



April 2024

COLLEGE ATHLETICS

Education Should Improve Its Title IX Enforcement Efforts

Why GAO Did This Study

Title IX prohibits sex discrimination in educational programs that receive federal financial assistance, including college athletics programs. OCR is responsible for enforcing Title IX by investigating complaints, negotiating agreements with colleges to address concerns, and monitoring agreements.

GAO was asked to review opportunities for women college athletes. This report examines (1) college athletic opportunities for women and (2) the extent to which Education oversees compliance with Title IX college athletics requirements.

GAO analyzed the most recent available Education data reported by colleges for academic year 2021–2022 and analyzed OCR case management data for academic years 2008–2009 through 2021–2022, the most recent data available. GAO reviewed documentation for a nongeneralizable sample of 26 of 79 publicly available OCR athletics cases, selected to include a variety of athletics issues. GAO also interviewed Education officials and college athletic stakeholder groups, and reviewed federal laws and regulations.

What GAO Recommends

GAO is making three recommendations to Education to (1) expand its use of athletics data for oversight, (2) establish timeliness goals for responding to college monitoring reports, and (3) require OCR staff to record due dates for Title IX monitoring activities. Education agreed with the first and third recommendations. It did not agree or disagree with the second, but GAO continues to believe the recommendation is warranted.

View [GAO-24-105994](#). For more information, contact Melissa Emrey-Arras at (617) 788-0534 or emreyarrasm@gao.gov.

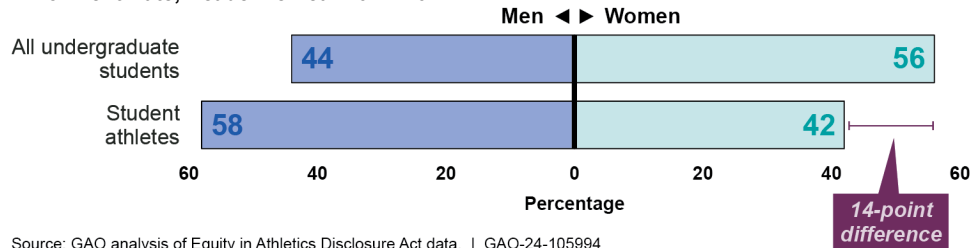
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What GAO Found

GAO found that more women enroll in college than men, but more men participate in varsity college athletics. The overall athletic participation rate for women was 14 percentage points lower than their enrollment rate in academic year 2021–2022. At about two-thirds of colleges (63 percent), the rate of women’s athletic participation was at least 10 percentage-points lower than their enrollment rate. Further, 40 percent of colleges not only had a large difference between women’s athletic participation and enrollment rates, but also offered the same number or fewer varsity sports for women in academic year 2021–2022 compared to 2009–2010.

Women Participated in Varsity College Athletics at a Lower Rate Compared to Their Enrollment Rate, Academic Year 2021–2022



Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

Note: For purposes of collecting athletics data, the Department of Education instructs colleges to report transgender participants consistent with their gender identity.

GAO found that Education’s Office for Civil Rights (OCR) oversees compliance with Title IX athletics requirements primarily by investigating complaints and it conducts few proactive activities. Specifically:

- OCR uses Education athletics data on scholarships and participation to help select colleges for the small number of athletics reviews it initiates, but does not use the data to inform other oversight activities. Analyzing data regularly and expanding its use of data could help OCR do more proactive oversight.
- After obtaining formal agreements from colleges to address potential Title IX compliance issues, OCR did not always communicate with colleges and respond to their monitoring reports in a timely way. In some cases GAO reviewed, OCR took more than a year to review and approve a college’s plans to address potential compliance issues. In 10 of 26 cases GAO reviewed, OCR did not communicate with the college for a year or more. In five other cases, there was no communication for 5 or more years. Such delays can prevent colleges from addressing compliance concerns. Establishing agency timeliness goals for monitoring activities could help OCR respond to colleges in a more timely way and help ensure that colleges promptly address potential compliance issues.
- OCR does not require staff to record due dates for responding to colleges they monitor, and staff do not always enter this information in OCR’s management system. This limits OCR’s ability to track its responses and ensure that colleges address potential compliance issues in a timely way.

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Abbreviations

EADA	Equity in Athletics Disclosure Act
Education	U.S. Department of Education
NCAA	National Collegiate Athletic Association
OCR	Office for Civil Rights
Title IX	Title IX of the Education Amendments of 1972

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April 9, 2024

The Honorable Robert C. “Bobby” Scott
Ranking Member
Committee on Education and the Workforce
House of Representatives

The Honorable Suzanne Bonamici
Ranking Member
Subcommittee on Early Childhood,
Elementary, and Secondary Education
Committee on Education and the Workforce
House of Representatives

Over the last 10 years, more than half a million students participated in college athletics each year, according to data that colleges reported to the Department of Education. In 2007, we reported that more women enrolled in college than men and that more men participated in college athletics than women.¹

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities that receive federal financial assistance, including college athletics programs.² Education’s Title IX regulations require colleges to provide students with equal athletic participation opportunities and scholarship aid as well as equivalent benefits, such as access to facilities.³ Within Education, the Office for Civil Rights (OCR) is responsible for implementing and enforcing Title IX. As we reported in 2000, OCR’s efforts to enforce Title IX have played a role in advancing gender equity in higher education, including women’s participation in college athletics.⁴ While Title IX has been in effect for over

¹See GAO, *Intercollegiate Athletics: Recent Trends in Teams and Participants in National Collegiate Athletic Association Sports*, [GAO-07-535](#) (Washington, D.C.: July 12, 2007).

²Title IX is codified at 20 U.S.C. §§ 1681–1688 and the Department of Education’s Title IX regulations are available at 34 C.F.R. pt. 106. Title IX applies to education programs or activities that receive federal financial assistance, with some exceptions. 20 U.S.C. § 1681(a). In this report we focused on intercollegiate athletics programs.

³See Title IX of the Education Amendments of 1972; a Policy Interpretation; Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71,413, 71,415 (Dec. 11, 1979).

⁴GAO, *Gender Equity: Men’s and Women’s Participation in Higher Education*, [GAO-01-128](#) (Washington, D.C.: December 15, 2000).

50 years, some recent reports on college athletics have raised questions about potential disparities in the treatment of college athletes, including fewer participation opportunities for women.

You asked us to examine available opportunities for women college athletes. This report examines (1) college athletic opportunities for women and (2) the extent to which Education oversees compliance with Title IX college athletics requirements.

To examine differences in college athletic opportunities for men and women, we analyzed publicly available data reported by colleges through Education's annual Equity in Athletics Disclosure Act (EADA) survey for academic year 2021–2022, the most recent data available. Specifically, we analyzed athletic participation for men and women, and athletic scholarship data for men's and women's teams across all colleges and at the individual college level. For any trend analyses, we examined data for academic years 2009–2010 through 2019–2020.⁵ Our EADA data analysis cannot be used to make conclusions about legal compliance with Title IX requirements or about the presence or absence of illegal discrimination in college athletics programs. We assessed the reliability of the data, including by reviewing documentation and testing the data for missing values. We determined these data to be sufficiently reliable for the purposes of reporting college athletic participation opportunities and scholarship amounts.

To assess the extent to which OCR oversees compliance with Title IX college athletics requirements, we analyzed OCR's case management data for academic years 2008–2009 through 2021–2022. Specifically, we analyzed the number of complaints OCR received, the number of compliance reviews it initiated, and its monitoring time frames for college athletics cases. We assessed the reliability of the data, including by reviewing documentation and testing the data. We determined these data to be sufficiently reliable for the purposes of our analyses.

We also reviewed a nongeneralizable sample of 26 college athletics cases and related resolution agreements and monitoring documents.⁶ We

⁵We determined that academic year 2020–2021 data were not reliable for trend analysis because a large number of colleges did not report athletics data due to the COVID-19 pandemic.

⁶We selected these cases from the 79 college athletics cases resolved with agreements that were publicly available on OCR's website at the time of our selection. The cases were resolved from 2010 through 2022.

selected cases to include a range of resolution agreements, such as agreements that were implemented in different years and that were the result of complaints and compliance reviews; cases processed by different regional offices; and cases with a variety of athletic program components. We interviewed officials from OCR headquarters and three of its 12 regional offices about processes for resolving college athletics complaints and other oversight activities. We selected the three regional offices based in part on the number of college athletics complaints they received and the total number of colleges in the region. We assessed OCR's oversight activities against its policies and procedures and standards for internal control in the federal government.

To obtain additional context for both objectives, we interviewed representatives from seven stakeholder organizations for college athletics about factors that affect men's and women's participation in college athletics. We also reviewed relevant federal laws and regulations. For more information on our data analyses and research methods, see appendix I.

We conducted this performance audit from April 2022 to April 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Title IX Requirements

Within Education, OCR is responsible for implementing and enforcing Title IX as well as other federal laws, including those that prohibit discrimination based on age, race, color, national origin, and disability. Title IX generally applies to schools and education programs that receive federal financial assistance from Education.⁷ OCR's mission is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.

Title IX and Education's implementing regulations require colleges that have athletics programs to provide equal athletic opportunities for men

⁷Entities that receive federal financial assistance from other agencies may also be subject to Title IX.

and women, including effectively accommodating athletic interests and abilities, providing equitable athletic scholarship aid, and providing equal benefits and treatment to men’s and women’s teams.⁸

Interests and abilities. Education’s Title IX regulations require colleges with athletics programs to provide participation opportunities that effectively accommodate the interests and abilities of both men and women.⁹ OCR’s policy guidance specifies how OCR determines whether colleges have done so. OCR uses a “three-part test” framework to determine whether a college is accommodating the athletic interests and abilities of its students (see fig. 1).

Figure 1: The “Three-Part Test” Framework for Accommodating Athletic Interests and Abilities



Source: GAO analysis of the Department of Education’s 1979 Policy Interpretation and related guidance. | GAO-24-105994

A college may demonstrate compliance by satisfying any one part of the three-part test. According to OCR guidance, if a college does not satisfy any one part of the three-part test, it may not be meeting its obligation

⁸See 34 C.F.R. §§ 106.37(c), 106.41(c)(1)-(10). Also see Title IX of the Education Amendments of 1972; a Policy Interpretation; Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71,413, 71,415 (Dec. 11, 1979).

⁹34 C.F.R. § 106.41(c)(1). Also, see Title IX of the Education Amendments of 1972; a Policy Interpretation; Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71,413, 71,415 (Dec. 11, 1979) and the 1996 Dear Colleague Letter, *Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test*. Education’s Title IX regulations refer to opportunities for two sexes and do not explicitly address gender non-conforming students. In discussing equal athletic opportunities in this report, we refer to opportunities for men and women.

under Title IX to meet the athletic interests and abilities of men and women.

- **Part one.** Colleges can demonstrate compliance with Title IX by providing athletic participation opportunities that are substantially proportionate to the enrollment of men and women. OCR examines whether participation opportunities are substantially proportionate to enrollment on a case-by-case basis because it may be unreasonable to expect a college to achieve exact proportionality, and colleges' circumstances and athletics programs vary.
- **Part two.** Colleges can demonstrate compliance with Title IX by showing a history and continuing practice of expanding athletic opportunities for the underrepresented sex. According to OCR, a college cannot use this option to demonstrate compliance if women are underrepresented and the college has not added or expanded teams for women since the early years of its women's athletics program. Further, a college cannot use this option if it cut or capped men's teams without adding or expanding teams for women.
- **Part three.** Colleges can demonstrate compliance with Title IX by showing that the opportunities they offer fully and effectively accommodate the athletic interests and abilities of the underrepresented sex. In determining compliance with part three, OCR considers whether there is (a) sufficient unmet interest in a particular sport; (b) sufficient ability to sustain a team in the sport; and (c) a reasonable expectation of competition for the team. If all three conditions are present, OCR will find that a college has not fully and effectively accommodated the interests and abilities of the underrepresented sex.¹⁰

Scholarships. Education's Title IX regulations require that athletic scholarship opportunities for men and women should be proportional to their athletic participation rates.¹¹ For example, according to OCR's guidance, if men account for 60 percent of a college's athletes, then men

¹⁰See OCR's 2010 Dear Colleague Letter, *Intercollegiate Athletics Policy Clarification: The Three-Part Test – Part Three* for additional information.

¹¹Education's Title IX regulations do not require a proportionate number of scholarships for men and women or individual scholarships of equal dollar value. As explained in OCR guidance, the total amount of athletic scholarships made available to men and women should be substantially proportionate to their athletic participation rates. See 34 C.F.R. § 106.37(c). Also, see Title IX of the Education Amendments of 1972; a Policy Interpretation; Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71,413, 71,415 (Dec. 11, 1979) and Dear Colleague Letter: *Bowling Green State University* (July 1998) for additional information on athletic scholarships.

should receive approximately 60 percent of the college's total annual athletic scholarship budget. A college may explain disparities in scholarship amounts for men and women based on legitimate, nondiscriminatory factors, such as differences between in-state and out-of-state tuition at public colleges. However, as noted in its guidance, OCR would consider an unexplained disparity of more than 1 percent a possible Title IX violation. Therefore, based on the example above, if men account for 60 percent of a college's athletes, then OCR would expect that the men's athletic scholarship budget would be within 59 to 61 percent of the college's total annual athletic scholarship budget absent legitimate, nondiscriminatory reasons for any larger disparities.

Benefits and treatment. In determining whether colleges provide equivalent athletic benefits and treatment to men's and women's teams, OCR considers, among other things, the following program components: equipment and supplies; scheduling of games and practice times; travel and per diem allowances; the availability, assignment, and compensation of coaches; the availability, assignment, and compensation of academic tutors; locker rooms, practice, and competitive facilities; medical and training facilities and services; housing and dining facilities and services; publicity; support services; and the recruitment of student athletes. OCR considers each component and compares the availability, quality, kind of benefits, kind of opportunities, and kind of treatment across men's and women's athletics teams.¹²

OCR Oversight Activities

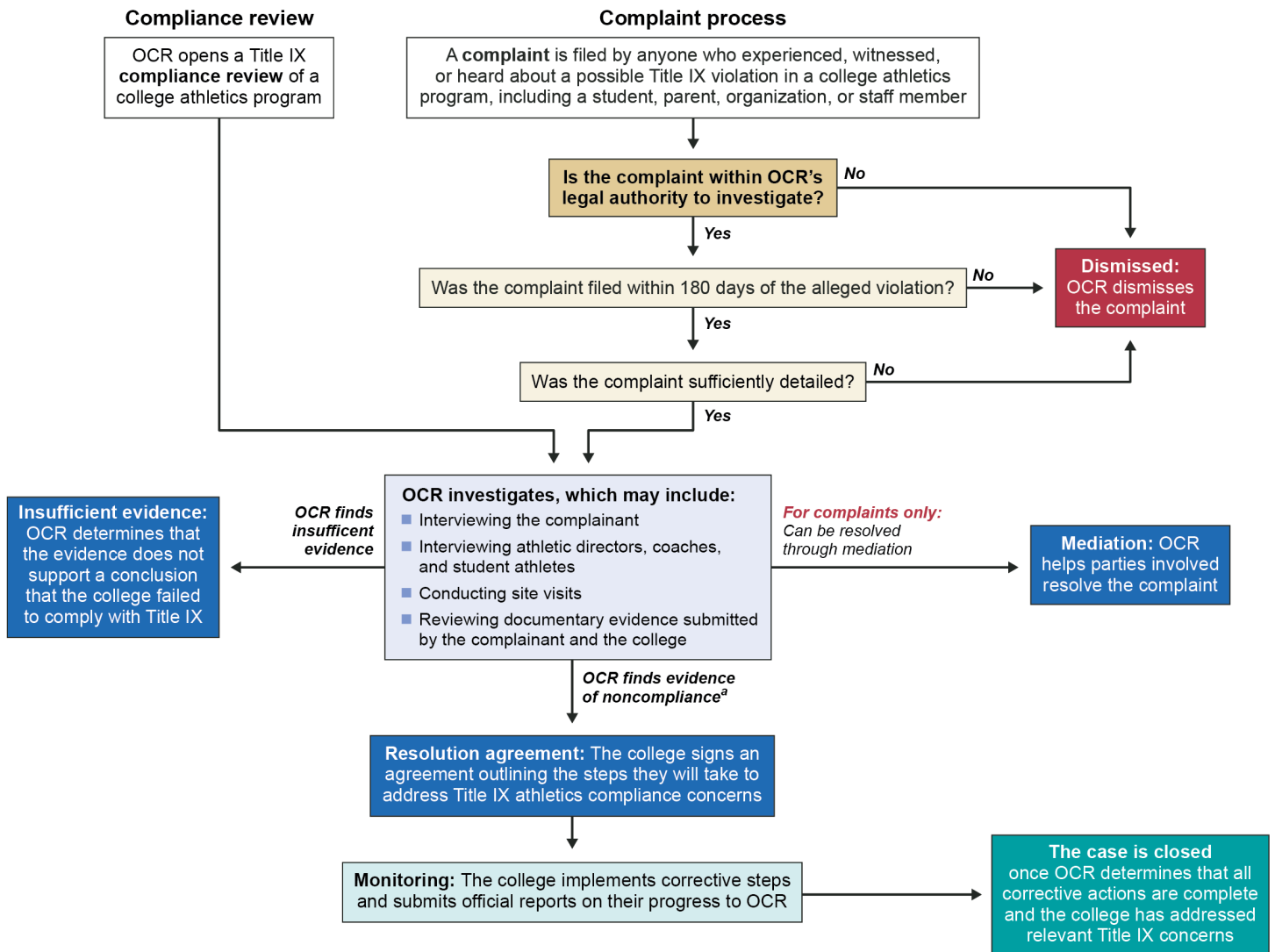
OCR oversees compliance with Title IX athletics requirements by investigating complaints about possible Title IX violations. In addition, OCR can initiate reviews to assess colleges' compliance. According to OCR's case processing manual, OCR typically follows the same procedures for complaint investigations and compliance reviews. However, an OCR official told us that compliance reviews usually cover broader issues than complaint investigations.

OCR is required to first seek voluntary resolution of any violations or possible violations before taking other enforcement actions. Both complaint investigations and compliance reviews may result in OCR

¹²See Title IX of the Education Amendments of 1972; a Policy Interpretation; Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71,413, 71,415 (Dec. 11, 1979). OCR does not require colleges to provide identical benefits, opportunities, or treatment as long as the overall effect of any differences is negligible. According to OCR, if a comparison of program components indicates that benefits, opportunities, or treatment are not equivalent in quality, availability, or kind, a college may be in compliance with the law if the differences are shown to be the result of nondiscriminatory factors.

obtaining a voluntary resolution agreement signed by a college (see fig. 2). These agreements include actions for colleges to address any violations or concerns. They also include requirements for colleges to report to OCR on how they are implementing the agreement and the status of their planned actions. OCR monitors colleges' compliance with these agreements. OCR may also provide technical assistance to colleges during monitoring to help them understand their athletic obligations under Title IX and implement the actions in their resolution agreements.

Figure 2: Overview of the Department of Education’s Office for Civil Rights’ (OCR) Processes for Investigating College Athletics Complaints and Conducting Compliance Reviews



Source: GAO summary of OCR’s case processing procedures for college athletics cases. | GAO-24-105994

^aPrior to the completion of an investigation, a complaint or compliance review may be resolved when the recipient expresses an interest in resolving the complaint and OCR’s investigation has identified concerns that it determines can be addressed through a voluntary resolution agreement.

OCR also oversees compliance with Title IX college athletics requirements by issuing policy guidance and sharing information with colleges. For example, OCR has issued guidance on providing equal opportunities for men and women to participate in college athletics and scholarships.

Equity in Athletics Disclosure Act

The EADA requires certain colleges to report information on their men's and women's athletics teams.¹³ For example, colleges must annually report the varsity teams they have, the number of participants on each team, and athletic aid for men's and women's teams.¹⁴ Colleges must make this information available to students, potential students, the public, and Education. Education's Office of Postsecondary Education is responsible for collecting and publishing these data.¹⁵

Education's EADA and Title IX regulations include different definitions regarding various aspects of college athletics. For example, Title IX includes athletic participants that may not be counted under EADA.¹⁶ As a result, the data colleges report through the EADA survey may not be the same data OCR uses to determine compliance with Title IX.

¹³Pub. L. No. 103-382, tit. III, § 360B, 108 Stat. 3518, 3969 (1994) (codified as amended at 20 U.S.C. § 1092(g)). The EADA applies to coeducational institutions of higher education with an intercollegiate athletics program that participate in any program under Title IV of the Higher Education Act of 1965, as amended.

¹⁴Title IX requirements to provide equal athletic opportunities for men and women apply to teams at the intercollegiate (including varsity), intramural, and club levels. The EADA requires colleges to report data for students who participate on varsity teams, but not for students who participate on intramural or club teams.

¹⁵U.S. Department of Education, "Equity in Athletics Data Analysis Cutting Tool," accessed Nov. 14, 2023, <https://ope.ed.gov/athletics/#/>.

¹⁶See 34 C.F.R. §§ 106.41 and 668.47(b)(3); the 2023 User's Guide for the Equity in Athletics Disclosure Act Web-Based Data Collection and Title IX of the Education Amendments of 1972; a Policy Interpretation; Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71,415 (Dec. 11, 1979).

Education Data Show that Women Participated in College Varsity Athletics at Lower Rates than Men

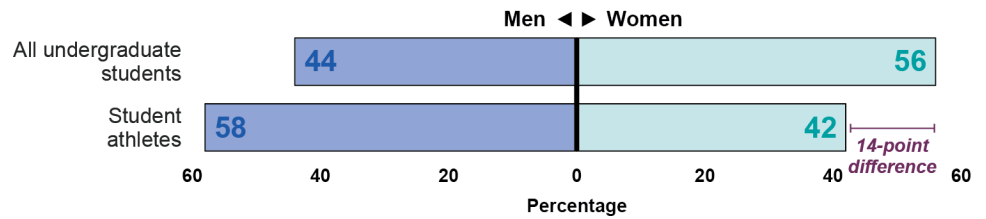
Women Continue to Participate in College Athletics at Lower Rates than Men and Relative to Their Own Enrollment

We found that more women than men continue to enroll in college, and more men than women participate in college athletics—both in absolute terms and relative to their respective enrollments.¹⁷ In academic year 2021–2022, 58 percent of all student athletes reported through the EADA survey were men, and 42 percent were women, according to our analysis of Education’s EADA data.¹⁸ Overall, the athletic participation rate for women was 14 percentage points lower than their enrollment rate (see fig. 3).

¹⁷In 2007, we analyzed National Collegiate Athletic Association data and similarly reported that men’s athletic participation levels were greater than women’s both in absolute terms and relative to their respective enrollments. See GAO, *Intercollegiate Athletics: Recent Trends in Teams and Participants in National Collegiate Athletic Association Sports*, [GAO-07-535](#) (Washington, D.C.: July 12, 2007). EADA uses enrollment data from Education’s Integrated Postsecondary Education Data System and includes full-time undergraduate college students seeking degrees or certificates.

¹⁸According to Education’s reporting instructions for the EADA survey, colleges should report transgender participants consistent with their gender identity. In addition, according to Education officials, if a nonbinary, gender-neutral, or gender-fluid athlete is participating on a men’s team, that athlete should be counted as a participant on a men’s team, and if a nonbinary, gender-neutral, or gender-fluid athlete is participating on a women’s team, that athlete should be counted as a participant on a women’s team.

Figure 3: Women Participated in Varsity College Athletics at a Lower Rate Compared to Their Enrollment Rate, Academic Year 2021–2022



Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

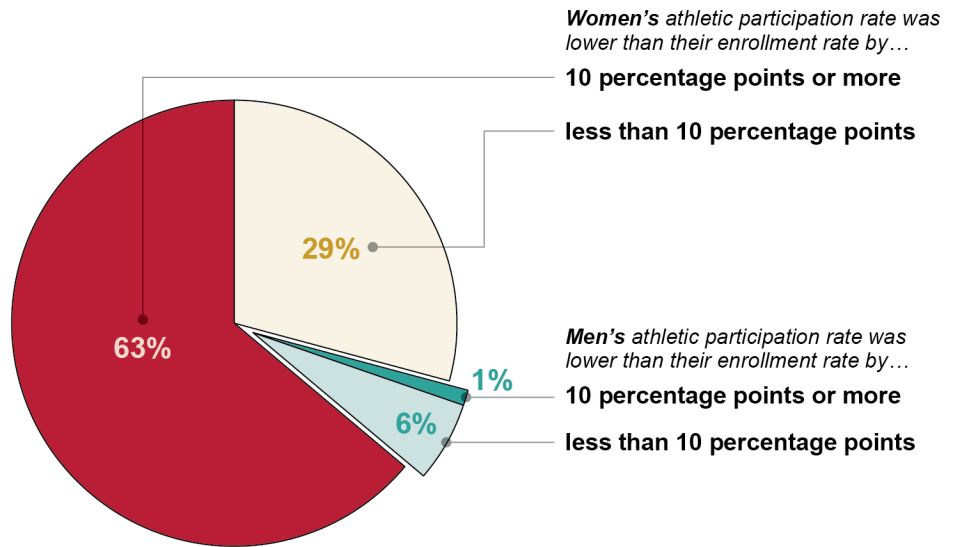
Note: For the Equity in Athletics Disclosure Act survey, Education instructs colleges to report transgender participants consistent with their gender identity. According to Education officials, if a nonbinary, gender-neutral, or gender-fluid athlete is participating on a men’s or women’s team, that athlete should be counted as a participant on a men’s or women’s team, respectively.

Both the percentage of women enrolling in college and the percentage participating in college athletics have remained about the same since academic year 2009–2010. On average, EADA data show that the overall athletic participation rate for women remained 11 percentage points lower than their overall enrollment rate from academic year 2009–2010 through 2019–2020.¹⁹

Our analysis of EADA data also found that at most colleges (about 93 percent), the athletic participation rate for women was lower relative to their enrollment rate in academic year 2021–2022. At the other 7 percent of colleges, the athletic participation rate for men was lower relative to their enrollment rate. At about two-thirds (63 percent) of colleges overall, women’s athletic participation rate was at least 10 percentage points lower than their enrollment rate (see fig. 4). Further, at 58 percent of colleges overall, women’s EADA athletic participation rate was 10 to 30 percentage points lower than their enrollment rate. We also found that differences between athletic participation and enrollment rates were larger for women compared to men.

¹⁹The results of our analysis were generally consistent with other studies that examined women’s and men’s college athletics participation. For example, see E.J. Staurowsky et al., *Chasing Equity: The Triumphs, Challenges, and Opportunities in Sports for Girls and Women* (New York, NY: Women’s Sports Foundation, 2020).

Figure 4: Differences between Athletic Participation and Enrollment Rates, Academic Year 2021–2022



Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

Notes: Women's and men's athletic participation and enrollment rates were exactly equal at one out of the 2,008 colleges that had an intercollegiate athletics program included in GAO's analysis. Percentages do not total 100 due to rounding. In reviewing Title IX compliance at colleges, the Office for Civil Rights does not use a specific numeric threshold to determine whether athletic opportunities are proportional to enrollment.

Determining Compliance with Part One of the Three-Part Test: Substantial Proportionality

Office for Civil Rights (OCR) officials GAO interviewed said they consider the size of an athletic participation gap at a college, among other factors, in determining whether the college provides athletic opportunities that are substantially proportional to enrollment.

An athletic participation gap is the number of athletic opportunities a college would need to add for the underrepresented sex to have their athletic participation rate equal their enrollment rate. The size of the athletic participation gap varies by college and depends on the size of the athletics program. Some colleges may need to add a significant number of athletic opportunities, while others may need to add only a few.

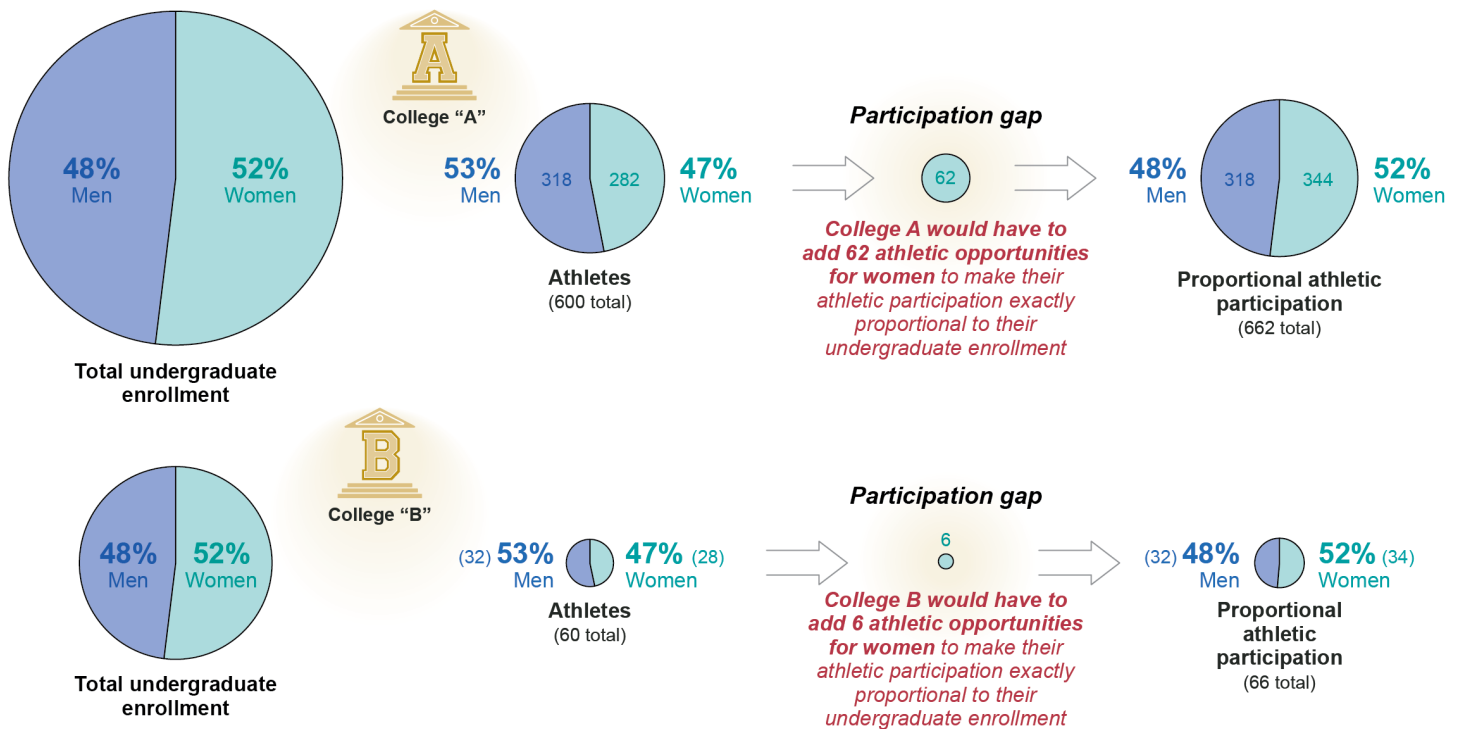
OCR officials said if they find a participation gap, they compare its size to the average team size of the underrepresented sex at the college. They said this comparison helps them determine whether athletic participation is substantially proportional to enrollment and whether it is likely that a sport could be added for the underrepresented sex. Some officials said they might have concerns about a college's ability to meet part one of the three-part test if the size of the gap is much larger than the average team size.

Source: GAO analysis of the Department of Education's Title IX regulations and guidance and interviews with agency officials. | GAO-24-105994

When assessing compliance with Title IX, OCR considers several factors in determining whether a college provides athletic participation opportunities that are substantially proportional to enrollment (see sidebar). For example, OCR considers the size of the athletic participation gap, which varies by college and depends on the size of the athletics program, to determine whether it is likely that a college could add a sport for the underrepresented sex (see fig. 5).

Our analysis of EADA data found that at nearly three-quarters of colleges (71 percent), the difference between women's athletic participation rate and their enrollment rate was at least two times larger than the average women's team size.

Figure 5: The Size of an Athletic Participation Gap Varies and Depends on the Size of the Athletics Program



Source: GAO analysis of the Department of Education's Title IX regulations and guidance. | GAO-24-105994

Half of Colleges Offered the Same Number or Fewer Sports for Women in Academic Year 2021–2022 Compared to 2009–2010

In our analysis of EADA data, we found that half (50 percent) of colleges offered the same number or fewer varsity sports for women in academic year 2021–2022 compared to 2009–2010. More specifically, about one-third (33 percent) of colleges offered the same number of sports for women in academic year 2021–2022 as they did in 2009–2010. In addition, we found that half (50 percent) of colleges added at least one sport, and 17 percent of colleges eliminated a sport for women (see fig. 6).²⁰

²⁰We analyzed EADA data for 1,863 colleges that reported athletics data in academic years 2009–2010 and 2021–2022. If the number of participants for a specific women's sport was greater than zero, we counted the college as offering the sport for women.

Determining Compliance with Part Two of the Three-Part Test: Program Expansion

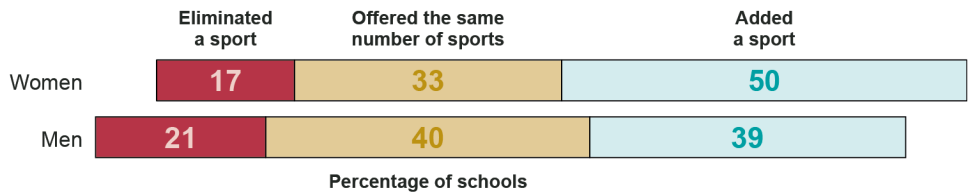
According to its guidance, the Office for Civil Rights (OCR) considers various factors in determining whether a college can show that it has a history of expanding athletic opportunities for the underrepresented sex. For example, OCR considers the college's history of adding teams and increasing the number of participants for the underrepresented sex.

OCR also considers whether the college can demonstrate a continuing practice of program expansion. This includes reviewing the college's policies and procedures for receiving and responding to requests to add teams, among other things.

According to an OCR official GAO interviewed, most colleges do not try to demonstrate compliance with Title IX college athletics participation requirements by using part two of the three-part test.

Source: GAO analysis of the Department of Education's Title IX regulations and guidance and interviews with agency officials. | GAO-24-105994

Figure 6: Number of Varsity College Sports Offered for Men and Women in Academic Year 2021–2022 Compared to Academic Year 2009–2010



Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

When assessing compliance with Title IX, OCR considers various factors in determining whether a college can show that it has a history and continuing practice of expanding athletic participation opportunities for women (see sidebar).

We further analyzed EADA data to better understand the universe of colleges that (1) offered the same or fewer sports for women in academic year 2021–2022 compared to 2009–2010 and (2) also showed a difference between enrollment and participation opportunities for women that was greater than the women's average team size. We found that 40 percent of colleges fell into this category.

Determining Compliance with Part Three of the Three-Part Test: Interests and Abilities

The Office for Civil Rights (OCR) examines a broad range of indicators in determining whether a college fully and effectively accommodates the athletic interests and abilities of the underrepresented sex. Specifically, OCR examines whether the college has sufficient unmet interest and the ability to support adding a team. According to its guidance, for example, OCR considers whether a college is responsive to requests to add or elevate a team for the underrepresented sex, proactively elevates successful club or intramural teams, or periodically assesses the athletic interests and abilities of its students. According to OCR, colleges can use different methods to collect information on the athletic interests and abilities of students, including surveys.

In a 2010 Dear Colleague Letter, OCR recommended that colleges seeking to use part three to comply with Title IX participation requirements have ongoing procedures for collecting and analyzing information on students' athletic interests and abilities. OCR also recommended that colleges maintain documentation from routine monitoring of participation in club and intramural sports and high school athletic programs, among other things.

Source: GAO analysis of the Department of Education's Title IX regulations and guidance. | GAO-24-105994

Colleges with a participation gap for women and that have not expanded athletic opportunities can meet the athletic interests and abilities of their students and comply with Title IX athletic requirements—specifically, by demonstrating that they fully accommodate the athletic interests and abilities of the underrepresented sex. OCR recommends that colleges take several steps to demonstrate that they provide opportunities that fully and effectively accommodate students' athletic interests and abilities when assessing compliance with Title IX (see sidebar).

Women's Athletic Participation Rates Varied across Different Groups of Colleges

While women participated in athletics at a lower rate relative to their enrollment at most colleges (about 93 percent), we found that women's participation rates varied across different groups of colleges. Specifically, we analyzed EADA data by (1) college size, (2) colleges that did and did not have a football team, (3) college type, and (4) college athletic division for academic year 2021–2022.

- **College size.** Mid-sized colleges were more likely than small or large colleges to have a larger difference between the athletic participation rate for women and their enrollment rate. The difference between the athletic participation and enrollment rates was at least 10 percentage

points at 74 percent of mid-sized colleges, 62 percent of small colleges, and 45 percent of large colleges.²¹

- **Football team.** Colleges that sponsored football were more likely to have a larger difference between the athletic participation rate for women and their enrollment rate, compared to colleges that did not sponsor football. The difference between the two rates was at least 10 percentage points at 68 percent of colleges that sponsored football and 60 percent of colleges that did not sponsor football. Several stakeholders told us that football is unique because football teams have large rosters and use a lot of resources, and there is no comparable sport for women.
- **College type.** Public 2-year colleges were more likely to have a larger difference between the athletic participation rate for women and their enrollment rate than other types of colleges.²² For example, the difference between the two rates was at least 10 percentage points at 76 percent of public 2-year colleges; 62 percent of nonprofit 4-year colleges; and 52 percent of public 4-year colleges.
- **Athletic division.** For most athletic divisions for which we analyzed EADA data (11 of the 13 divisions), at more than half of colleges, there was at least a 10 percentage-point difference between the athletic participation rate for women and their enrollment rate.²³ Furthermore, in general, National Collegiate Athletic Association

²¹We used the following ranges for small, mid-sized, and large colleges, respectively: full-time undergraduate enrollment was less than or equal to 1,000 students; full-time undergraduate enrollment was greater than 1,000 students and less than or equal to 4,000 students; and full-time undergraduate enrollment was greater than 4,000 students. See appendix II for additional information on how we determined these ranges.

²²We excluded the following EADA categories with 50 colleges or less from our analysis: nonprofit 2-year (nine colleges) and for-profit 4-year (22 colleges). The following EADA categories did not have any colleges—public, less-than-2-year; nonprofit, less-than-2-year; for-profit, less-than-2-year; and for-profit, 2-year.

²³We included 13 college athletic divisions in our analysis, such as the National Collegiate Athletic Association, the National Association of Intercollegiate Athletics, and the National Junior College Athletic Association. We excluded the following athletic associations and divisions with 50 colleges or less from our analysis: Independent (seven colleges); National Christian College Athletic Association Divisions I (eight colleges) and II (26 colleges); the Northwest Athletic Conference (33 colleges); the United States Collegiate Athletic Association (33 colleges); and Other (50 colleges).

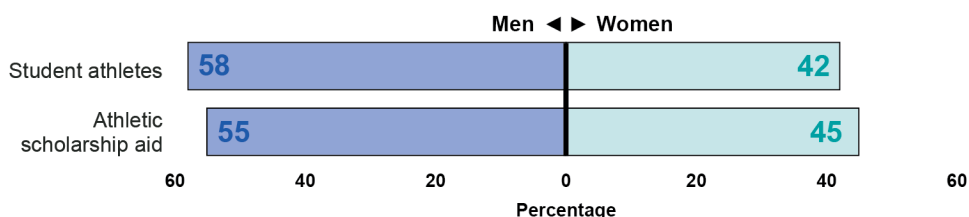
(NCAA) Division I colleges showed smaller differences between the two rates compared to other NCAA divisions.²⁴

For additional details about our analyses, see appendix II.

Women Received a Slightly Greater Proportion of Overall Athletic Scholarship Aid Compared to Their Participation Rate

Our analysis found that men’s teams received 55 percent of athletic scholarship aid awarded in academic year 2021–2022, and women’s teams received 45 percent—about \$2.5 billion for men compared to \$2.0 billion for women.²⁵ While men’s teams received more athletic scholarship aid overall, the proportion of scholarship aid awarded to women’s teams was slightly greater than women’s overall athletic participation rate (see fig. 7).²⁶

Figure 7: Percentage of Overall Athletic Scholarship Aid Awarded to Men’s and Women’s Teams Compared to Men’s and Women’s Overall Athletic Participation Rates, Academic Year 2021–2022



Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

We also found that at two-thirds of colleges (66 percent), the proportion of scholarship aid for women’s teams exceeded women’s athletic

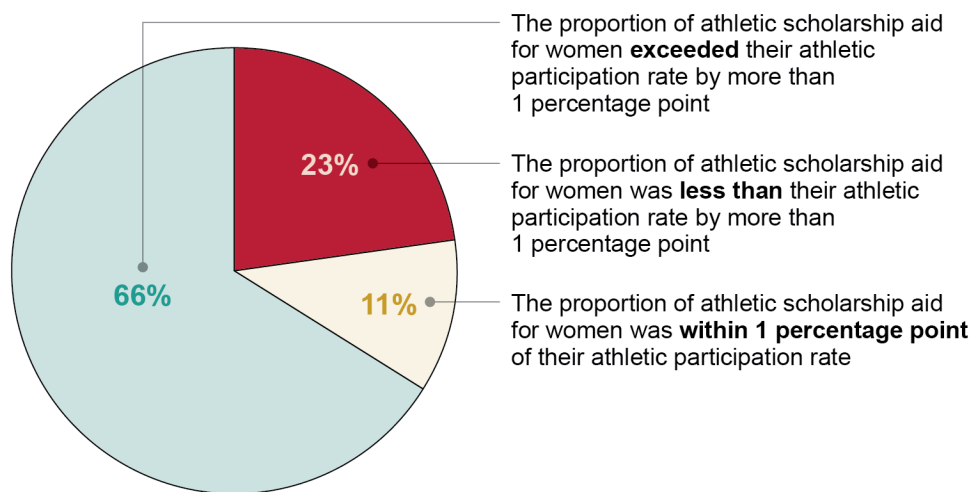
²⁴The results of our analysis were generally consistent with the NCAA’s June 2022 report on women in college sports. NCAA, Office of Inclusion and NCAA Research, *The State of Women in College Sports: Title IX 50th Anniversary Report (2022)*, accessed June 29, 2022.

²⁵For purposes of this report, we use the term “athletic scholarship” to refer to athletically related student aid reported by colleges through the EADA survey. This aid includes the value of waivers of education expenses.

²⁶We used the EADA unduplicated count of participants when presenting data on the amount of reported athletic scholarship aid compared to reported participation rates. In assessing scholarship spending for men and women under Title IX, OCR counts students who participate on more than one team only once. Our athletic scholarship aid analysis for academic year 2021–2022 included data reported by 1,289 colleges. Some colleges, including NCAA Division III colleges, do not offer athletic scholarships. We excluded colleges that generally do not award athletic scholarships from our athletic scholarship aid analysis. See appendix III for more information.

participation rate by more than 1 percentage point (see fig. 8). While our analysis of the EADA data showed that the proportion of scholarship aid favored women at the majority of colleges, athletic participation opportunities for women were often lower compared to their enrollment. At nearly three-quarters (71 percent) of colleges where scholarship aid for women’s teams exceeded women’s athletic participation rate, our analysis found that women’s enrollment rate exceeded their athletic participation rate by 10 percentage points or more.

Figure 8: Athletic Scholarship Aid for Women Relative to Their Athletic Participation Rate, Academic Year 2021–2022



Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

Determining Compliance with Title IX Scholarship Requirements

The Office for Civil Rights (OCR) generally expects the proportion of athletic scholarship aid provided to men and women to be within 1 percentage point of their athletic participation rates. For example, if men comprise 60 percent of athletes, OCR expects that the men’s athletic scholarship budget would be within 59–61 percent of the college’s total budget for athletic scholarships for all athletes.

According to OCR guidance, there are legitimate, nondiscriminatory factors that may explain differences between athletic participation rates and athletic scholarship aid, such as differences between in-state and out-of-state tuition at public colleges.

Source: GAO analysis of the Department of Education’s Title IX regulations and guidance. | GAO-24-105994

OCR considers the proportion of athletic scholarship aid for men and women in relation to their athletic participation rates in determining whether a college complies with Title IX (see sidebar).

We also found that the proportion of scholarship aid for women’s teams was lower compared to women’s athletic participation rate for certain groups of colleges. For example, we found that the proportion of scholarship aid for women’s teams was at least 1 percentage point lower than the athletic participation rate for women at 32 percent of colleges that sponsored football compared to 17 percent of colleges that did not sponsor football.

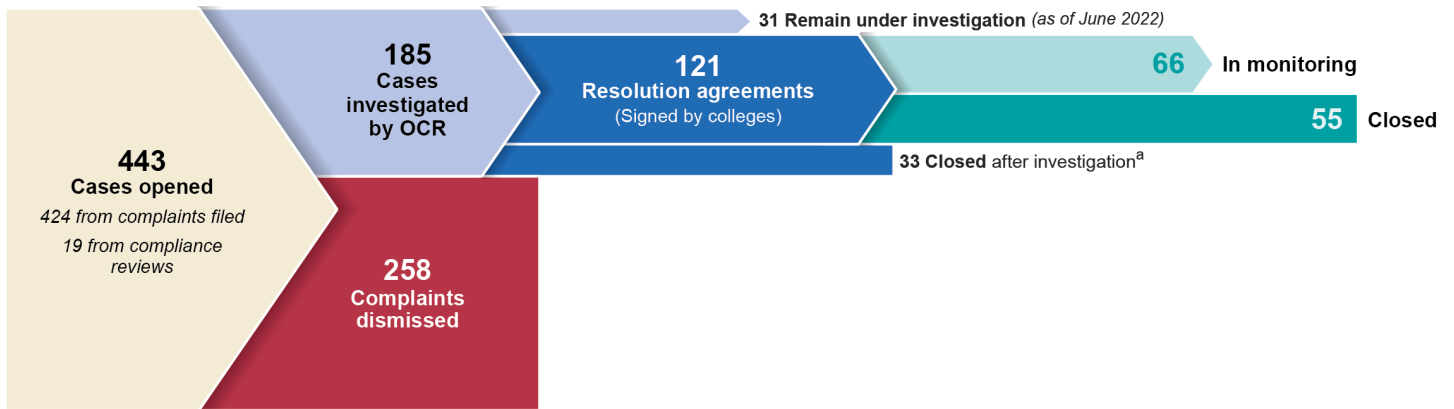
See appendix III for additional analyses on athletic scholarship aid by different groups of colleges.

**OCR Makes Limited
Use of Available Data
for Oversight
Purposes and
Does Not Always
Communicate with
Colleges in a Timely
Way during
Monitoring**

**OCR Primarily Oversees
Compliance with Title IX
College Athletics
Requirements by
Responding to Complaints**

OCR oversees compliance with Title IX athletics requirements through its enforcement efforts, which consist primarily of responding to complaints. Our analysis of OCR's case management data found that 96 percent of the Title IX college athletics cases (424 of 443) that OCR opened from academic years 2008–2009 through 2021–2022 were in response to complaints. OCR initiated the remaining 19 cases as compliance reviews (see fig. 9). OCR also oversees compliance by providing technical assistance to colleges during investigations or when monitoring resolution agreements, issuing policy guidance, and sharing information with colleges to help them understand their obligations under Title IX.

Figure 9: Status of Title IX College Athletics Cases Opened from Academic Years 2008–2009 through 2021–2022



Source: GAO analysis of Department of Education's Office for Civil Rights data. | GAO-24-105994

Note: The Office for Civil Rights (OCR) can recommend that Education terminate a college's federal funding, including participation in federal student loan programs, if the college refuses to negotiate a resolution agreement or fails to comply with the terms of a resolution agreement. OCR can also refer cases to the Department of Justice. OCR had not taken any action to terminate a college's federal funding or refer a case to the Department of Justice due to Title IX athletics violations during the period of our review.

^aFor 22 of these cases, OCR completed its investigation and closed the case because it found insufficient evidence to justify obtaining a resolution agreement. For 10 of these cases, OCR mediated an early complaint resolution between the complainant and the college. In one case, the complaint was resolved with OCR's involvement, and no agreement was needed.

Complaint investigations. The number of college athletics complaints OCR received fluctuated each year, but there was not a steady increase or decrease in the overall number of complaints for the time frame we reviewed. We found that OCR dismissed 61 percent of the college athletics complaints it received, primarily because the complaint lacked sufficient detail.²⁷ For the complaints that OCR investigated, most resulted in OCR obtaining a voluntary resolution agreement from the college to address violations or possible violations of Title IX athletics requirements.

OCR reviewed colleges' compliance with Title IX across various athletic program components during complaint investigations (e.g., participation, equipment and supplies, locker rooms and facilities, availability of

²⁷Thirty-four percent of complaints were dismissed because they lacked sufficient factual detail and 27 percent were dismissed for various other reasons—such as if the complaint was withdrawn or if the same or similar allegations had already been filed.

coaches, etc.).²⁸ Our analysis of OCR’s case management data found that OCR most frequently investigated how colleges provided participation opportunities that accommodated students’ athletic interests and abilities.²⁹ OCR also frequently investigated potential inequities in scheduling games and practice times and providing access to locker rooms, practice facilities, and competitive facilities.

OCR officials said assessing compliance in these areas can be complex. For example, a few officials we interviewed said assessing whether colleges comply with athletic participation requirements using part three (showing that opportunities currently offered meet students’ athletic interests and abilities) of the three-part test can be time-consuming and difficult. Other officials we interviewed said investigating access to athletic facilities can also be resource intensive. OCR staff said they may need to conduct multiple site visits to evaluate athletic facilities.

Compliance reviews. Our analysis showed that OCR initiated 19 college athletics compliance reviews over the 14-year period of our analysis, with the most recent initiated in academic year 2016–2017. An official from one regional office we interviewed said the office considered initiating a compliance review on college athletics in 2023, but ultimately decided to focus on other civil rights areas. In addition, we found that four of the 12 OCR regional offices did not initiate any compliance reviews related to college athletics from the 2008–2009 through 2021–2022 academic years.³⁰

An OCR official said in general, each year OCR initiates about 20 compliance reviews in total across all the civil rights areas it oversees. The official said compliance reviews generally take longer than complaint investigations because they usually cover broader issues, and OCR has

²⁸An OCR official said OCR’s policy for investigating complaints has evolved over time. In the past, OCR would generally investigate several or all of the 13 athletic program components, even if the components were not included in the original complaint. The official said that in recent years, OCR has limited the scope of complaint investigations to include only the program components cited in the complaint. If OCR discovers evidence of possible noncompliance with another program component during its investigation, it can expand the investigation to include additional athletic program areas.

²⁹OCR officials said in addition to using EADA data, they use team rosters and squad lists from colleges to determine the number of participation opportunities when assessing compliance with Title IX because the number of athletes is constantly in flux.

³⁰According to our analysis of the most recent EADA data (academic year 2021–2022), these four offices were responsible for overseeing about 30 percent of both colleges with athletic programs and college athletes.

limited capacity to initiate them. Some stakeholders we interviewed suggested that absent a complaint, there is little chance that OCR will investigate a college for Title IX compliance. Several OCR officials said the growing number of civil rights complaints, competing priorities, and low staffing levels have limited the number of compliance reviews they have been able to do in recent years, including for college athletics.³¹

Technical assistance. OCR officials said they provide individualized technical assistance to colleges during an investigation or while monitoring a resolution agreement to help a college address potential issues. Our review of monitoring documents for selected cases found that OCR provided assistance to at least five of 11 colleges trying to demonstrate compliance with Title IX requirements for providing students with equal athletic participation opportunities. Most of the assistance OCR provided was on how to comply with part three of the three-part test, which includes measuring students' athletic interests and abilities. In one case we reviewed, OCR completed an assessment of students' athletic interests and abilities on behalf of the college. Officials told us they provide general information, not specific feedback, to colleges that are not the subject of a complaint investigation or compliance review.

Other oversight efforts. OCR's oversight efforts also include issuing policy guidance and sharing information with colleges to help them understand their obligations under Title IX. For example, OCR published *Title IX and Athletic Opportunities in Colleges and Universities: A Resource for Students, Coaches, Athletic Directors, and School Communities* in February 2023 to provide guidance for different groups of stakeholders on how to comply with Title IX athletics requirements.

In addition, OCR occasionally gives presentations on Title IX athletics to colleges and stakeholder groups upon request. OCR gave about 20 of these presentations over the 14-year period of our review. About half of these presentations were to athletic associations and interest groups, including one to an interest group in 2022. OCR officials said such presentations can be an effective use of its resources and allows the agency to reach a broad audience.

³¹The total number of complaints OCR received increased from about 9,000 in fiscal year 2021 to nearly 19,000 in fiscal year 2022. Title IX college athletics complaints accounted for less than 1 percent of all complaints OCR received in each of those years.

OCR Makes Limited Use of Equity in Athletics Disclosure Act Data to Inform Oversight Efforts

OCR does not systemically use EADA data to inform its oversight efforts. OCR officials told us that they sometimes use EADA data, along with other sources of information, to identify colleges for a potential Title IX athletics compliance review. They said the data may be used to identify colleges with differences in athletic participation or scholarships to narrow down the group of colleges considered. Officials said that EADA data can be helpful for identifying red flags that might signal potential problems; however, in practice, OCR conducts few college athletics compliance reviews and makes limited use of the data. While EADA data alone cannot be used to determine noncompliance, they can provide useful information for oversight purposes that OCR could use to direct its limited resources.

Reviewing and analyzing EADA data on a regular basis could help OCR identify colleges or groups of colleges with participation or scholarship differences. OCR could then carry out oversight activities that focus on those colleges. OCR officials said increased workloads and limited staff have hindered their ability to conduct proactive oversight activities such as compliance reviews, noting that these reviews can be resource-intensive. However, OCR could use EADA data to replicate some of our more straightforward data analyses, such as examining differences in women's athletic participation and enrollment rates. Such analyses would be less resource intensive than compliance reviews, for example, and enable OCR to conduct broader oversight activities. OCR could use the information from such analyses in a variety of ways consistent with available resources. For example, OCR could

- send informational letters to colleges with large differences to remind them of their obligations under Title IX and encourage them to work with their legal counsel and athletics department to ensure compliance with Title IX athletics requirements (e.g., share relevant guidance on how to comply with part three of the three-part test and determine whether there is unmet athletic interest and ability to support a team);
- present on Title IX athletics requirements and guidance to athletics associations or divisions with colleges that show large differences in participation; or
- publish information about its analyses on its blog or website to bring attention to differences that could indicate Title IX issues.

Federal internal control standards state that management should use quality information to achieve the agency's objectives.³² By making better use of available EADA data, OCR has an opportunity to focus its limited resources where they may be needed most and help ensure that colleges are meeting their obligations under Title IX with respect to athletics requirements. Data-driven oversight of college athletics could thereby enhance OCR's efforts to meet its mission by ensuring equal access to education and promoting educational excellence through the vigorous enforcement of civil rights.

OCR's Communication Delays and Inconsistent Recording of Dates May Prevent Colleges from Making Timely Progress Implementing Resolution Agreement Actions

Monitoring resolution agreements is an important way for OCR to ensure that colleges follow through on the requirements outlined in the agreements to address potential compliance issues. However, we found that OCR did not always communicate with colleges in a timely way throughout the monitoring process.

Resolution agreements include requirements for colleges to submit periodic monitoring reports to OCR. Some resolution agreements also require colleges to conduct a compliance self-assessment and develop a plan to address potential compliance issues, subject to OCR's review and approval. The monitoring reports colleges submit to OCR include colleges' compliance self-assessments, action plans, and status updates on the implementation of the resolution agreement. According to OCR's case processing manual, OCR must review and respond to monitoring reports submitted by colleges to determine whether a college's assessments, plans, and actions are sufficient to meet the requirements of the agreement.

Our analysis of case management data found delays in OCR's communication with colleges. We found that, on average, OCR took 6 months to respond to colleges after they submitted their Title IX athletics monitoring reports. However, OCR did not respond to 44 of 332 of these reports for a year or more. Further, our review of monitoring documents for 26 selected cases showed years-long delays in communication between OCR and some colleges. For example, in 10 cases, we found that OCR did not correspond with the college for a year or more. In one of these cases, a college conducted a required compliance self-assessment and found that it provided comparable athletic benefits and services to men and women. It took OCR 3 years to review the assessment and

³²GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

respond to the college with its concerns about the assessment. As a result of OCR's delayed response and staff turnover at the college, OCR and the college ultimately wound up entering into a new voluntary resolution agreement to assess potential compliance issues. In five other cases we reviewed, 5 or more years lapsed before OCR communicated with the college about the status of the college's actions to ensure it was complying with the terms of its resolution agreement and addressing potential Title IX compliance issues. According to our analysis of case management data, OCR monitors colleges for 4 years, on average, before closing college athletics cases.

In a few cases we reviewed, colleges were concerned about potential delays for implementing their planned actions to address possible compliance concerns because they were waiting on OCR's review and approval. For example:

- In one case, a college submitted a compliance self-assessment and proposed adding a new women's sport to its athletic program to create more opportunities for women. The college waited for feedback from OCR before taking steps to add the sport, leading to a 10-month delay in recruiting a new coach.
- Another college submitted a compliance self-assessment to OCR and found disparities in athletic facilities that favored men. As a result, the college proposed making improvements to facilities for women as one way to address the disparities. OCR staff told the college that it would take some time to review the college's self-assessment and action plan. The college was hesitant to start a project to build a women's locker room because OCR could not confirm at the time that the project would address the compliance concerns. OCR told the college it needed to review the college's assessment and plan as whole, and could not provide specific feedback on the locker room project. The college decided to move forward with the project without OCR's immediate review and approval because it did not want to lose donor funding that was available at the time. However, at the time of our review more than 2 years later, OCR had not provided any feedback to the college on its self-assessment and its plan to address the disparities identified by the college.
- In another case, a resolution agreement required the college to conduct an equity assessment to identify any issues and possible improvements to the college's overall athletics program and to submit its planned methodology for conducting the assessment to OCR. The college had asked to enter into the voluntary resolution agreement

after OCR conducted a site visit to the college to investigate a complaint that the women's softball team had fewer coaching staff and lower quality facilities compared to the men's baseball team. It took OCR almost 7 years to approve the college's proposed methodology for assessing compliance with Title IX athletics requirements, causing a significant delay in the college's ability to address any compliance concerns.

These types of communication delays can extend the monitoring process and prevent colleges from making timely progress in addressing possible compliance concerns. According to OCR's case processing manual, the agency will promptly notify monitored colleges of compliance issues and request the college take action to address them, such as when OCR finds deficiencies with a college's compliance self-assessment or plan. However, OCR does not have agency timeliness goals for reviewing and responding to Title IX college athletics monitoring reports to measure overall agency performance.³³

While OCR does not have agency timeliness goals related to monitoring activities, it does have an agency timeliness goal for a different part of its investigation process. Specifically, OCR has an agency goal for resolving complaints within 180 days of receipt and it tracks the agency's overall performance in meeting this goal. An OCR headquarters official said that the agency could consider establishing a similar timeliness goal for monitoring and use information from the agency's case management system to measure performance.

According to federal internal control standards, management should define objectives in measurable terms so that it can assess agency performance toward achieving those objectives.³⁴ Without timeliness goals, delays in communication may continue, preventing colleges from making timely progress in addressing possible compliance issues.

Further, OCR's case management system includes a data field for OCR staff to record due dates for responding to colleges, although staff are not

³³OCR does include some timeliness goals in its performance standards for investigative staff. For example, according to OCR's performance standards, investigative staff achieve an acceptable level of performance when they respond to monitoring reports within 90 days, on average. Staff achieve high results when they respond to monitoring reports within 70 days of receipt and exceptional results when they respond within 50 days of receipt. OCR uses these timeliness goals to assess the performance of individual staff, but it does not use these goals to measure the agency's overall performance.

³⁴[GAO-14-704G](#).

required to enter any information in this data field. Officials from two of the three regional offices we interviewed said they use information from the case management system, including dates, to track the status of cases they are monitoring and make resource decisions. Our analysis of case management data found that about half of the time, OCR staff did not use this field to record a due date over the period we analyzed (academic years 2008–2009 through 2021–2022). Our analysis also found that in general, the regional offices that did not consistently record due dates for college athletics cases took the longest to close cases, on average. An OCR headquarters official said that requiring staff to enter due dates in the case management system would be feasible, given that the field is already available in the system.

Recording dates in the case management system would also provide management with information to evaluate response times against any established agency timeliness goals. As previously noted, federal standards for internal control call on agencies to assess performance toward achieving its objectives.³⁵ Without the consistent recording of due dates, it can be difficult for OCR staff to effectively track and manage their caseloads and provide monitored colleges with prompt notification of compliance issues in accordance with OCR’s case processing manual.

OCR officials told us that resource constraints can cause delays in communicating with colleges. They noted that sometimes staff have to prioritize which cases to focus on—a case involving student safety might take precedence over an athletics complaint, for example. While OCR does have to manage competing priorities, the lack of agency timeliness goals and the inconsistent recording of due dates could make it difficult for OCR to effectively track and manage caseloads, make informed resource decisions, and provide monitored colleges with prompt notification of compliance issues. Agency timeliness goals that balance colleges’ need for prompt feedback with OCR’s limited resources can create more accountability. At the same time, recording due dates in the case management system can provide OCR with additional information to better manage its oversight activities. OCR could use the information to ensure that it uses its limited resources effectively, to make decisions such as rebalancing workloads, and to avoid years-long lapses in communication.

³⁵[GAO-14-704G](#).

Conclusions

Fifty years after the passage of Title IX, women continue to participate in college athletics at lower rates than men despite enrolling in college at higher rates. OCR is responsible for overseeing compliance with Title IX and ensuring that colleges provide equitable athletic participation opportunities. While OCR's resources may limit the number of proactive compliance reviews it can conduct, the agency could make better use of existing EADA data. Analyzing EADA data on a more regular basis could inform OCR's oversight activities and allow it to use its limited resources more effectively. Further, by using available data to identify colleges with potential issues, OCR could make colleges aware of existing resources so that colleges can address concerns before they rise to the level of a formal complaint.

OCR is responsible for monitoring colleges to ensure that they fulfill the obligations outlined in resolution agreements and that they address potential Title IX compliance issues. When OCR takes a long time to review and approve a college's planned actions, it can significantly extend the amount of time it takes a college to address any issues. If OCR established agency timeliness goals for reviewing monitoring reports submitted by colleges and responding to them and required staff to record due dates that were consistent with those goals, it could more effectively manage communications with colleges. In turn, colleges could implement their resolution agreements, address possible compliance issues, and make important improvements to their programs for student athletes in a more timely way.

Recommendations for Executive Action

We are making the following three recommendations to Education:

The Secretary of Education should ensure that the Office for Civil Rights regularly analyzes available Equity in Athletics Disclosure Act data and expands its use of the data for oversight activities, consistent with available resources. (Recommendation 1)

The Secretary of Education should ensure that the Office for Civil Rights establishes agency timeliness goals for reviewing monitoring reports and for responding to colleges during monitoring of Title IX athletics cases. (Recommendation 2)

The Secretary of Education should ensure that the Office for Civil Rights requires staff to consistently record due dates in the case management system for responding to colleges' monitoring reports in Title IX athletics cases. Management should use information from the case management

system to evaluate response times against established timeliness goals. (Recommendation 3)

Agency Comments

We provided a draft of this report to the Department of Education for review and comment. Education's written comments are reproduced in appendix IV. Education also provided technical comments, which we incorporated as appropriate.

Education concurred with our first recommendation and stated that it will continue reviewing EADA data in support of enforcement activities, as appropriate, dependent on available staff and other resources. Education provided an example in which it recently relied on EADA data to resolve a case. We agree that EADA data can be helpful in resolving specific cases. However, the intent of our recommendation is for Education to periodically analyze EADA data for more proactive and broader oversight activities, such as the examples we provide in our report. We continue to believe that Education should regularly analyze the EADA data and expand its use for oversight activities, consistent with available resources.

Education neither agreed nor disagreed with our second recommendation, stating that it has already implemented the recommended action. Specifically, Education cited a provision in its performance plans for investigative staff that staff should routinely determine compliance with respect to submitted monitoring reports within 90 days of receipt, on average. We acknowledged Education's performance standards for investigative staff in the report, but these are not the same as having overall agency goals. We met with Education officials to better understand their response to this recommendation. Education confirmed that it uses the staff performance standards to measure individual performance and that it does not track or measure overall agency performance for monitoring activities. Based on our meeting with Education, we added some contextual information in our final report to clarify that we are referring to overall agency timeliness goals and performance. We continue to believe that Education should establish overall agency timeliness goals for reviewing monitoring reports and for responding to colleges during monitoring of Title IX athletics cases. Individual staff performance results do not provide an overall picture of agency timeliness. Establishing agency timeliness goals for reviewing and responding to Title IX college athletics monitoring reports would promote more timely communication with colleges.

Education concurred with our third recommendation and said that it would routinely record due dates in the case management system for

responding to colleges' Title IX athletics monitoring reports. Further, Education stated it will also periodically review information from the case management system to evaluate response time frames, as appropriate.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies to the appropriate congressional committee, the Secretary of Education, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (617) 788-0534 or emreyarrasm@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix V.



Melissa Emrey-Arras
Director, Education, Workforce, and Income Security Issues

Appendix I: Objectives, Scope, and Methodology

In this report, we examined: (1) college athletic opportunities for women and (2) the extent to which the Department of Education oversees compliance with Title IX of the Education Amendments of 1972 college athletics requirements. To address these objectives, we used a variety of methods. We analyzed Education data; reviewed a nongeneralizable sample of college athletics cases and related monitoring documents; reviewed federal laws, regulations, and guidance; and interviewed Education officials and subject matter specialists.

Analysis of Education’s Equity in Athletics Disclosure Act Data

To examine differences in college athletic opportunities for men and women, we analyzed publicly available data reported by colleges through Education’s annual Equity in Athletics Disclosure Act (EADA) survey for academic year 2021–2022, the most recent data available.¹ Education’s Office of Postsecondary Education is responsible for collecting and publishing these data. To determine the reliability of these data, we spoke with Education officials knowledgeable about the data, reviewed user guides and other documentation, and tested the data for inconsistencies and missing data. We found the data were sufficiently reliable for the purposes of describing the percentage of college students participating in varsity athletics and the proportion of athletic scholarship aid for men’s and women’s teams reported by colleges.

For any trend analyses, we examined data for academic years 2009–2010 through 2019–2020. We determined that academic year 2020–2021 data were not reliable for trend analysis because a large number of colleges did not report athletics data due to the COVID-19 pandemic. Because EADA data alone cannot be used to assess Title IX noncompliance, our analysis should not be used to make conclusions about legal compliance with Title IX requirements or about the presence or absence of illegal discrimination in college athletics programs.²

We analyzed EADA data on athletic participation for men and women and athletic scholarship aid for men’s and women’s teams in the aggregate and at the college level. We downloaded publicly available data using the

¹About 4,000 postsecondary institutions offer a degree program (e.g., an associate’s or bachelor’s degree) and participate in federal student aid programs each year. However, only coeducational institutions of higher education that have an intercollegiate athletic program are required to report EADA data. We analyzed data for the 2,008 colleges in the 50 states and the District of Columbia that reported EADA data for academic year 2021–2022.

²Certain colleges that reported EADA data are not subject to Title IX, such as merchant marine schools, which were included in our analysis. See, e.g., 20 U.S.C. § 1681(a)(4).

Equity in Athletics Data Analysis Cutting Tool.³ We used the “Download Custom Data” option, which according to Education officials includes the most up-to-date data and any corrections made to the data. Some limitations are associated with downloading the data using this option. For example, the dataset only included historical data for those colleges that reported data for the most recent academic year, 2021–2022. It did not include historical data for any colleges that closed or that are otherwise no longer required to report EADA data. Our analysis of academic year 2021–2022 EADA participation data included 2,008 colleges, while any trend analyses for academic years 2009–2010 through 2019–2020 included 1,857 colleges that reported data for each of those years.

Athletic Participation Data

To analyze athletic participation, we used the duplicated count of participants for men and women.⁴ To calculate the number of athletic opportunities that each college in the dataset would need to add for women’s athletic participation rate to equal their enrollment rate, we solved for the equation below:

$$\frac{WP + x}{TP + x} = PWE$$

x is the number of athletic participation opportunities needed to make the women’s athletic participation rate equal to their enrollment rate, WP is women’s total athletic participation, TP is total athletic participation for men and women, and PWE is the share of women enrolled. We then solved for x using the equation below:

$$x = (TP * PWE - WP) / (1 - PWE)$$

Given that “ x ” in the equation could be a fraction, we rounded up to the next whole number since we examined numbers of participants.⁵ The

³See U.S. Department of Education, “Equity in Athletics Data Analysis Cutting Tool,” accessed Nov. 14, 2023, <https://ope.ed.gov/athletics/#/>.

⁴The EADA survey instructs colleges to provide both the unduplicated and duplicated counts of athletic participants. The Office for Civil Rights (OCR) stated in a 1996 Dear Colleague Letter that for purposes of assessing interests and abilities, “an athlete who participates in more than one sport will be counted as a participant in each sport in which he or she participates.” See Department of Education, Office for Civil Rights, *Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test* (Jan. 16, 1996).

⁵Figure 5 in the report provides an example of how OCR calculates the size of an athletic participation gap at a college. The calculations made in this figure round to the nearest whole number (i.e., up or down), consistent with the examples calculated in OCR’s 1996 Dear Colleague Letter Clarifying the Three-Part Test.

calculation may be an underestimate at some colleges because for EADA reporting, Education instructs colleges to include men who practice with a women's team as participants on the women's team.⁶ Therefore, because some men may be counted as women participants, the EADA count of women participants may be higher than the actual number of women athletes for some colleges.⁷

In addition, we calculated the average women's team size for each college in the dataset using the duplicated count of women participants at the college and dividing by the number of sports the college offered for women. We then compared the number of athletic opportunities a college would need to add for women to have their athletic participation rate equal their enrollment rate to the women's average team size for each college.

Athletic Scholarship Data

We calculated overall athletic scholarship aid for men and women as a percentage of the total athletic scholarship aid awarded to men's teams and women's teams across colleges. Our analysis of athletic scholarship aid for academic year 2021–2022 included data reported by 1,289 colleges. Certain athletic associations and divisions generally do not allow colleges to award athletic financial aid (California Community College Athletic Association, National Collegiate Athletic Association Division III, and National Junior College Athletic Association Division III). Therefore, we excluded 623 colleges that belonged to those associations and divisions from our analysis. Most of these 623 colleges reported no athletic aid.⁸ In addition, we excluded coed athletic scholarship aid from

⁶Information about practice players is only included on the Equity in Athletics website for the most recent year data are available. Further, this information was not available using the "Download Custom Data" option.

⁷While some women practice with men and are counted as participants on men's teams, we found that it is more common for men to practice with women and to be counted as participants on women's teams.

⁸Twenty-five of the 623 colleges awarded athletic scholarship aid in academic year 2021–2022, even though the colleges belonged to athletic associations or divisions that generally do not allow colleges to award athletic scholarship aid. Education officials said it is possible for different sports at a single college to belong to different athletic divisions with varying rules on athletic scholarships. However, colleges can only select one division when reporting their EADA data. Education officials stated that colleges generally select the division with the most sports. We excluded athletic scholarship aid for the 25 colleges from our analysis, which accounted for less than 1 percent of total athletic scholarship aid in academic year 2021–2022.

our analysis.⁹ We also excluded 21 colleges from our analysis where athletic scholarship aid was missing for either men's or women's teams.

We then used the unduplicated count of men and women participants to compare the proportion of athletic scholarship aid for men's and women's teams to their athletic participation rate at the aggregate level and college level.¹⁰ One limitation to our athletic scholarship aid analysis is that the unduplicated counts of men and women participants include men and women who participated in coed sports, even though we excluded coed athletic scholarship aid from the analysis.¹¹ Further, EADA data may include aid for fifth-year and summer-term athletes, which can skew total athletic scholarship amounts. According to a subject matter expert we interviewed, the Office for Civil Rights (OCR) may assess this aid separately when making compliance determinations because not all student athletes want or need this aid.

Analysis of OCR's Case Management System

To assess the extent to which OCR oversees compliance with Title IX athletics requirements, we analyzed data from OCR's case management system. These data include the types and numbers of complaints that OCR receives and resolves, and processing times. We analyzed case management data that met the following criteria:

- Institution type was postsecondary;
- Case opening date was from July 1, 2008, through June 30, 2022;
- Specific basis was Title IX; and

⁹We excluded athletic scholarship aid for coed teams from the analysis because EADA data do not provide a breakdown on whether men or women received the aid. In academic year 2021–2022, coed aid accounted for less than 1 percent (0.4 percent) of all athletic scholarship aid.

¹⁰We used the EADA unduplicated count of participants for our analyses of athletic scholarship aid. In assessing scholarship spending for men and women under Title IX, OCR counts students who participate on more than one team only once.

¹¹In academic year 2021–2022, students participating on coed teams accounted for about 1 percent of all student athletes.

- Specific issue was related to athletics.¹²

If case data did not include information in any of the data fields related to the criteria above, we excluded the case from our analysis. We assessed the reliability of the data, including by reviewing documentation and testing the data for errors and inconsistencies. We performed descriptive analyses of the complaints and compliance reviews that met the criteria for the 14-year period of our review, including the number of college athletics complaints filed and compliance reviews initiated; how cases were resolved (e.g., no violation or insufficient evidence, violation with enforcement, or closure with change—which includes cases that resulted in a voluntary resolution agreement); the most common reasons for dismissing complaints; the most common athletic program components investigated by OCR; average time frames for resolving cases; and monitoring time frames. We found the data to be sufficiently reliable for the purposes of our analysis. We reviewed 14 years of case management data to include cases that were resolved and at least partially monitored. For example, some cases opened in academic year 2008–2009 were not resolved until 2010–2011, and one case was not resolved until 2015–2016.

Our analysis of OCR case management data found that a single individual was responsible for filing thousands of college athletics complaints. An OCR official told us that most of the complaints filed by the individual were dismissed because they lacked sufficient detail for OCR to determine that discrimination may have occurred. We excluded complaints filed by this individual from our analysis to provide a more accurate picture of OCR's Title IX college athletics enforcement and monitoring activities.¹³ When we excluded complaints filed by this

¹²Specifically, we included the following issues: athletic financial assistance; athletics—general; separate teams; equal opportunity; interests and abilities; equipment and supplies; scheduling of games and practice times; travel and per diem; coaching and tutoring; assignment and compensation of coaches and tutors; provision of locker rooms and practice and competitive facilities; medical and training facilities and services; housing and dining; publicity; recruitment; support services; interests and abilities (compliance with part one of the three-part test); interests and abilities (compliance with part two of the three-part test); and interests and abilities (compliance with part three of the three-part test).

¹³Before excluding the complaints filed by this individual, we found that OCR received 9,453 complaints related to college athletics during the period for our analysis and dismissed 97 percent of them. OCR investigated one of the complaints filed by this individual, which resulted in a resolution agreement. We included this case in our analysis.

individual, we found that OCR received 424 complaints related to college athletics and dismissed 58 percent of them.

Different issue codes specify the different athletic program components associated with each case. According to OCR officials, issue codes may be added or changed throughout the course of an investigation depending on what OCR finds. Therefore, the issue codes associated with a case in the case management data may not always match the athletic program components cited in the original complaint or the associated resolution agreement. We used the issue codes from the case management data as a proxy to determine how often OCR investigated each of the different athletic program components.

Review of Selected College Athletics Cases

To evaluate the extent to which Education oversees compliance with Title IX college athletics requirements, we also reviewed a nongeneralizable sample of 26 college athletics cases and related resolution agreements and monitoring documents. We selected these cases from the 79 college athletics resolution agreements that were resolved from 2010 through 2022 and were publicly available on OCR's website at the time of our selection. We selected cases to include a range of resolution agreements, such as agreements that were implemented in different years and that were the result of complaints and compliance reviews; cases processed by different regional offices; and cases with a variety of athletic program components.

OCR provided us with associated monitoring documents for each of these 26 selected cases through January 1, 2023, including email correspondence with colleges, monitoring reports, and other relevant documents. We reviewed these documents to supplement our analysis of OCR case management data and to provide illustrative examples of OCR's monitoring activities.

Review of Federal Laws, Regulations, and Guidance and Interviews with Education Officials

To understand the requirements for providing equal athletic opportunities at colleges and how Education oversees compliance with Title IX college athletics requirements, we reviewed federal law, Education's Title IX regulations, and related guidance documents. We also interviewed officials from OCR headquarters and three of its 12 regional offices. We selected OCR regional offices based on the number of college athletics complaints received; the number of resolution agreements within the past 3 years; the total number of colleges in the region; and recommendations from OCR officials at headquarters about regional office staff who are subject matter experts.

Interviews with Subject Matter Specialists and Review of Relevant Studies

To obtain additional context and insights, we interviewed subject matter specialists from seven organizations, including researchers and officials from advocacy groups and associations. We selected these subject matter specialists to provide a variety of perspectives on factors that affect men’s and women’s participation in college athletics and additional context for our data analysis.

We also reviewed reports recommended by subject matter specialists and identified other studies published from 2012 through 2022 that used data to examine differences in college athletics participation and scholarship aid to supplement the findings from our EADA data analysis. Specifically, we reviewed the findings and methods used in the following studies:

- Acosta, R. Vivian, and Linda Jean Carpenter. Women in Intercollegiate Sport: A Longitudinal, National Study: Thirty-Seven Year Update, 1977–2014 (2014), accessed Aug. 15, 2022, <http://www.acostacarpenter.org>
- National Collegiate Athletic Association, Office of Inclusion and NCAA Research, The State of Women in College Sports: Title IX 50th Anniversary Report (2022), accessed June 29, 2022, https://s3.amazonaws.com/ncaaorg/inclusion/titleix/2022_State_of_Women_in_College_Sports_Report.pdf
- Staurowsky, E. J., et al. Chasing Equity: The Triumphs, Challenges, and Opportunities in Sports for Girls and Women (New York, NY: Women’s Sports Foundation, 2020)
- USA Today, “Title IX: Falling Short at 50” (May 26, 2022), <https://www.usatoday.com/in-depth/news/investigations/2022/05/26/title-ix-falling-short-50-exposes-how-colleges-still-fail-women/9722521002/>

We conducted this performance audit from April 2022 to April 2024, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Analysis of Women’s Athletic Participation by College Characteristics

We analyzed Equity in Athletics Disclosure Act (EADA) data for 2,008 colleges for academic year 2021–2022 to identify differences in the athletic participation rate for women across different groups of colleges. Specifically, we analyzed EADA data by college size; colleges that did and did not sponsor football; college type; and college athletic division. This appendix provides more details about our analyses and the results.

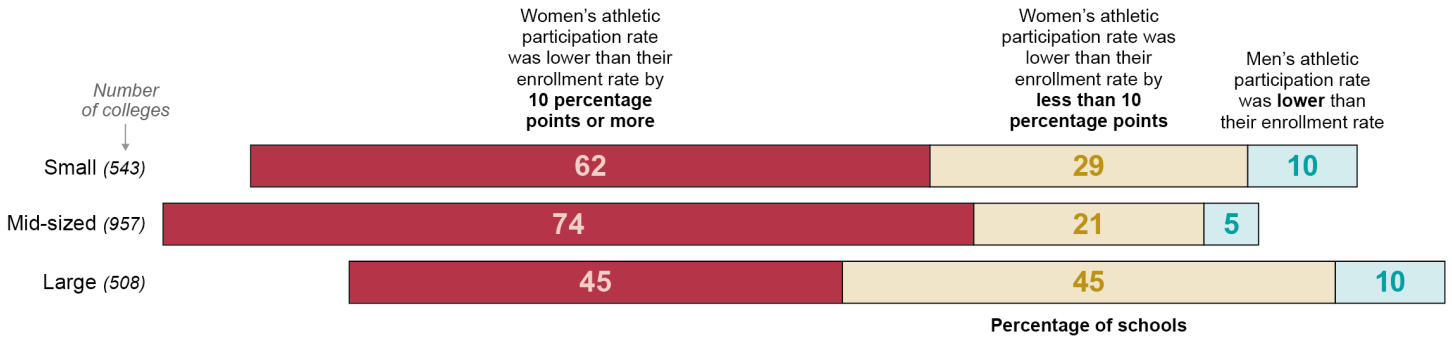
College Size

We found that compared to small or large colleges, mid-sized colleges were somewhat more likely to have a lower athletic participation rate for women relative to their enrollment rate.¹ At 95 percent of mid-sized colleges, the athletic participation rate for women was lower relative to their enrollment rate compared to 90 percent of small colleges and 90 percent of large colleges. Furthermore, mid-sized colleges were more likely to have a larger difference between the two rates (see fig. 10).

¹We used the following ranges for small, mid-sized, and large colleges, respectively: full-time undergraduate enrollment was less than or equal to 1,000 students; full-time undergraduate enrollment was greater than 1,000 students and less than or equal to 4,000 students; and full-time undergraduate enrollment was greater than 4,000 students. To determine the ranges for small, mid-sized, and large colleges, we used the distribution of enrollment across all 2,008 colleges in the dataset to group the colleges into three categories based on quartiles rounded to the nearest thousand. The first quartile represents enrollment size for small colleges, the second and third quartiles mid-sized colleges, and the fourth quartile large colleges.

Appendix II: Analysis of Women's Athletic Participation by College Characteristics

Figure 10: Differences between Athletic Participation and Enrollment Rates by College Size, Academic Year 2021–2022



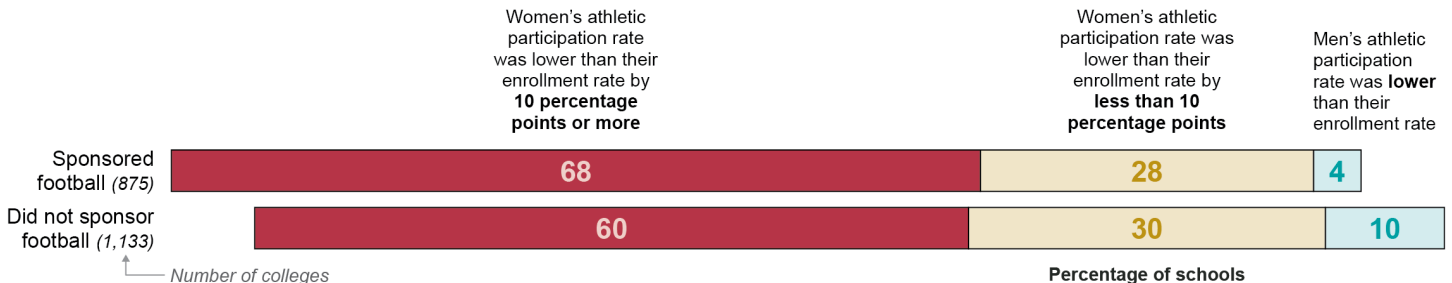
Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

Notes: Percentages may not total 100 due to rounding. GAO used the following ranges for small, mid-sized, and large colleges, respectively: full-time undergraduate enrollment was less than or equal to 1,000 students; full-time undergraduate enrollment was greater than 1,000 students and less than or equal to 4,000 students; and full-time undergraduate enrollment was greater than 4,000 students. The enrollment rate for women was 30 percentage points greater than the athletic participation rate for women at 8 percent of small colleges, 6 percent of mid-sized colleges, and 3 percent of large colleges.

Football

We also analyzed the EADA data by grouping together colleges that did and did not sponsor football because of the unique size and cost of football programs. At 96 percent of colleges that sponsored football, the athletic participation rate for women was lower relative to their enrollment rate when compared to 90 percent of colleges that did not sponsor football. Furthermore, colleges that sponsored football were more likely to have a larger difference between the two rates (see fig. 11).

Figure 11: Differences between Athletic Participation and Enrollment Rates by Colleges that Did and Did Not Sponsor Football, Academic Year 2021–2022



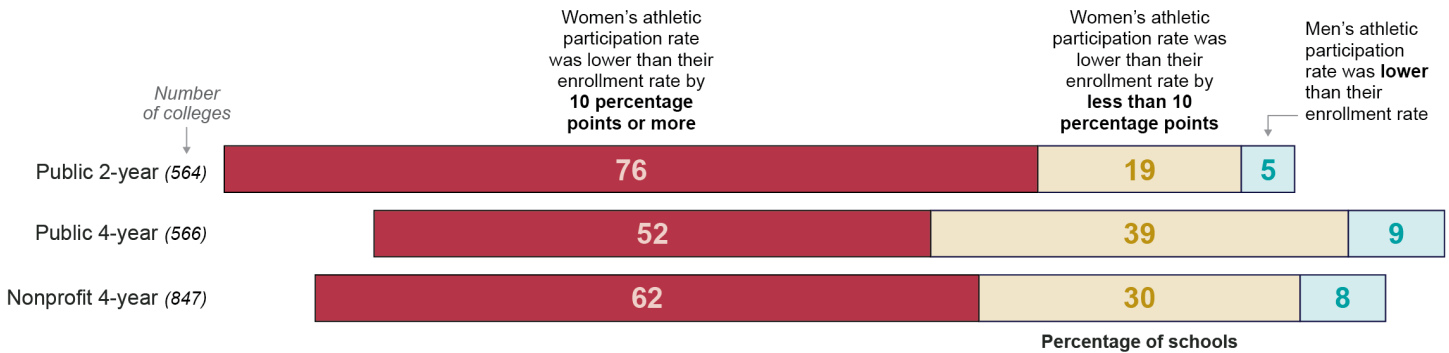
Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

Note: The enrollment rate for women was 30 percentage points greater than the athletic participation rate for women at 4 percent of colleges that sponsored football and 7 percent of colleges that did not.

College Type and Athletic Division

Our analysis found that women’s athletic participation rate also varied by college type and athletic division.² We analyzed data for the following three groups of colleges: public 2-year, public 4-year; and nonprofit 4-year. We excluded college groups with fewer than 50 colleges.³ We found that public 2-year colleges were more likely to have a larger difference between the athletic participation rate for women and their enrollment rate compared to the two other types of colleges (see fig. 12).

Figure 12: Differences between Athletic Participation and Enrollment Rates by College Type, Academic Year 2021–2022



Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

Notes: The enrollment rate for women was 30 percentage points greater than the athletic participation rate for women at 13 percent of public 2-year colleges, 3 percent of public 4-year colleges, and 1 percent of nonprofit 4-year colleges. We excluded the following categories with fewer than 50 colleges from our analysis: nonprofit 2-year (9 colleges) and for-profit 4-year (22 colleges). The following EADA categories did not have any colleges: public less-than-2-year; nonprofit less-than-2-year; for-profit less-than-2-year; and for-profit 2-year.

We also analyzed academic year 2021–2022 data for college athletic divisions. For 11 of the 13 college athletic divisions for which we analyzed data, the difference between the athletic participation rate for women and their enrollment rate was at least 10 percentage points at the majority of

²To obtain information on college type, we downloaded data for academic year 2021–2022 separately using a different download option from the Equity in Athletics Data Analysis Cutting Tool and merged the data with our dataset.

³We excluded the following categories with fewer than 50 colleges from our analysis: nonprofit 2-year (9 colleges) and for-profit 4-year (22 colleges). The following EADA categories did not have any colleges: public less-than-2-year; nonprofit less-than-2-year; for-profit less-than-2-year; and for-profit 2-year.

**Appendix II: Analysis of Women's Athletic
Participation by College Characteristics**

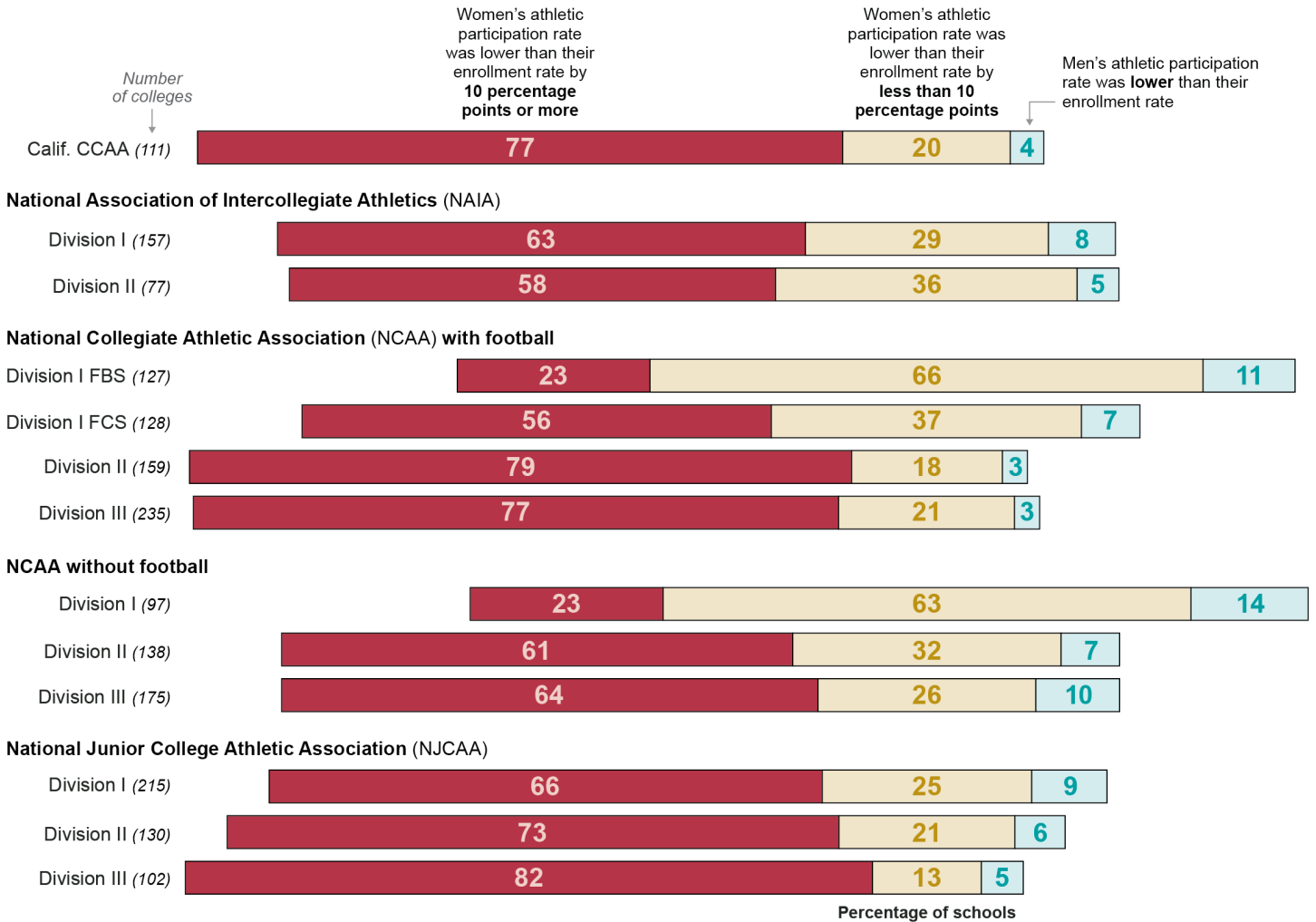
colleges in each of these 11 divisions.⁴ Furthermore, in general, National Collegiate Athletic Association (NCAA) Division I colleges showed smaller differences between the two rates compared to other NCAA divisions (see fig. 13).⁵

⁴We excluded the following athletic associations and divisions with 50 colleges or less: Independent (seven colleges); National Christian College Athletic Association Divisions I (eight colleges) and II (26 colleges); Northwest Athletic Conference (33 colleges); United States Collegiate Athletic Association (33 colleges); and Other (50 colleges).

⁵The results of our analysis were generally consistent with the NCAA's June 2022 report on women in college sports. NCAA, Office of Inclusion and NCAA Research. *The State of Women in College Sports: Title IX 50th Anniversary Report*. 2022. Accessed June 29, 2022.

Appendix II: Analysis of Women's Athletic Participation by College Characteristics

Figure 13: Differences between Athletic Participation and Enrollment Rates by College Athletic Division, Academic Year 2021–2022



Calif. CCAA= California Community College Athletic Association
 FBS= Football Bowl Subdivision
 FCS= Football Championship Subdivision

Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

Notes: Percentages may not total 100 due to rounding. We excluded the following athletic associations and divisions with 50 colleges or less: Independent (seven colleges); National Christian College Athletic Association Divisions I (eight colleges) and II (26 colleges); Northwest Athletic Conference (33 colleges); United States Collegiate Athletic Association (33 colleges); and Other (50 colleges).

Regression Analysis

We also regressed the likelihood of the athletic participation rate for women being lower relative to their enrollment rate and the size of the difference between the two rates on the characteristics we analyzed from the EADA dataset. We examined whether college size, sponsoring football, college type, and college athletic division were associated with the likelihood of the athletic participation rate for women being lower relative to their enrollment rate or the size of the difference between the two rates after controlling for the other characteristics.

The results from our regression analysis were consistent with the results of our descriptive analysis. For example, the following characteristics were statistically significantly related to the probability of the athletic participation rate for women being lower relative to their enrollment rate and to the size of the difference between the two rates after controlling for other college characteristics:

- mid-sized colleges were more likely to have a lower athletic participation rate for women relative to their enrollment rate, and the difference between the two rates was more likely to be larger compared to small or large colleges;
- colleges that sponsored football were more likely to have a lower athletic participation rate for women relative to their enrollment rate, and the difference between the two rates was more likely to be larger compared to colleges that did not sponsor football;
- public 2-year colleges were more likely to have a lower athletic participation rate for women relative to their enrollment rate, and the difference between the two rates was more likely to be larger compared to public 4-year and nonprofit 4-year colleges; and
- compared to NCAA Division I, most of the other divisions were more likely to have a lower athletic participation rate for women relative to their enrollment rate.⁶

⁶These results represent statistical relationships rather than causal estimates. There could be other characteristics related to the ones we examined that could be driving the differences.

Appendix III: Analysis of Athletic Scholarship Aid for Women’s Teams by College Characteristics

We analyzed Equity in Athletics Disclosure Act (EADA) data for academic year 2021–2022 to identify any differences in the proportion of athletic scholarship aid for women’s teams across different groups of colleges. Specifically, we analyzed EADA data by college size; colleges that did and did not sponsor football; college type; and college athletic division. This appendix provides more details about our analyses and the results.¹

College Size

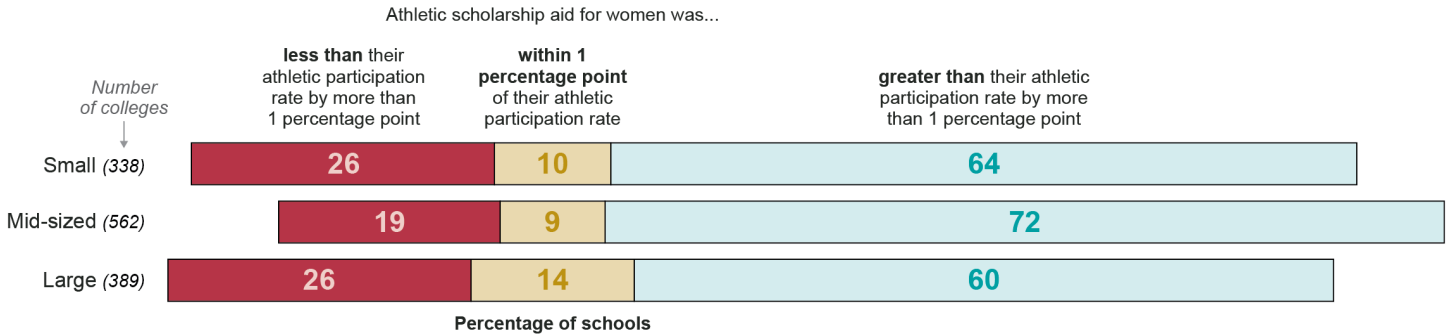
At the majority of small, mid-sized, and large colleges, the proportion of athletic scholarship aid for women’s teams was more than 1 percentage point greater than the women’s athletic participation rate. We also found that the proportion of scholarship aid for women’s teams was lower than women’s athletic participation rate at a higher percentage of small and large colleges compared to mid-sized colleges (see fig. 14).²

¹Our analysis of athletic scholarship aid for academic year 2021–2022 included data reported by 1,289 colleges. Certain athletic associations and divisions generally do not allow colleges to award athletic scholarship aid. Therefore, we excluded 623 colleges that belonged to those associations and divisions from our analysis. We also excluded data for colleges where athletic aid was missing for either men’s or women’s teams. See appendix I for additional information.

²We used the following ranges for small, mid-sized, and large colleges, respectively: full-time undergraduate enrollment was less than or equal to 1,000 students; full-time undergraduate enrollment was greater than 1,000 students and less than or equal to 4,000 students; and full-time undergraduate enrollment was greater than 4,000 students. To determine the ranges for small, mid-sized, and large colleges, we used the distribution of enrollment across all 2,008 colleges in the dataset to group the colleges into three categories based on quartiles rounded to the nearest thousand. The first quartile represents enrollment size for small colleges, the second and third quartiles mid-sized colleges, and the fourth quartile large colleges.

Appendix III: Analysis of Athletic Scholarship Aid for Women’s Teams by College Characteristics

Figure 14: Differences between the Proportion of Athletic Scholarship Aid for Women’s Teams and the Athletic Participation Rate for Women by College Size, Academic Year 2021–2022



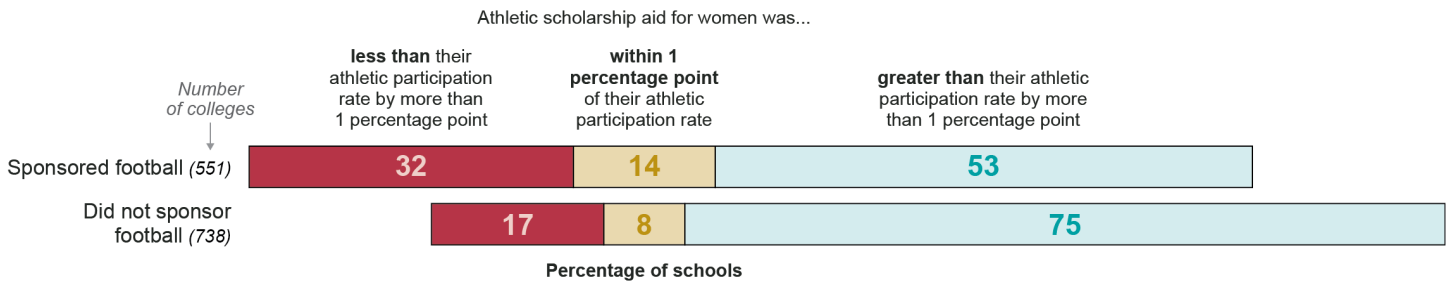
Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

Note: GAO used the following ranges for small, mid-sized, and large colleges, respectively: full-time undergraduate enrollment was less than or equal to 1,000 students; full-time undergraduate enrollment was greater than 1,000 students and less than or equal to 4,000 students; and full-time undergraduate enrollment was greater than 4,000 students.

Football

At the majority of colleges that did and did not sponsor football, the proportion of athletic scholarship aid for women’s teams was more than 1 percentage point greater than women’s athletic participation rate. We also found that the proportion of scholarship aid for women’s teams was lower than women’s athletic participation rate at about one-third of colleges that sponsored football compared to about 20 percent of colleges that did not (see fig. 15).

Figure 15: Differences between the Proportion of Athletic Scholarship Aid for Women’s Teams and the Athletic Participation Rate for Women by Colleges that Did and Did Not Sponsor Football, Academic Year 2021–2022



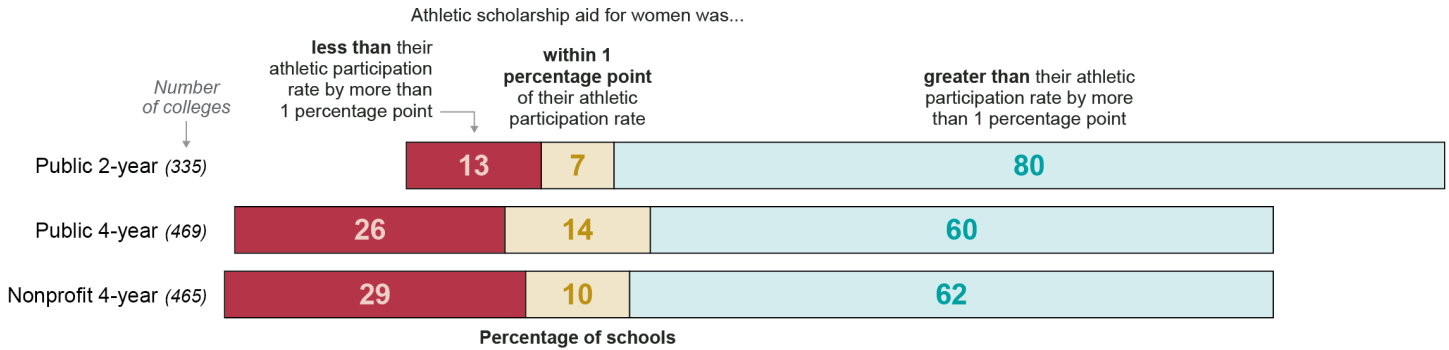
Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

Note: Percentages may not total 100 due to rounding.

College Type and Athletic Division

At the majority of colleges across college type groups, the proportion of athletic scholarship aid for women’s teams was more than 1 percentage point greater than women’s athletic participation rate. We also found that the proportion of scholarship aid for women’s teams was lower than women’s athletic participation rate at a higher percentage of public 4-year and nonprofit 4-year colleges compared to public 2-year colleges (see fig. 16).

Figure 16: Differences between the Proportion of Athletic Scholarship Aid for Women’s Teams and the Athletic Participation Rate for Women by College Type, Academic Year 2021–2022



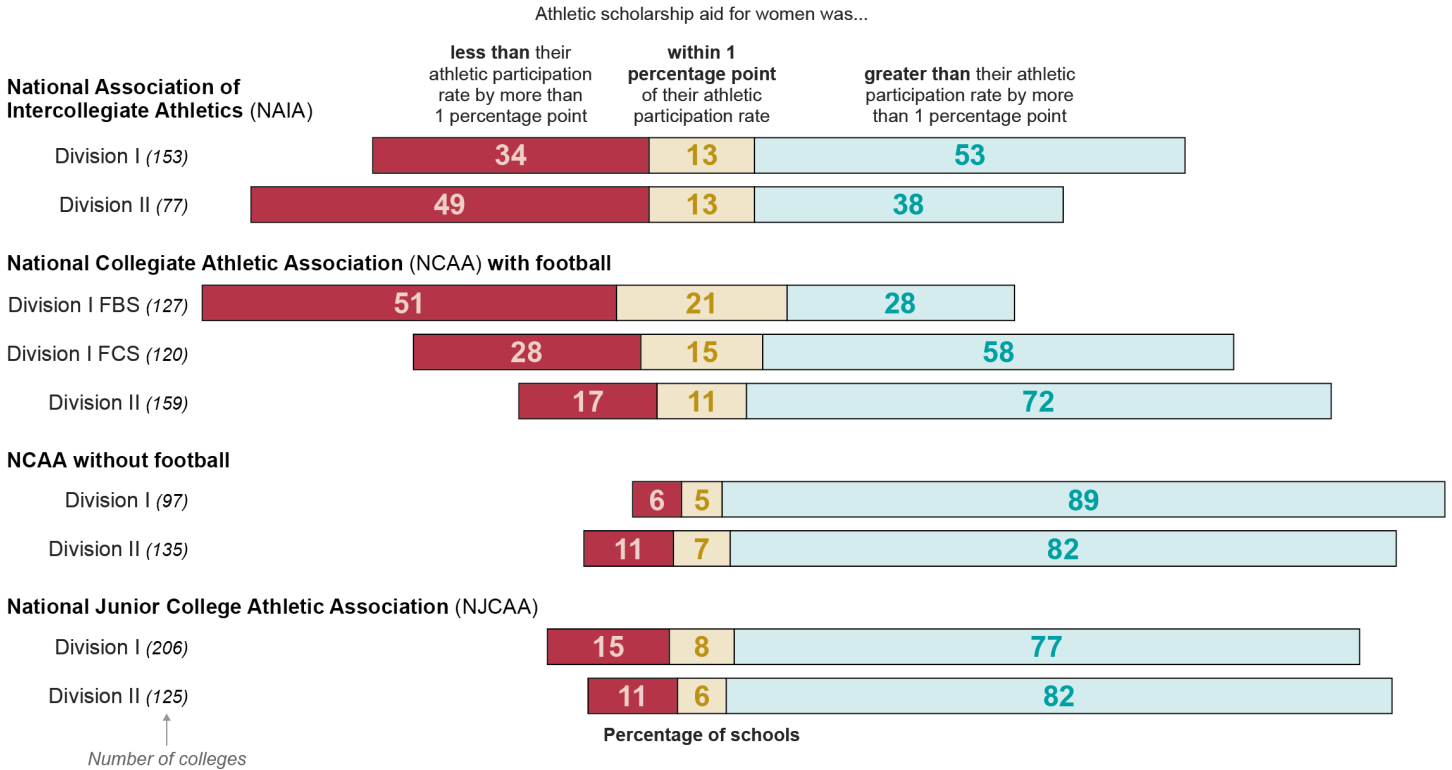
Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

Notes: Percentages may not total 100 due to rounding. We excluded the following categories with fewer than 50 colleges from our analysis: nonprofit 2-year (9 colleges) and for-profit 4-year (22 colleges). The following EADA categories did not have any colleges: public less-than-2-year; nonprofit less-than-2-year; for-profit less-than-2-year; and for-profit 2-year.

At the majority of colleges across athletic divisions, the proportion of athletic scholarship aid for women’s teams was greater than women’s athletic participation rate by more than 1 percentage point. Further, in general, the proportion of scholarship aid for women’s teams was lower than women’s athletic participation rate at a higher percentage of colleges in National Collegiate Athletic Association (NCAA) divisions that sponsored football compared to NCAA divisions that did not (see fig. 17).

Appendix III: Analysis of Athletic Scholarship Aid for Women’s Teams by College Characteristics

Figure 17: Differences between the Proportion of Athletic Scholarship Aid for Women’s Teams and the Athletic Participation Rate for Women by College Athletic Division, Academic Year 2021–2022



FBS= Football Bowl Subdivision
FCS= Football Championship Subdivision

Source: GAO analysis of Equity in Athletics Disclosure Act data. | GAO-24-105994

Notes: We excluded athletic associations and divisions that generally do not allow colleges to award athletic scholarship aid. We also excluded the following athletic associations and divisions with 50 colleges or less: Independent (seven colleges); National Christian College Athletic Association Divisions I (eight colleges) and II (26 colleges); Northwest Athletic Conference (33 colleges); United States Collegiate Athletic Association (33 colleges); and Other (50 colleges).

Regression Analysis

We also regressed the likelihood of the proportion of athletic scholarship aid for women's teams being lower than their athletic participation rate on the characteristics we analyzed from the EADA dataset. We examined whether college size, sponsoring football, college type, and college athletic division were associated with the likelihood of the proportion of athletic scholarship aid for women's teams being lower than women's athletic participation rate after controlling for the other characteristics. The results from our regression analysis were consistent with some of the results of our descriptive analysis. For example, we found that sponsoring football and college athletic division were associated with the probability of the proportion of athletic scholarship aid for women's teams being lower than women's athletic participation rate after controlling for other college characteristics. However, college type was generally not associated with the probability of the proportion of athletic scholarship aid for women's teams being lower than women's athletic participation rate after controlling for other college characteristics. We did not control for a variety of factors that might affect athletic scholarships, including legitimate, nondiscriminatory factors such as the cost of in-state and out-of-state tuition.³

³These results represent statistical relationships rather than causal estimates. There could be other characteristics related to the ones we examined that could be driving the differences.

Appendix IV: Comments from the Department of Education



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

THE ASSISTANT SECRETARY

February 12, 2024

Melissa Emrey-Arras
Director, Education, Workforce,
and Income Security Issues
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Director Emrey-Arras:

I write on behalf of the U.S. Department of Education (Department) in response to the recommendations made in the Government Accountability Office's (GAO) draft February 2024 report, *College Athletics, Education Should Improve its Title IX Enforcement Efforts* (GAO-24-105994).

The GAO's draft report examines college athletic opportunities for women and the extent to which the Department oversees compliance with the college athletics requirements under Title IX of the Education Amendments of 1972. In developing its report, GAO primarily analyzed the Department's Equity in Athletics Disclosure Act data,¹ the Office for Civil Rights' (OCR's) case management system, and guidance. GAO's draft report includes three recommendations directed to the Department. In addition to the attached technical edits and comments, our responses to the recommendations in the draft report appear below.

GAO's Recommendation 1:

The Secretary of Education should ensure that the Office for Civil Rights regularly analyzes available Equity in Athletics Disclosure Act data and expands its use of the data for oversight activities, consistent with available resources.

Response:

OCR agrees with the recommendation to the extent that OCR will continue reviewing Equity in Athletics Disclosure Act (EADA) data in support of enforcement activities, as appropriate, dependent on available staff and other resources. For example, as recently as January 2024, OCR resolved a case in which it relied on EADA data as a principal basis for concern leading to resolution.

GAO's Recommendation 2:

The Secretary of Education should ensure that the Office for Civil Rights establishes timeliness goals for reviewing monitoring reports and responding to colleges during monitoring of Title IX athletics cases.

¹ Administered by the Department's Office of Postsecondary Education.

**Appendix IV: Comments from the Department
of Education**

Page 2 – Melissa Emrey-Arras

Response:

OCR has already implemented this action, not limited exclusively to Title IX athletics. Since October 1, 2023, the performance plans for OCR’s investigative staff contain a provision stating that staff “routinely determines compliance with respect to submitted monitoring reports within 90 days of receipt, on average.”

GAO’s Recommendation 3:

The Secretary for Education should ensure that the Office for Civil Rights requires staff to consistently record due dates in the case management system for responding to colleges’ monitoring reports in Title IX athletics cases. Management should use information from the case management system to evaluate response times against established timeliness goals.

Response:

OCR agrees with the recommendation to the extent that OCR will routinely record due dates in the case management system for responding to colleges’ monitoring reports. OCR will also periodically review information from the case management system to evaluate response times, as appropriate.

I appreciate GAO’s work on this important topic and your recommendations. The Department is fully committed to work with GAO to ensure the recommendations are implemented, to the extent possible. Thank you for the opportunity to provide technical edits and respond to the recommendations outlined in GAO’s draft report.

Sincerely,



Catherine E. Lhamon
Assistant Secretary for Civil Rights

Appendix V: GAO Contact and Staff Acknowledgments

GAO Contact

Melissa Emrey-Arras, (617) 788-0534 or emreyarrasm@gao.gov

Staff Acknowledgments

In addition to the contact named above, Michelle St. Pierre (Assistant Director), Meredith Moore (Analyst in Charge), Lilia Chaidez, Emilee Pugh Bell, Andrew Stavisky, and Rachel Wexler made key contributions to this report. Also contributing to this report were James Bennett, Charlotte Cable, Will Colvin, John Mingus, Drew Nelson, Aaron Olszewski, Almeta Spencer, and Adam Wendel.

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