHELMINGLY POSITIVE

There has been a dramatic increase in athletic participation of girls and women since Title IX was enacted. Every available statistic bears this out.

For instance, participation by high school girls in varsity sports has risen from one in twenty-seven to one in two-and-a-half. Meanwhile, participation by college female athletes has risen from under 30,000 to more than 150,000. Interestingly, during the same thirty years, participation by male athletes, at both the high school and college levels, has risen as well, though not nearly as dramatically.

While cause and effect are hard to pinpoint, Title IX litigation and administrative enforcement have clearly been important to these developments. However, there are still important areas of inequity.

For instance, an estimated 80 percent of high schools and colleges run athletic programs that do not comply with Title IX. And, of course, men's athletic

programs continue to receive much more money for athletic scholarships, recruiting, coaching, and general operations than women's athletic programs do. In addition, female coaches get paid a fraction of what male coaches earn, and only two percent of the head coaching jobs for men's teams. . . .

MORE THAN PROPORTIONALITY ALONE: OTHER WAYS TO SATISFY TITLE IX

In the popular media, the three-prong test of the Title IX regulations has been reduced to a single idea—a requirement of proportionality. The media also suggests that the only way schools achieve proportionality is by cutting men's "minor" sports—like wrestling, swimming, and gymnastics—in order to bring the overall opportunities for men down to the level of women's.

As noted above, the "clarification" does allow men's programs to be cut in order to achieve equality. But in fact, the reality is quite different—as the fact that male athletes have prospered, rather than being harmed, over the last thirty years can attest.

As the clarification also notes, proportionality is only one way to comply with Title IX. Schools can also comply by showing a good-faith effort to expand opportunities for women. Alternatively, they can show that women's interests and abilities are fully accommodated, even though that means they have significantly fewer actual roster spots or teams. More than two-thirds of the schools involved in Title IX cases before the Department of Education during a recent five-year period chose to comply with one of these alternative prongs, rather than by instituting gender proportionality.

Moreover, for schools who do try to achieve proportionality, only some of them accomplish it by cutting men's teams or capping team size. Two-thirds of colleges and universities have not cut any men's teams at all in their efforts to achieve gender equity. (And many schools have cut both women's and men's teams in certain sports, like gymnastics, wrestling, and field hockey, and replaced them with more popular sports like soccer and track.)

But where schools have cut men's teams purportedly to comply with Title IX, those decisions have often been the target of litigation. Male athletes on teams that have been cut have alleged reverse discrimination, claiming that the decision to eliminate their particular team was made solely on the basis of sex.

However, every case bringing a reverse discrimination claim has ultimately been unsuccessful. As the relevant courts have often noted, when a school reallocates resources to remedy past inequity against women, it does not commit a new act of reverse discrimination. Thus, the school does not violate either Title IX or the Equal Protection Clause.

After all, if the remedy for discrimination were called "reverse discrimination" and forbidden, Title IX would be effectively unenforceable. If cutting men's teams were not sometimes an option, then it would be impossible for schools to cure past discrimination without dramatically expanding their budget for athletics, an option not available to most schools.

This conclusion may sound harsh, but consider the situation. A school has a men's lacrosse team and a men's hockey team, and no women's teams in either sport. It can't afford new teams, so it cuts men's lacrosse and creates women's hockey. Although the male lacrosse players will be understandably aggrieved (and so will would-be women's lacrosse players, who never had and never will have a team), the outcome is more fair than the status quo—and that is because of Title IX.

THE CURRENT ASSAULT ON TITLE IX, AND THE ADMINISTRATION'S FAILURE TO DEFEND IT

In February 2002, the National Wrestling Coaches' Association filed a lawsuit against the Department of Education. The Association alleges that the interpretation of Title IX embodied in the Policy Guidance and its subsequent clarification—and still currently in use—is unlawful.

More specifically, the Association argues that this interpretation of the statute authorizes intentional discrimination against male athletes. (Thus, the Association is making the same "reverse discrimination" argument that has failed every time it has been raised before.) Based on this argument, the Association is seeking an order declaring that the Policy Interpretation—and the three-part test it propounded—is invalid and unenforceable.

The Bush Administration had the opportunity in this lawsuit to mount a strong defense of Title IX and its regulations regarding athletics. The argument could have been based on law—consider the many suits dismissing similar "reverse discrimination" claims—not just on policy preferences. Yet instead, the Administration filed a motion to dismiss that cited only narrow technical defects in the lawsuit as a basis for throwing it out of court.

The government's brief is carefully worded to avoid any defense of Title IX on the merits. In fact, the implicit message is to the contrary—that the plaintiffs are wrong only in their choice of defendant (they have sued the government, not the schools), rather than on the merits.

That this Administration will not fight to protect Title IX is clear. So those who support the statute—and more generally, who support equality in women's high school and college athletics—will have to fight for it instead, and fight against the Administration if necessary.

THE RHETORICAL BATTLE OVER TITLE IX

Title IX's critics have tried to score rhetorical points by convincing the public, first, that Title IX's insistence on gender equity is misplaced. They make several arguments, but none are convincing.

First, they claim that women are naturally less interested in sports than men. But in fact, the evidence shows that women's interest in sport is not innately fixed, but dynamic and affected by tangible factors such as playing

opportunities and available resources—as well as intangible factors like public opinion and culture.

Watching senior women soccer stars triumph, for example, can motivate a freshman high school girl to follow up on her athletic ambitions. If all the seniors had been cheerleaders and homecoming queens, she might have sacrificed the same ambitions to the ever-present urge to fit in. Are women “naturally” less interested in sports, or “socially” less interested? If the phenomenon is social, it can change.

And it has. Consider the eight-fold rise in female athletic participation at the high school level and the five-fold increase at the college level over the last 30 years—the lifetime of Title IX. It is pretty good—indeed, overwhelming—evidence that opportunities create athletes as much as biology does.

Second, critics often claim that greedy female athletes are responsible for the downfall of men’s minor sports. (In our previous scenario, for instance, the men’s lacrosse team has been sacrificed so the women’s hockey team could be created.)

This argument, too, is unfair and inaccurate. It is unfair for the equality reason given above; women’s hockey and lacrosse players should not both have to suffer so men’s lacrosse players can prosper. It is inaccurate because of, in a word, football.

The greed and excess, both in terms of participation opportunities and resource allocation, endemic to men’s collegiate football programs is by far the greatest reason that other men’s sports get the sack. Football, with its unnecessarily large number of players and scholarships (an average of 94 per NCAA Division I team, compared with only 53 per NFL team), eats up the lion’s share of athletic resources, which adversely impacts both men’s minor sports and women’s sports.

And when football is the culprit, there is no equality justification for the loss. The men’s lacrosse team loses out simply because the brawnier sport wins out. A man who loses his lacrosse team due to emphasis on football should be upset about the gender-policing of his institution, which prefers more “masculine” sports. In contrast, a man who loses his lacrosse team due to Title IX can at least see that it was unfair that women never had such a team in the first place. But schools themselves feed these misperceptions, often expressly citing Title IX as the reason for cutting a particular men’s team.

The reason men’s teams must sometimes be cut is because for decades they have received more resources than they should have. Men had almost unlimited opportunities to participate in sports *because* women were denied them, and this denial freed up money the men’s teams could use. This artificially inflated allocation of resources—due in large part to stereotypes about women and their lack of interest and ability in sports—does not create an entitlement to have such resources continue.

Ideally, men and women should both have a team in every sport and if the behemoth of football did not consume such huge resources, that might be possible. But if a new women’s team must be created at the expense of an old male team, that is only fair. Women are not saying that years of men-only sports

should be compensated with the same number of years of women-only sports. Rather, they are only asking for equality today.

Passage of the Nineteenth Amendment (granting women the right to vote) diluted the male vote by half, but nonetheless did not constitute an act of "reverse discrimination." Neither does a reallocation of resources for collegiate sports away from the sex that has historically had plentiful opportunities, and toward the sex that has had few.

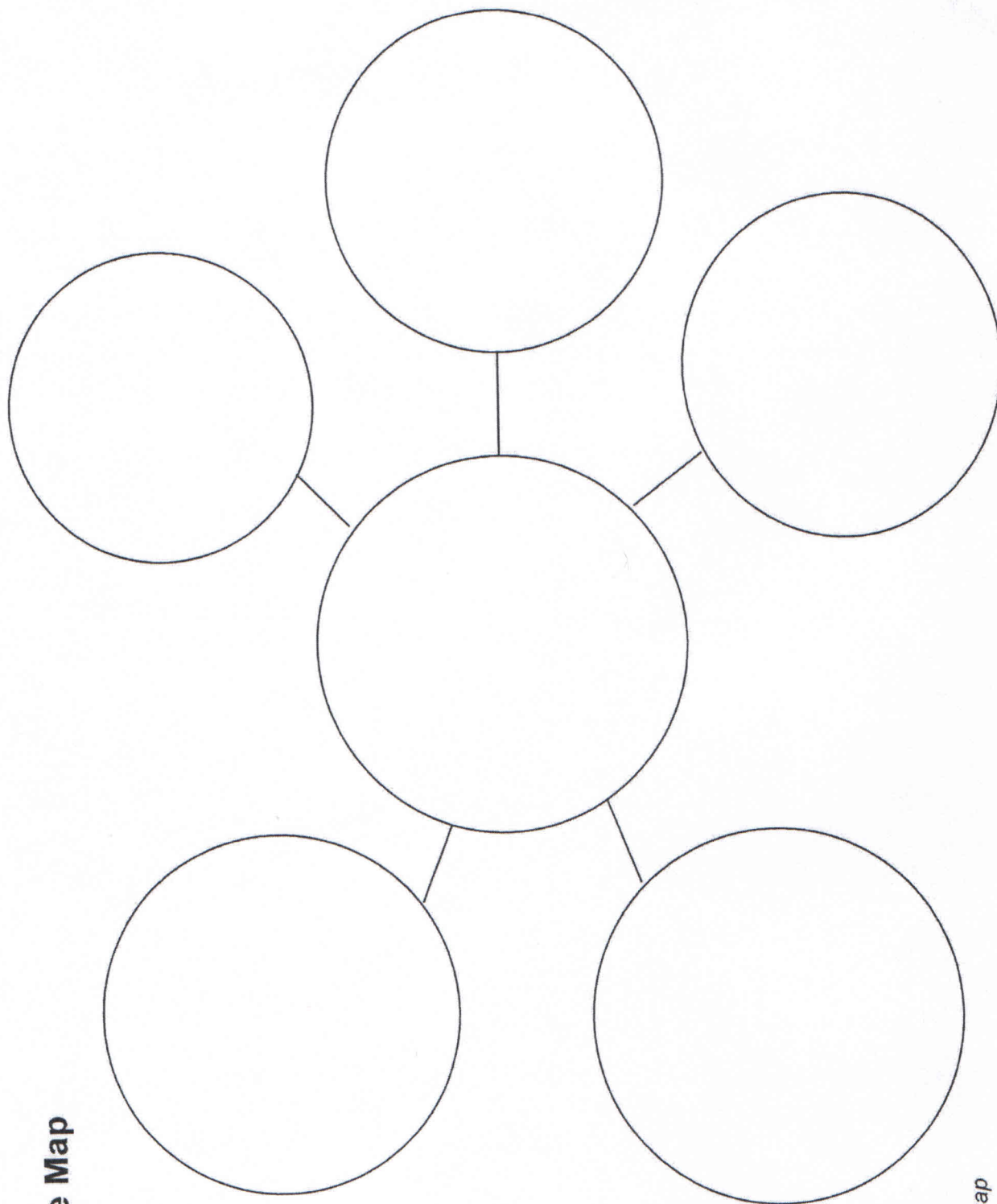
Title IX Student Discussion Guide

Is Title IX discriminatory to male athletes? Give at least three examples from your reading supporting your answer.

What is one additional thing you learned during the discussion about the side you supported?

What are three things you learned about the other side of the argument from your group's discussion?

Have you changed your stance on Title IX after the discussion?



Bubble Map

bubble map

Name: _____

Date: _____

Topic:



Reason 1:

Reason 2:

Reason 3:

Fact/Example:

Fact/Example:

Fact/Example:

Fact/Example:

Fact/Example:

Fact/Example:

Name _____
Number _____
Date _____

Numbered Writing

_____	5
_____	10
_____	15
_____	20
_____	25
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COMMON CORE STATE STANDARDS WRITING RUBRICS (GRADES 9-10)

ARGUMENT				
Description	5 Exceptional	4 Skilled	3 Proficient	2 Developing
Claim: The text introduces a clear, arguable claim that can be supported by reasons and evidence.	The text introduces a compelling claim that is clearly arguable and takes a purposeful position on an issue. The text has a structure and organization that is carefully crafted to support the claim.	The text introduces a precise claim that is clearly arguable and takes an identifiable position on an issue. The text has an effective structure and organization that is aligned with the claim.	The text introduces a claim that is arguable and takes a position. The text has a structure and organization that is aligned with the claim.	The text contains an unclear or emerging claim that suggests a vague position. The text attempts a structure and organization to support the position.
Development: The text provides sufficient data and evidence to back up the claim as well as a conclusion that supports the argument.	The text provides convincing and relevant data and evidence to back up the claim and effectively addresses counterclaims. The conclusion strengthens the claim and evidence.	The text provides sufficient and relevant data and evidence to back up the claim and addresses counterclaims fairly. The conclusion effectively reinforces the claim and evidence.	The text provides sufficient data and evidence to back up the claim and addresses counterclaims. The conclusion ties to the claim and evidence.	The text provides data and evidence that attempts to back up the claim and unclearly addresses counterclaims or lacks counterclaims. The conclusion merely restates the position.
Audience: The text anticipates the audience's knowledge level and concerns about the claim. The text addresses the specific audience's needs.	The text consistently addresses the audience's knowledge level and concerns about the claim. The text addresses the specific needs of the audience.	The text anticipates the audience's knowledge level and concerns about the claim. The text addresses the specific needs of the audience.	The text considers the audience's knowledge level and concerns about the claim. The text addresses the needs of the audience.	The text lacks an awareness of the audience's knowledge level and needs.
Cohesion: The text uses words, phrases, and clauses to link the major sections of the text. The text explains the relationships between the claim and reasons, between reasons and evidence, and between claims and counterclaims.	The text strategically uses words, phrases, and clauses to link the major sections of the text. The text explains the relationships between the claim and reasons as well as the evidence. The text strategically links the counterclaims to the claim.	The text skillfully uses words, phrases, and clauses to link the major sections of the text. The text identifies the relationship between the claim and reasons as well as the evidence. The text effectively links the counterclaims to the claim.	The text uses words, phrases, and clauses to link the major sections of the text. The text connects the claim and reasons. The text links the counterclaims to the claim.	The text contains few, if any, words, phrases and clauses to link the major sections of the text. The text does not connect the claims and reasons.
Style and Conventions: The text presents a formal, objective tone that demonstrates standard English conventions of usage and mechanics along with discipline-specific requirements (i.e. MLA, APA, etc.).	The text presents an engaging, formal and objective tone. The text intentionally uses standard English conventions of usage and mechanics along with discipline-specific requirements (i.e. MLA, APA, etc.).	The text presents an appropriate and formal, objective tone. The text demonstrates standard English conventions of usage and mechanics along with discipline specific requirements (i.e. MLA, APA, etc.).	The text presents a formal, objective tone. The text demonstrates standard English conventions of usage and mechanics along with discipline specific requirements (i.e. MLA, APA, etc.).	The text illustrates a limited awareness or inconsistent tone. The text illustrates inaccuracy in standard English conventions of usage and mechanics.

COMMON CORE STATE STANDARDS WRITING RUBRICS (GRADES 11-12)

ARGUMENT

ARGUMENT					
Description	5 Exceptional	4 Skilled	3 Proficient	2 Developing	1 Inadequate
Claim: The text introduces a clear, arguable claim that can be supported by reasons and evidence.	The text introduces a compelling claim that is clearly arguable and takes a purposeful position on an issue. The text has a structure and organization that is carefully crafted to support the claim.	The text introduces a precise claim that is clearly arguable and takes an identifiable position on an issue. The text has an effective structure and organization that is aligned with the claim.	The text introduces a claim that is arguable and takes a position. The text has a structure and organization that is aligned with the claim.	The text contains an unclear or emerging claim that suggests a vague position. The text attempts a structure and organization to support the position.	The text contains an unidentifiable claim or vague position. The text has limited structure and organization.
Development: The text provides sufficient data and evidence to back up the claim while pointing out the strengths and limitations of both the claim and counterclaim. The text provides a conclusion that supports the argument.	The text provides convincing and relevant data and evidence to back up the claim and skillfully addresses counterclaims. The conclusion effectively strengthens the claim and evidence.	The text provides sufficient and relevant data and evidence to back up the claim and fairly addresses counterclaims. The conclusion effectively reinforces the claim and evidence.	The text provides data and evidence to back up the claim and addresses counterclaims. The conclusion ties to the claim and evidence.	The text provides data and evidence that attempt to back up the claim and unclearly addresses counterclaims or lacks counterclaims. The conclusion merely restates the position.	The text contains limited data and evidence related to the claim and counterclaims or lacks counterclaims. The text may fail to conclude the argument or position.
Audience: The text anticipates the audience's knowledge level, concerns, values, and possible biases about the claim. The text addresses the specific needs of the audience.	The text consistently addresses the audience's knowledge level, concerns, values, and possible biases about the claim. The text addresses the specific needs of the audience.	The text anticipates the audience's knowledge level, concerns, values, and possible biases about the claim. The text addresses the specific needs of the audience.	The text considers the audience's knowledge level, concerns, values, and possible biases about the claim. The text addresses the needs of the audience.	The text illustrates an inconsistent awareness of the audience's knowledge level and needs.	The text lacks an awareness of the audience's knowledge level and needs.
Cohesion: The text uses words, phrases, and clauses as well as varied syntax to link the major sections of the text, creates cohesion and clarifies the relationship between the claim and reasons, between reasons and evidence, and between claims and counterclaims.	The text strategically uses words, phrases, and clauses as well as varied syntax to link the major sections of the text. The text explains the relationships between the claim and reasons as well as the evidence. The text strategically links the counterclaims to the claim.	The text skillfully uses words, phrases, and clauses as well as varied syntax to link the major sections of the text. The text identifies the relationship between the claim and reasons as well as the evidence. The text effectively links the counterclaims to the claim.	The text uses words, phrases, and clauses as well as varied syntax to link the major sections of the text. The text connects the claim and reasons. The text links the counterclaims to the claim.	The text contains limited words, phrases, and clauses to link the major sections of the text. The text attempts to connect the claim and reasons.	The text contains few, if any, words, phrases, and clauses to link the major sections of the text. The text does not connect the claims and reasons.
Style and Conventions: The text presents a formal, objective tone that demonstrates standard English conventions of usage and mechanics while attending to the norms of the discipline (i.e. MLA, APA, etc.).	The text presents an engaging, formal and objective tone. The text intentionally uses standard English conventions of usage and mechanics while attending to the norms of the discipline (i.e. MLA, APA, etc.).	The text presents a formal, objective tone. The text demonstrates standard English conventions of usage and mechanics while attending to the norms of the discipline (i.e. MLA, APA, etc.).	The text presents a formal tone. The text demonstrates standard English conventions of usage and mechanics while attending to the norms of the discipline (i.e. MLA, APA, etc.).	The text illustrates a limited awareness of formal tone. The text demonstrates some accuracy in standard English conventions of usage and mechanics.	The text illustrates a limited awareness of or inconsistent tone. The text demonstrates inaccuracy in standard English conventions of usage and mechanics.